



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MAY 26, 2020 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

- Due to the restriction of social distancing to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live.
- Questions on agenda items will be read during discussion on that topic.
 - Submit your question to cwilliamson@firstcity.org no later than 6:00 pm on May 26th.
- Members of the public wishing to receive agenda notifications can contact the city clerk cwilliamson@firstcity.org to be added to the agenda email distribution list. Agendas are available for viewing on the city website www.leavenworthks.org

Call to Order – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from May 12, 2020 Regular Meeting **Action:** Motion (pg. 3)

Second Consideration Ordinance:

2. Consideration of Ordinance 8127 Amending Chapter 44 **Action:** Roll Call (pg. 8)

NEW BUSINESS:

Public Comment: * emails received by the public for public comment on non-agenda items will be read at this time.

General Items:

3. Recommendations for Revisions to Personnel Policy Manual **Action:** Motion (pg. 13)
4. Mayor’s Appointments-Grow Leavenworth County **Action:** Motion (pg. 15)
5. Motion to Correct Terms of Library Board Appointees **Action:** Motion (pg. 16)
6. Dates for City Commission Budget Work and CIP Meeting **Action:** Motion (pg. 17)
7. Considers Request from USD 453 to Waive Permit Fees **Action:** Motion (pg. 18)
8. Consider Proposed 2020 Pavement Management Program **Action:** Motion (pg. 23)

Resolution:

9. Resolution B-2250 Setting Public Hearing for Unsafe & Dangerous Structures **Action:** Motion (pg. 28)
10. Resolution B-2251 Resolution of Intent-Industrial Revenue Bonds- Price Chopper **Action:** Motion (pg. 34)

Bids, Contracts and Agreements:

11. Change Order No 1 to 2019 Sanitary Sewer I & I **Action:** Motion (pg. 40)

First Consideration Ordinance:

12. First Consideration Ordinance – 2020 General Improvement Bonds **Action:** Consensus (pg. 50)

Consent Agenda:

Claims for May 9, 2020 through May 22, 2020 in the amount of \$1,077,803.73; Net amount for Payroll #11 effective May 22, 2020 in the amount of \$339,718.01 (Includes Police & Fire Pension in the amount of \$11,839.36).

Action: Motion

Other:

Adjournment

Action: Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold. The following commission members attended via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson. Not in attendance: Commissioner Mark Preisinger

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Tylour Tedder and City Clerk Carla K. Williamson.

Other members participating via teleconference: Public Works Director Mike McDonald, Chief Building Inspector Harold Burdette, Planning and Community Development Director Julie Hurley, Police Chief Pat Kitchens, Finance Director Ruby Maline, and City Attorney David E. Waters.

Mayor Griswold called the meeting to order.

Mayor Griswold read the following notice:

Due to the restriction of social distancing to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live. Questions on agenda items will be read during discussion on that topic. Submit your question to cwilliamson@firstcity.org no later than 6:00 pm on May 12. Members of the public wishing to receive agenda notifications can contact the city clerk cwilliamson@firstcity.org to be added to the agenda email distribution list. Agendas are available for viewing on the city website www.leavenworthks.org

Mayor Griswold asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

The following proclamations were read by the Mayor.

National Poppy Day
Historic Preservation Month
National Police Week May 10-16
National Public Works Week May 17-23

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to approve the minutes from the April 28, 2020 regular meeting and the May 5, 2020 special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None received.

Public Hearing:

Public Hearing for Unsafe Structure 1109 Spruce Street – This item was rescheduled from the March 24, 2020 and then the April 14, 2020 regular meetings to determine holding public hearings during the COVID-19 shutdown.

Open Public Hearing:

Commissioner Bauder moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Staff and Public Comments:

(Any citizen wishing to make comments were provided a call in number provided in the agenda packet)

Public Works Director Mike McDonald:

- The house was damaged by fire on October 25, 2019
- Since the fire the house was purchased by Baker Homes LLC
- Staff recommends giving the owner 90 days to complete the repairs to the point that the exterior repairs are completed and the interior has been inspected

Keith Baker – Owner:

- Has gutted the interior and getting ready for repair
- Waiting on workers to do electrical, plumbing and other interior work

Close Public Hearing:

Commissioner Bauder moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Resolution B-2248:

Commissioner Bauder moved to approve Resolution B-2248 giving 90 days to complete repairs. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

General Items:

Acceptance of Dedicated Land for Public Use – Crown Estates 4th Plat - Planning & Community Development Director Julie Hurley presented for consideration the acceptance of dedicated land for public purposes of the final plat, Crown Estates 4th Plat. The plat was reviewed and approved unanimously by the Planning Commission at their May 4, 2020 meeting.

Commissioner Leonhard moved to accept the dedication of land for public purposes as part of the final plat. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Mayor’s Appointments:

Mayor Griswold moved to re-appoint to the Board of Zoning Appeals Ron Bates Jr. to a term ending May 1, 2023 and appoint to the Library Board Carol Perry to a term ending April 30, 2023. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Thornton Street Project Update – Public Works Director Mike Hooper reviewed Phase 2 of the Thornton Street project.

- Kissick Construction awarded the bid on July 23, 2019
- Construction began October 14, 2019
- Intersection of 5th Avenue and Thornton opened to the public on December 9, 2019
- Work began between 5th Street and 4th Avenue on December 10, 2019
- Initial left of base asphalt installed April 28, 2020
- Concrete curbing began April 29, 2020 and completed on May 2, 2020
- Second lift of asphalt installed May 7, 2020; final lift will be placed near the conclusion of the project
- Traffic signal installation at 2nd Avenue anticipated to start May 21, 2020
- Current plan is to open 2nd Avenue/Thornton intersection to traffic on May 26 with 4-way stop in place during signal installation
- Crossroad storm box and associated storm piping near Service Center will start the week of May 26, 2020
- Work is scheduled to be completed mid-October 2020

Informational presentation only, no action required by the commission.

Resolution:

Resolution B-2249 Authorizing the Sale of 2020-A Bonds and A2020 Temporary Notes – City Clerk Carla Williamson reviewed the resolution authorizing and providing for the public sale of General Obligation Refunding and Improvement Bonds Series 2020-A and Temporary Notes Series A2020 and setting the date and time of the sale as Tuesday, June 9, 2020 at 10:00 a.m. C.D.T.

Commissioner Wilson moved to adopt Resolution B-2249 authorizing and providing for the public sale of General Obligation Refunding and Improvements Bonds, Series 2020-A and Temporary Notes Series A2020 and setting forth the details of the sale. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Bids for Trash Bags – Public Works Director Mike McDonald presented for consideration the bids for the plastic trash bags. Of the bids received only Jadcore met all qualifications. Staff recommends

approval of the bid by Jadcore, Inc. for 23,000 rolls of bags at a total cost of \$115,000.00. Bids were as follows:

Vendor	Per Bag Bid	Per Roll Bid	Qualified Bid
DynaPak	0.143	7.15	N
WasteZero	0.101	5.05	N
Jadcore	0.10	5.00	Y
Interboro	0.1296	6.48	N
Central Poly	0.0982	4.91	N

Commission Leonhard moved to approve the qualified bid by Jadcore Inc. for 23,000 rolls of bags at a total cost of \$115,000.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Chapter 44 One-way and No Parking 21st Street, Choctaw to Shawnee – Police Chief Pat Kitchens presented for consideration an ordinance to amend Sections 44-29 and 44-87 of the Municipal Code of Ordinances. The amendments will change those sections to make the traffic flow one-way traveling north on 21st Street from Choctaw to Shawnee and restrict parking to the west side of 21st Street between Choctaw and Shawnee. The matter was reviewed and unanimously approved by the Traffic Safety Committee at the April 2020 meeting. Postcards were mailed to area residents announcing the potential change, the date of tonight’s meeting and provided instruction on responding to the matter.

City Clerk read one email response from Donna Gillett. The email will be added to the record.

Commissioners Bauder and Leonhard addressed the no parking on 21st Street, east side, north of the intersection with Choctaw. There are no parking signs and people continue to park in that area. Would like to see the signs removed to allow parking.

There was a consensus by the Commission to place on first consideration.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for April 25, 2020 through May 8, 2020 in the amount of \$1,197,290.54; Net amount for Payroll #10 effective May 8, 2020 in the amount of \$316,499.87 (No Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Starting Monday the brush site and recycle center will go back to regular hours

- The rest of the opening will depend on the Governor's order

Mayor Griswold:

- Discussed percentages of citizens that have completed the Census

Adjournment:

Commissioner Bauder moved to adjourn the meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:10 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8127
AMENDING SECTIONS 44-29 AND 44-87
OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES

May 26, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the May 12, 2020 City Commission special meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 44 TRAFFIC AND VEHICLES, SECTION 44-29 AND SECTION 44-87 NO PARKING ANYTIME RELATED TO 21st STREET CHOCTAW TO SHAWNEE STREET. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.

There have been no other changes since first consideration.

Ordinance No. 8127 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8127

(Summary Publish in the Leavenworth Times on May 29, 2020)

ORDINANCE NO. 8127

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 44 TRAFFIC AND VEHICLES, SECTION 44-29 AND SECTION 44-87 NO PARKING ANYTIME RELATED TO 21ST STREET CHOCTAW TO SHAWNEE STREET. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 44 Traffic and Vehicles, Section 44-29 One-way streets, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-29. One-way streets.

Vehicular traffic shall proceed in the direction indicated on the following streets:

- 1) 3rd Avenue, from the south side of Spruce Street to the north side of Middle Street, vehicular traffic shall proceed south.
- 2) 4th Avenue, from Middle Street to Spruce Street, vehicular traffic shall proceed north.
- 3) 6th Avenue, from Marshall Street to Ohio Street, vehicular traffic shall proceed south.
- 4) 7th Street, from Spruce Street to Olive Street, vehicular traffic shall proceed north.
- 5) 21st Street, from Choctaw to Shawnee Street, vehicular traffic shall proceed north.
- 6) Chestnut Street, from 4th Street to 5th Street, vehicular traffic shall proceed west.
- 7) Delaware Street, from 6th Street to North Esplanade, vehicular traffic shall proceed east.
- 8) Evergreen Street, from Maple Avenue to Second Avenue, vehicular traffic shall proceed east.
- 9) Johnson Street, south of Lawson School, between 4th Street and 5th Street, vehicular traffic shall proceed east.
- 10) Klemp Street from Ohio to Kansas Street northbound.
- 11) Miami Street, from the west side of 5th Street to the east side of Broadway, vehicular traffic shall proceed west.
- 12) Muncie Road, from Lakeview to Hughes Road, vehicular traffic shall proceed east.
- 13) Osage Street, from the west side of 5th Street to the east side of Broadway, vehicular traffic shall proceed east.
- 14) South Esplanade, from Olive Street to Elm Street, vehicular traffic shall proceed south.

Section 2. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 44 Traffic and Vehicles, Section 44-87 No parking any time, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-87. No parking any time.

The parking of automobiles, motor trucks, carriages, wagons and any and all other vehicles is prohibited on the following streets at any time:

- 1) Second Avenue, west side, lying east of block E, Fackler's Addition to the city, from the north side of Linn Street to the south side of Elm Street.
- 2) Second Avenue (originally platted as Sixth Street), west side, from the intersection with Linn to the intersection with Elm.
- 3) Fourth Street, both sides, from the north side of Eisenhower Road to the south side of Metropolitan, with the exception that parking is allowed on the east side of Fourth Street from the north side of Walnut Street to the south side of Custer Street.
- 4) Fifth Avenue, east side, from a point 70 feet south of the south curblineline of Marshall Street to a point 70 feet north of the north curblineline of Marshall Street.
- 5) Fifth Avenue, east side, from the south side of Olive Street to the north side of Spruce Street.
- 6) Fifth Avenue, west side, from a point 70 feet north of the north curblineline of Marshall Street to a point 97 feet south of the south curblineline of Marshall Street.
- 7) Fifth Street, approximately eight feet adjacent to the entrance area at the dog and cat clinic located at 1101 North Fifth Street.
- 8) Sixth Avenue, west side, from James to Prospect.
- 9) Seventh Street, east side, from the south side of Walnut Street to the north side of Olive Street.
- 10) Seventh Street North, both sides, from the north side of Cheyenne Street to the south side of Metropolitan Avenue.
- 11) Seventh Street, west side, from the intersection of Spruce Street to the intersection of Olive.
- 12) Seventh Street West, west side, from the intersection of Seventh and Short to the intersection of West Seventh Street and Oak.
- 13) Seventh Street, from the north curblineline to Marshall Street, to a point 30 feet north on West Seventh Street.
- 14) Tenth Avenue, east side, from Pennsylvania to Metropolitan Street.
- 15) Tenth Avenue, both sides, from Pennsylvania to Eisenhower Street.
- 16) Tenth Street, east side, from Pennsylvania to Metropolitan Street.

- 17) 14th Street, on either side, between New Lawrence Road and a point 150 feet south of Independence Court.
- 18) 14th Street, west side, from the south side of Metropolitan Street to the north side of Cheyenne Street.
- 19) 15th Street, south, west side, from the south side of Vilas Street to the north side of Limit Street.
- 20) 20th Street, both sides, from the north side of Spruce Street to the south side of Metropolitan.
- 21) 20th Street Trafficway, both sides, north of Eisenhower to its terminus.
- 22) 21st Street, west side from Choctaw Street to Shawnee Street.
- 23) Columbia, west side, from Charles Street for a distance of 77 feet.
- 24) Commercial Street, south side, from Fourth Street to Commercial Place.
- 25) Dakota Street, north side, from the intersection of 18th Street to the city limits.
- 26) Dakota Street, both sides, from the intersection of Cheyenne curve east to the railroad tracks.
- 27) Evergreen Street, from the west side of Fourth Street right-of-way line to the west line extended of lot 5, Thompson's Subdivision.
- 28) Frontage Street, from St. Mary's Street to Ash Street.
- 29) Limit Street, both sides, from Grand Avenue to Fourth Street.
- 30) Limit Street, both sides, from 14th to 15th Streets.
- 31) Limit Street, both sides, from 22nd Street to 16th Street.
- 32) Limit Street, south side, from 4th Street to Wilson Avenue.
- 33) Marion Street, both sides, from Fourth Street to Wilson Avenue.
- 34) New Lawrence Road, west side, from Wildwood to Gatewood.
- 35) Ohio Street, south side, from Grand Street to Klemp Street.
- 36) Oregon Street, from east of South Fourth Street.
- 37) Ottawa Street, south side, from 20th Street to 22nd Street.
- 38) Ottawa Street, north side, from 20th Street to the entrance of the parking lot at Sports Field.
- 39) Pennsylvania Street, north side, from the west side of Fifth Avenue to the east side of Broadway.
- 40) Seneca Street, south side, from Broadway and Third Street, except where authorized by posted signs.
- 41) Seneca Street, on the south side of Seneca Street between Second Street and Third Street.

- 42) Shawnee Street, south side, from Broadway west to 10th Street.
- 43) Shrine Park Road, both sides, from the north side of Eisenhower Road to the south side of Limit Street.
- 44) Spruce Street, both sides, from the west side of 15th Street to the city limits.
- 45) Spruce Street, both sides, from the west side of Third Street to the east side of Fourth Street.
- 46) Spruce Street, south side, from the west side of Fourth Street to the east side of 15th Street, with the exception that no parking shall be allowed from the east corner of lot 29, block 35, Central Subdivision, to the east side of Newman Street.
- 47) State Street and Evergreen Street, both sides, from the west side of the Fourth Street right-of-way line to Evergreen Street and western Evergreen Street to the west line of lot 5, Thompson's Subdivision.
- 48) Terrace Road, east side, between High Street and Sherman Avenue.
- 49) Vilas Street, both sides, from 22nd Street to 16th Street.
- 50) Wilson Avenue, on both sides of the street from St. Mary's Street to a point 100 feet north.

Section 3. REPEAL. Chapter 44 Traffic and Vehicles, Section 44-29 One-way streets and Section 44-87 No parking any time, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 4: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 26th day of May 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

POLICY REPORT 20-02
Recommendation for Revisions to the
Personnel Policy Manual
May 26, 2020

Prepared by:



Lona M. Lanter
HR Director

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Review and approve policy revisions to the City Personnel Policies & Procedures Manual, submitted by the Human Resources Director.

STAFF RECOMMENDATION: Staff recommends approval of the proposed revisions to Section XI that would be effective immediately.

BACKGROUND:

Periodically changes to The City of Leavenworth Personnel Manual are recommended. These changes can originate in any number of ways. The revisions listed below have originated from submission from Staff to update the policy to be more comparable with the holiday schedule for other surrounding Kansas municipalities.

The primary factor under review was the addition of the day after Thanksgiving as a recognized holiday. This item has been discussed over several months and surveys were sent out to surrounding Kansas municipalities to compare holiday schedules and offerings. Some of the surrounding cities responding to the survey included: Atchison, Shawnee, Olathe, Overland Park, Topeka, Derby, Ft. Scott, Liberal and Leavenworth County.

The survey identified 9 surrounding municipalities that all recognize the day after Thanksgiving as a City holiday; 7 of the cities provide 11 holidays and 2 of them provide 12 paid holidays for employees. There were a handful of additional surrounding counties that also responded, most of which provided 10 paid holidays, all of which included the day after Thanksgiving as a holiday.

The City Manager Holiday that is currently provided to employees, identifies one of three days that may be used for this holiday. After reviewing the survey results, the majority of all responding cities and counties allow for a similar "personal day" but there are no restrictions on which day it can be used, other than to limit it to the current calendar year. This provides the flexibility for employees to have a choice and also allows the departments to not have potential staffing issues on one or two days of the year to ensure everyone has the opportunity to use their holiday.

REVISIONS TO CURRENT POLICY:

SECTION XI – ATTENDANCE AND LEAVE

XI-3. HOLIDAY LEAVE - No changes to Section B

A. The following days shall be holidays for all City employees:

New Year's Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	<i>Day After Thanksgiving</i>
Independence Day	Christmas Day
	City Manager's Holiday*

**The City Manager's Holiday can be used on any one work day the employee selects and must be used before the last day of the pay period for each calendar year. Must be pre-approved by supervisor and taken for employee's entire shift, cannot be taken in increments. This holiday will not be eligible for carryover into the following year or be paid out if unused.*

Normally, if a holiday falls on a Saturday, it shall be observed on the preceding Friday. If it falls on a Sunday, it shall be observed on the following Monday.

MAYOR'S APPOINTMENT

May 26, 2020

Mayor Griswold

Motion:

“Move to re-appoint to the Grow Leavenworth County Development Corporation with terms ending May 31, 2022:

- *Amy Baker*
- *Thomas Meier*
- *Michael Prevou*
- *Wendy Scheidt*
- *Lisa Weakley*

Requires a second and vote by the Governing Body.

**POLICY REPORT
CORRECTION TO TERMS OF LIBRARY BOARD MEMBERS**

MAY 26, 2020



Carla K. Williamson, CMC City Clerk



Paul Kramer, City Manager

ISSUE:

Correct the terms of Library Board members Melissa Davis and Carol Perry.

BACKGROUND:

At the April 28, 2020 City Commission meeting Melissa Davis was appointed to the Library Board with a term ending April 30, 2023 and at the May 12, 2020 City Commission meeting Carol Perry was appointed to the Library Board with a term ending April 30, 2023. It has been brought to staff's attention that the terms should end April 30, 2024 as these seats are for a 4 year term.

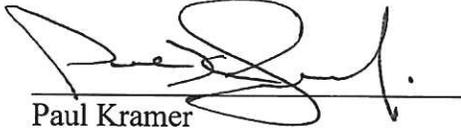
This does not change the appointments to the board other than it is needed for the Commission to formally make a motion to correct the expiration date of the terms of both these members.

ACTION:

Motion to correct the Library Board terms of Melissa Davis and Carol Perry to terms ending April 30, 2024.

Policy Report
City Commission Budget and CIP meeting
May 26, 2020

Prepared by:



Paul Kramer
City Manager

Subject:

The City Commission meets annually to consider the City Manager's proposed Operating Budget and Capital Improvements Program (CIP). In 2019, the Commission held these meetings in a single day, from 9 a.m. to 5 p.m. In years past, the meetings have been done over multiple afternoons.

Setting the date(s) is necessary to finalize the budget schedule and inform the public.

Action Requested:

I would offer Friday, July 10 from 9 a.m. to 5 p.m. for the 2021 Operating Budget and CIP City Commission meetings.

POLICY REPORT PWD NO. 20-26

CONSIDER REQUEST BY USD 453 TO WAIVE PERMIT FEES FOR
RICHARD WARREN EDUCATIONAL CAMPUS AND LEAVENWORTH HIGH SCHOOL
RENOVATION PROJECTS

May 26, 2020

Prepared by:



Michael G. McDonald, P.E.
Public Works Director

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

USD 453 is requesting that the City of Leavenworth waive permit fees for the upcoming Richard Warren Educational Campus and Leavenworth High School renovation projects.

BACKGROUND:

USD 453 is planning renovation projects for Richard Warren Educational Campus and Leavenworth High School. The valuation of construction for the Richard Warren Educational Campus project is estimated at \$2,800,000. The valuation of construction for the Leavenworth High School project is estimated at \$2,500,000. The projects will begin in 2020.

They have requested that the permit fees be waived for this project. The building permit fees would total \$15,574, and the estimated fees for the electrical, mechanical and plumbing permits would not exceed an additional \$1,500. Staff performed the plan reviews for these projects, so there are no plan review fees required for these projects.

City policy is that any waiver of permit fees must be approved by the City Commission. Building permit fees for various organizations have been waived in the past. These projects were generally associated with local government, education, and non-profit organizations.

The attached memorandum dated May 19, 2020, from Hal Burdette, Chief Building Inspector, provides a list of projects that the permit fees have been waived since 2010.

It will still be necessary that the permits be obtained and all other inspection requirements be met if the fees are waived.

RECOMMENDATION:

Staff recommends that the City Commission waive building permit fees associated with the Richard Warren Educational Campus and the Leavenworth High School renovation projects.

ATTACHMENT:

Letter from USD 453
Building Permit Fees Waived Memo

April 16, 2020

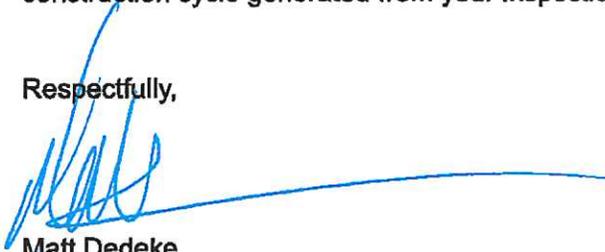
Mr. Paul Kramer,

The Leavenworth Public School District will be renovating Warren Middle School at 3501 New Lawrence Rd. this summer. In this remodel we will be touching the kitchen, the classrooms pods, special education suite and adding a secured entrance. Additionally, we will be replacing exterior doors and windows, upgrading fire alarm, intercom and clocks, as well as upgrading parking lot lights and performing asphalt work in both parking lots. This work is estimated to cost \$2.8 million.

This summer we will also be constructing a secured entry for LHS 2012 10th Ave. and performing South parking lot grading and new parking surface and a mill and overlay on the North side of LHS. This work is estimated at \$2.5 million.

The City has been generous in the past in waiving our onsite inspection fees related to large construction projects and we would again ask for the exemption for all of the fees for this construction cycle generated from your Inspection office.

Respectfully,



Matt Dedeke
Director of Facilities



MEMORANDUM

Public Works Department

TO: Mike McDonald, Director of Public Works

FROM: Hal Burdette, Chief Building Inspector

SUBJECT: Waiver of Permit Fees for USD 453

DATE: May 19, 2020

A request has been made to waive the permit fees for the renovation projects at the Richard Warren Educational Campus and Leavenworth High School by USD 453. The estimated project value for the Richard Warren Educational Campus is \$2,800,000, and the estimated project value for Leavenworth High School is \$2,500,000. These values were provided by USD 453 staff. I spoke with the general contractor to determine what portion of these values are related to code related construction and permitting. The revised project values for permitting purposes are \$1,958,005 for the Richard Warren Educational Campus, which involves two building permits, and \$429,757 for Leavenworth High School.

The building permit fees for the Richard Warren Educational Campus projects would be \$12,237, and the building permit fee for Leavenworth High School would be \$3,337, for a total for building permits fees of \$15,574.

I estimate that the electrical, mechanical and plumbing permit fees for these projects will not exceed \$1,500.

I have updated and attached a list of building permit fees that have been waived in recent years.

Building Permit Fees Waived

2020

Government

City of Leavenworth \$ 1,195.00

Education

U.S.D. 453 \$ 21,223.00

2020 Total **\$ 22,418.00**

2019

Government

City of Leavenworth \$ 7,430.00

Education

U.S.D. 453 \$ 10,954.00

2019 Total **\$ 14,357.00**

2018

Government

City of Leavenworth \$ 284.00

Education

U.S.D. 453 \$ 32,327.00

2018 Total **\$ 32,611.00**

2017

Government

City of Leavenworth \$ 102.00

Leavenworth County \$ 5,701.00

Non-Profit Organizations

Leavenworth Interfaith Community of Hope \$ 4,327.00

2017 Total **\$ 10,130.00**

2016

Government

City of Leavenworth \$ 487.00

Education

U.S.D. 453 \$ 1,097.00

Other

Home 2 Suites \$ 11,827.00

2016 Total **\$ 13,411.00**

2015

Government

City of Leavenworth \$ 727.00

Other

University of St. Mary's-Sports Complex (\$4,000 Collected) \$ 13,000.00

Ben Day Lofts (\$2,000 Collected) \$ 4,327.00

2015 Total **\$ 18,054.00**

2014

Government

City of Leavenworth \$ 968.00

Education

U.S.D. 453 \$ 2,577.00

2014 Total **\$ 3,545.00**

2013

Government

City of Leavenworth \$ 2,260.00
Leavenworth County \$ 15.00

Other

Stove Factory Lofts \$ 60,606.00
Fairfield Inn & Suites (\$8,000.00 Collected) \$ 11,127.00
Sisters of Charity – Ross Hall (\$5,000.00 Collected) \$ 20,430.00

2013 Total **\$ 94,438.00**

2012

Government

City of Leavenworth \$ 1,494.00
Leavenworth County \$ 15.00

Education

U.S.D. 453 \$ 80.00

2012 Total **\$ 1,589.00**

2011

Non-Profit Organizations

Heritage Center \$ 267.00

Government

City of Leavenworth \$ 3,331.00

Education

Xavier School \$ 2,147.00

2011 Total **\$ 5,745.00**

2010

Non-Profit Organizations

Habitat for Humanity \$ 923.75

Government

City of Leavenworth \$ 11,968.00

Leavenworth County \$ 7,943.25

Education

U.S.D. 453 \$ 52,127.25

2010 Total **\$ 72,962.25**

POLICY REPORT PWD NO. 20-27

CONSIDER APPROVAL OF THE PROPOSED
2020 PAVEMENT MANAGEMENT PROGRAM

City Project No. 2020-927

May 26, 2020

Prepared By:

Reviewed By:



Michael G. McDonald, P.E.,
Director of Public Works



Paul Kramer,
City Manager

ISSUE:

Consider approval of the proposed the 2020 Pavement Management Program (PMP).

BACKGROUND:

In 2016, staff contracted with Stantec to provide an independent objective pavement condition analysis of the City streets using digital evaluation techniques. The result of that effort was that Pavement Management Programs between 2016 and 2019 included a large Granite Seal Program that concentrated on stabilizing streets City-wide. There was also a mill and overlay program during those years concentrated on significant repairs to 20th Street from Spruce Street to Eisenhower Road.

During the budget process for 2020, the Commission increased funding for the PMP beginning in 2020 and for future years. The total design/construction/inspection budget for the 2020 program is approximately \$2,000,000 with a focus on more structural repairs. Affinis engineers were awarded the design of the 2020 PMP by the Commission on February 25, 2020.

Staff used the services of Stantec again in 2019 to re-evaluate the pavement condition of City streets. These ratings were used by staff and Affinis engineers as a guide for the 2020 Pavement Management Program. The goal was to identify the best streets for the mill and overlay re-surfacing operations. The long-range goal is to improve street conditions with an emphasis on bringing the City's overall street PCI (Pavement Condition Index) rating up to a range of 65 – 75 (fair to satisfactory).

The Commission reviewed the City-owned parking lots proposed for inclusion in this year's project at the February 11, 2020 meeting. The two lots below were identified to have designs for repair completed, and the lot at the NW Corner of 3rd and Delaware was identified for inclusion in this year's Pavement Management Program.

- o NW corner of 3rd Street and Delaware Street.
- o Lot east of Pullman (north side of Cherokee and west of 2nd Street)

In general, work to be completed in the 2020 program is estimated as shown below. It is worth noting that due to world events the price of asphalt is less than seen in recent years, and additional work has been identified to take advantage of this opportunity.

o City Lot Repairs (or less)	\$185,000
o 2020 Mill & Overlay -	\$1,650,000
o 2020 other PMP actions -	\$40,000
o <u>2021 PMP Design -</u>	<u>\$105,000</u>
	\$1,980,000

The proposed Pavement Management Program for 2020 was developed considering the following:

- Review of streets expected to be in a mill/overlay program within the next three years based on PCI ratings and staff knowledge.
- Identify streets included in the 2020 PMP.
- Arrange the identified streets and prepare plans in such a way that additional streets can be added as "Add Alternate Streets" to streets identified as "Base Bid Streets" should funds be available.
- Complete plans for improvements to the parking lot at the northwest corner of 3rd and Delaware.

RECOMMENDATION:

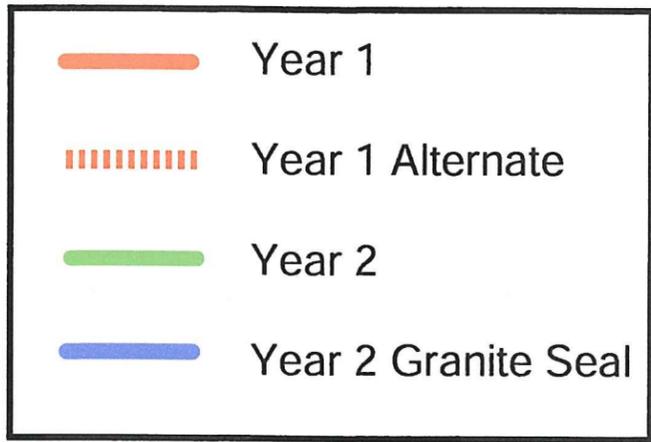
Staff recommends the Commission review the proposed 2020 Pavement Management Program. If the program is found to be acceptable, the project will proceed to having bids opened in June 2020.

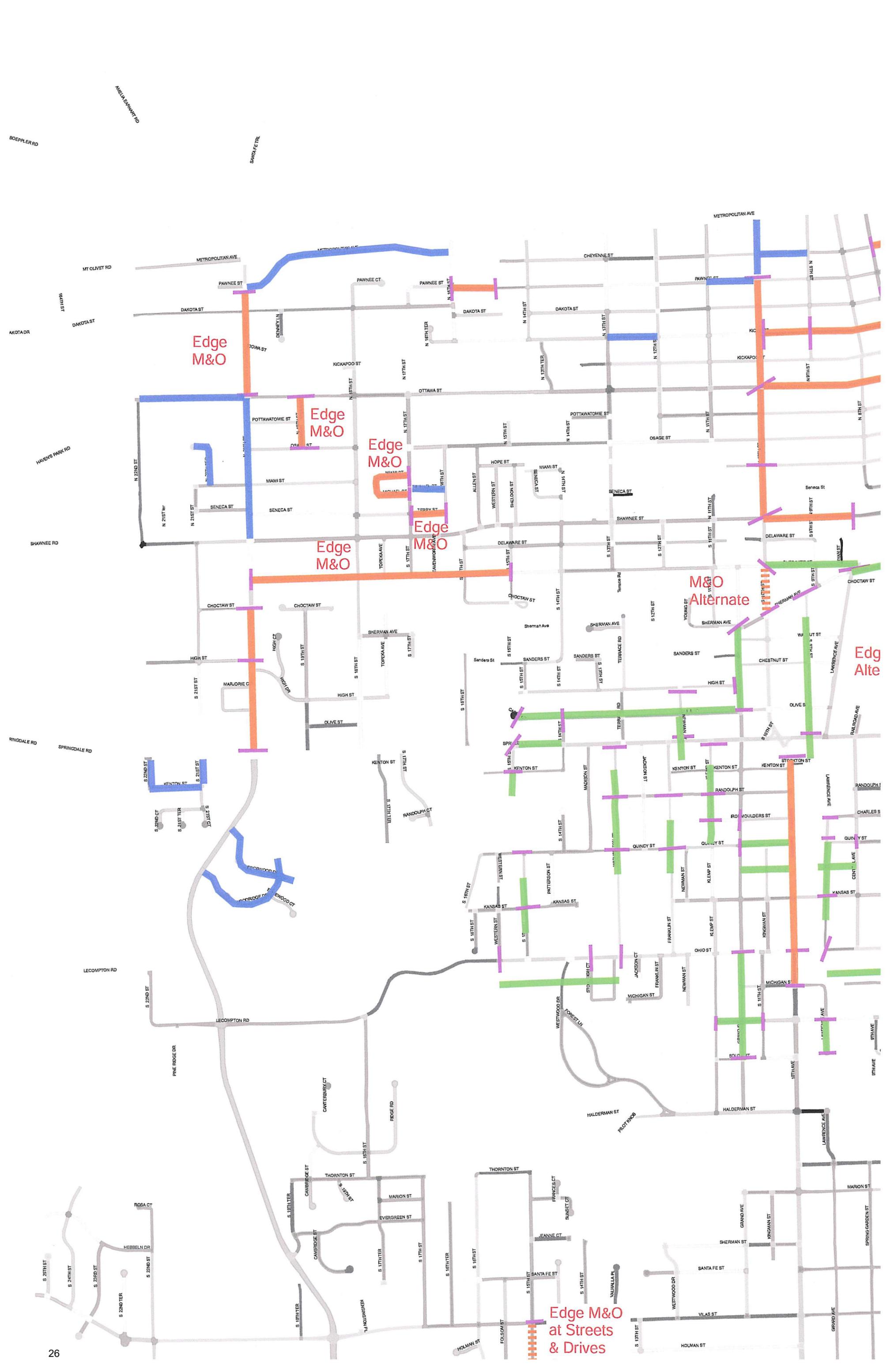
ATTACHMENT:

Detailed maps of identified streets for 2020 Pavement Management Program

2020 Pavement Management

5/7/2020





Edge M&O

Edge M&O

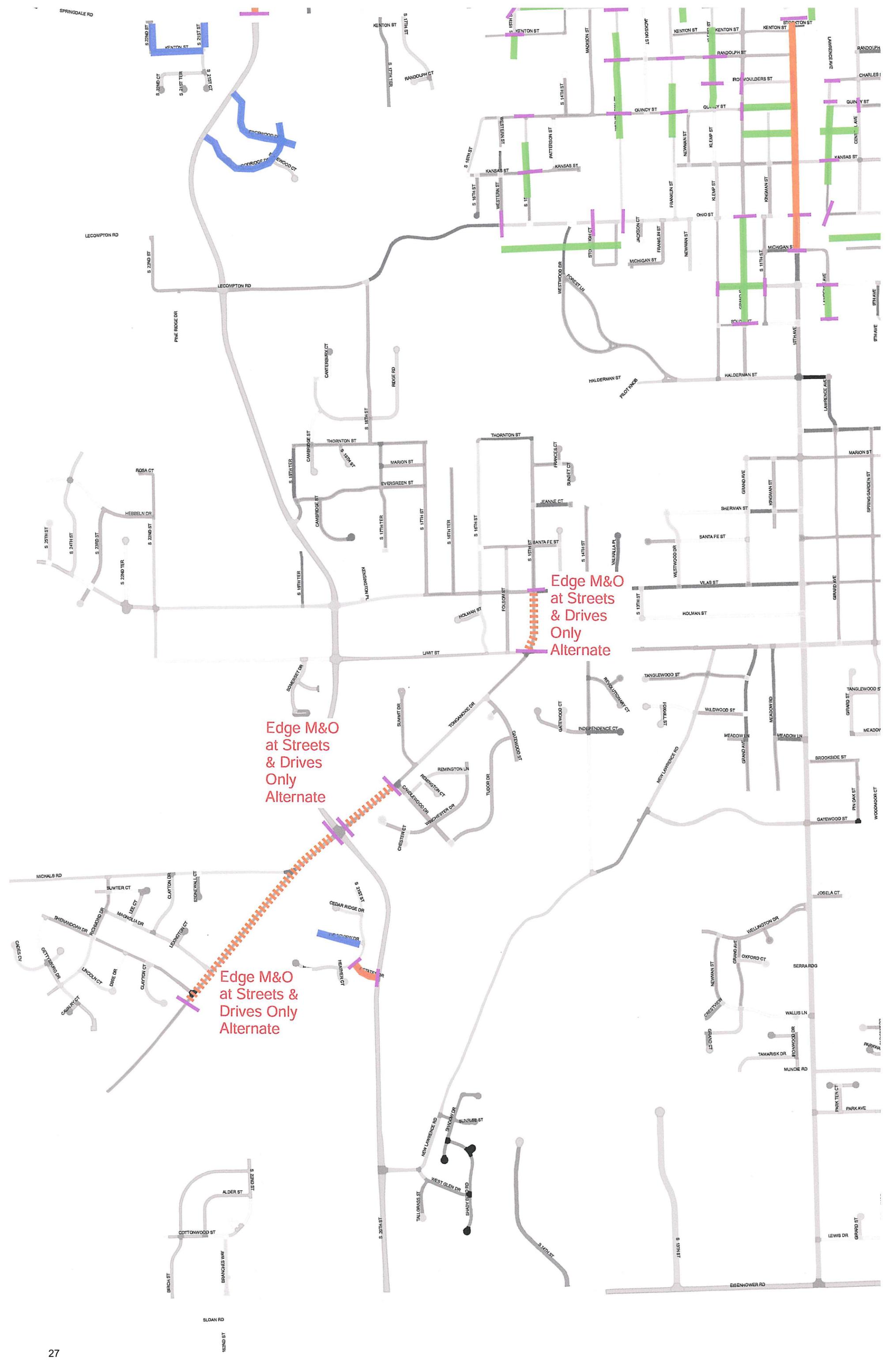
Edge M&O

Edge M&O

M&O Alternate

Edge Alte

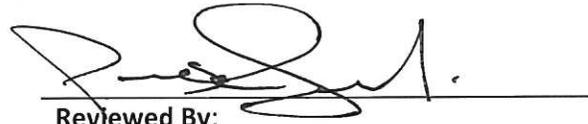
Edge M&O at Streets & Drives



POLICY REPORT
RESOLUTION TO SET PUBLIC HEARING
FOR UNSAFE OR DANGEROUS STRUCTURES
MAY 26, 2020



Prepared By:
Julie Hurley,
City Planner



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 10, Article XI (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

STRUCTURES FOR CONSIDERATION

Staff has compiled a list of dangerous structures, which have been evaluated by staff in accordance with State statute. The City Commission reviewed a list of 25 structures at the April 14, 2020 City Commission meeting and voted at that time to proceed with placing 23 of the structures as presented on a list for public hearing. After that time, the property owner for one of the structures, 1152 Randolph, applied for a permit to demolish the detached garage on their own and is actively in the demolition process, so that property has been removed from the list put forth for public hearing.

City staff has completed the necessary paperwork to set a resolution for the public hearing. All property owners have been notified that their properties have been identified as unsafe and dangerous, and given opportunity to contact staff to discuss options for resolution.

The following structures, as reviewed by the City Commission on April 14, 2020, are hereby presented for consideration to be placed on a resolution to set a public hearing:

1. 109 Allen – Single family house
2. 407 N. 20th – Single family house
3. 1033 Osage – Detached garage
4. 1186 Randolph – Detached shed
5. 519 Marshall – Single family house
6. 1612 W. 7th – Single family house
7. 1914 W. 7th – Single family house
8. 306 N. 3rd – Single family house
9. 420 Ottawa – Single family house
10. 504 Miami – Single family house

11. 513 Lawrence Ave – Single family house
12. 515 N. 5th – Single family house
13. 525 Pawnee – Single family house and shed
14. 701 S. 2nd – Single family house
15. 708 Kiowa – Single family house
16. 714 Kiowa – Single family house
17. 718 Dakota – Single family house and detached garage
18. 824 Osage – Single family house and detached garage
19. 836 Pottawatomie – Single family house
20. 934 Ottawa – Single family house
21. 719 N. 9th – Detached garage

The resolution affixes the time and place, of July 14, 2020 in the City Commission Chambers, 100 N 5th Street, Leavenworth, Kansas, at which time the owner, the owner's agent, any lienholder of record, and any occupant of such structure designated by staff as dangerous may appear and show cause why such structure should not be condemned as dangerous or hazardous structures and ordered repaired or demolished. At the conclusion of the hearing, the City Commission shall pass a resolution listing the structures, their findings, and listing any time periods allowed for repair.

At the time of the public hearing on July 14, 2020, staff will present an overview of each listed structure for consideration by the City Commission.

RECOMMENDED ACTION

Approve Resolution B-2250 set a public hearing date of July 14, 2020 for review of 21 dangerous and unsafe structures.

(To Be Published in the Leavenworth Times on June 2, 2020 and June 9, 2020)

Resolution B-2250

A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS AT WHICH TIME AND PLACE THE OWNER, ITS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE STRUCTURES HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES, PURSUANT TO K.S.A. 12-1751 ET SEQ.

WHEREAS, the enforcing officer of the City of Leavenworth, Kansas, did on the 26th day of May 2020, file with the governing body of said city a statement in writing that certain structures hereinafter described are dangerous and hazardous and should be ordered by the governing body to be demolished or repaired.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That a Public Hearing shall be held on the 14th day of July 2020, before the Governing Body of the City of Leavenworth, Kansas, at 7:00 p.m. at the City Commission Room, 100 N 5th Street, Leavenworth, Kansas, at which time the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structures should or should not be condemned as dangerous or hazardous structures and ordered repaired or demolished:

1. A one-story wood/brick frame house and any accessory structures on the property located at **525 Pawnee Street**, legally described as Lots 19, 20, 21, and 22, Block 61, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772601407004000.
2. A one-story wood frame house and any accessory structures on the property located at **420 Ottawa Street**, legally described as Lot 11, block 55, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772503205013000.
3. A one-story wood frame house and any accessory structures on the property located at **708 Kiowa Street**, legally described as Lot 3, Block 101, Day & Macaulay's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772604101002010.
4. A one-story wood frame house and any accessory structures on the property located at **701 S. 2nd Street**, legally described as The North Half (N 1/2) of Lot Twelve (12), Block Four (4), Clark and Rees Addition to the City of Leavenworth, Less the South 7 feet thereof, in Leavenworth County, Kansas. CAMA No. 0773601001004000.
5. A one-story wood frame house and any accessory structures on the property located at **836 Pottawatomie Street**, legally described as Lot 41, Block 23,

Cochran & Mulligan's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772604211017000.

6. A one-story wood frame house and any accessory structures on the property located at **513 Lawrence Avenue**, legally described as Lots 9 and 10, Block 5, Central Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, less and except any railroad rights of way. CAMA No. 0773501018011000.
7. Brick/wood apartments and any accessory structures on the property located at **515 N. 5th Street**, legally described as The South 79 feet of Lots 31 and 32, Block 65 in Leavenworth City Proper, in the City of Leavenworth according to the recorded plat thereof, in Leavenworth County, Kansas. CAMA No. 0772503209019000.
8. A one-story wood frame house and any accessory structures on the property located at **718 Dakota Street**, legally described as Lot 9, Block 02, Day and Macaulay's Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772601409016000.
9. A two-story wood frame house and any accessory structures on the property located at **934 Ottawa Street**, legally described as Lot numbered Thirty-nine (39), in Block numbered Fourteen (14), in Cochran and Mulligan's Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, according to the recorded plat thereof. Also a tract of land of the same width as said Lot Thirty-nine (39), adjoining said Lot on the North and lying in Ewing, Roelofson and Company's Subdivision of the City of Leavenworth and extending from the North line of said Lot Thirty-nine (39) in said Block Fourteen (14) in said Cochran and Mulligan's Subdivision to the South line of the alley running East and West, in Block Fourteen (14), in Ewing, Roelofson and Company's Subdivision of the City of Leavenworth, all according to the recorded plat of said Cochran and Mulligan's Subdivision and of Ewing, Roelofson and Company's Subdivision on record in the office of the Register of Deeds of said County. CAMA No. 0772603105008000.
10. A one-story wood frame house and any accessory structures on the property located at **306 N. 3rd Street**, legally described as The North 55 feet of Lots 15 and 16, Block 26, Leavenworth City Proper, a subdivision in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772503107014000.
11. A detached garage on the property located at **719 N. 9th Street**, legally described as Lots numbered Eight (8) and Nine (9), in Block numbered Eleven (11), in Ewing, Roelofson and Company's Subdivision on the City of Leavenworth, Leavenworth County, Kansas, according to the recorded plat thereof. CAMA No. 0772604204001000.
12. A two-story wood frame house and any accessory structures on the property located at **504 Miami Street**, legally described as The West 19 feet of Lot 3 in Block 67, in Leavenworth City Proper, in the City of Leavenworth, Leavenworth County, Kansas, according to the recorded plat thereof. CAMA No. 0772503302002000.

13. A one-story wood frame house and any accessory structures on the property located at **824 Osage Street**, legally described as Lots numbered 12 and 13, in Block 1 in Mix's Subdivision on the City of Leavenworth, according to the recorded plat thereof, in Leavenworth County, Kansas. CAMA No. 0772604302018000.
14. A one-story wood frame house and any accessory structures on the property located at **714 Kiowa Street**, legally described as Lot Six, less the West 2 feet thereof, Block 101, Day and Macaulay's Subdivision to the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772503205013000.
15. A two-story brick frame house and any accessory structures on the property located at **519 Marshall Street**, legally described as Lots numbered Six (6) and Seven (7) in Block numbered Nine (9), in Day's Subdivision, in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773603019006000.
16. A two-story wood frame house and any accessory structures on the property located at **1612 W. 7th Street**, legally described as The North half of the West 20 feet of Lot 1 AND the North half of Lots 2, 3, and 4 AND the North half of the East 10 feet of Lot 5, Block 4 LEAS'S SUBDIVISION AKA LEAS SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 1010201011024000.
17. A two-story wood frame house and any accessory structures on the property located at **1914 W. 7th Street**, legally described as Lots 15 and 16, Block 7, in Fenn's Broadway Subdivision, in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 101020102201600A.
18. A one-story wood frame house and any accessory structures on the property located at **109 Allen Street**, legally described as the South 96 feet of the North 360 feet of the East Half, excepting the East 10 feet thereof and excepting the North 30 feet of the East Half of Lot 1, Allen and Street's Addition to the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0782704011028000
19. A detached garage on the property located at **1186 Randolph Street**, legally described as Lots 1 and 2, Block 1, Norton, Williams and Thomas' Addition to the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773503008003000.
20. A one-story wood frame house and any accessory structures on the property located at **407 N. 20th Street**, legally described as a part of the West Half of the Southwest Quarter of Section 27, Township 8 South, Range 22, described as follows: Beginning at a point 1320 feet North and 999.96 feet East of the Southwest corner of said Section 27; thence East parallel with the South line of said Section 27, 290.40 feet to the West line of 20th Street; thence South along said West line of 20th Street 109 feet; thence West 290.40 feet; thence North 109 feet to the point, the place of beginning, reference being hereby made to a survey made by H.V. Parr, County Surveyor, shown at Page 213, Volume H of Record of Surveys for Leavenworth County, in Leavenworth County, Kansas. CAMA No. 0782703003042000.

21. A detached garage on the property located at **1033 Osage Street**, legally described as West Fifty (50) feet of Lots numbered Twenty (20), Twenty One (21), Twenty Two (22), Twenty Three (23), Twenty Four (24), in Block numbered Two (2), Ewing, Roelofson and Companies Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772603403009000.

Section 2. That the city clerk shall cause this resolution to be published two (2) times, once each week, in the city's legal newspaper and shall give notice of aforesaid hearing in the manner provided by law.

Section 3. This Resolution Shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

PASSED AND APPROVED this 26th day of May 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson CMC, City Clerk

Policy Report
Price Chopper development
Industrial Revenue Bonds
May 26, 2020

Prepared by:



Paul Kramer
City Manager

Issue:

City staff and Super Market Developers, Inc., entered into a predevelopment agreement on May 6 for the purpose of facilitating redevelopment of the current Price Chopper store at 2107 S. 4th St. Among other items, the agreement outlines financial incentives that will be pursued – contingent upon City Commission approval – to make the project financially feasible. The majority of the incentive request, which includes Tax Increment Financing and a Community Improvement District, will come before the Commission as the City and development team work through a project timeline and development agreement. However, the predevelopment agreement includes a request for Industrial Revenue Bonds (IRBs), which would allow Super Market Developers, Inc., to use the City’s state and local sales tax exemption for labor and building materials. The IRB process must be in place before the developer can start purchasing materials.

Process:

Before the Commission is the resolution of intent, which pending adoption, is sufficient documentation for Super Market Developers, Inc., to begin using the sales tax exemption. However, the City Commission may elect at any time before the IRBs are issued to halt the process, which would require Super Market Developers, Inc., to repay all exempted sales tax.

City staff has contacted bond counsel, and should the Commission approve the non-binding resolution of intent, the City would ask bond counsel to be preparing IRB documents, including a full application with financial information.

Commission action:

The non-binding resolution of intent is before the Commission for a vote.

Attachments:

- Resolution of Intent

RESOLUTION NO. B-2251

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF LEAVENWORTH, KANSAS, TO ISSUE ITS FEDERALLY TAXABLE INDUSTRIAL REVENUE BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,000,000 TO BOTH FINANCE VARIOUS IMPROVEMENTS BENEFITTING SUPER MARKET DEVELOPERS, INC., AND PROMOTE, STIMULATE AND DEVELOP THE ECONOMIC WELFARE OF BOTH THE CITY AND THE STATE OF KANSAS.

WHEREAS, the City of Leavenworth, Leavenworth County, Kansas, (the "City") is authorized and empowered pursuant to the provisions of K.S.A. 12-1740 to 12-1749(d), inclusive, as amended, (the "Act") to both issue its industrial revenue bonds to finance all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling certain facilities including commercial facilities and enter into lease agreements with any person, firm or corporation for the use and acquisition of such facilities in order to promote, stimulate and develop the economic welfare and prosperity of both the City and the State of Kansas (the "State"); and

WHEREAS, Super Market Developers, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State, (the "Applicant") has requested that the City issue its federally taxable industrial revenue bonds in one or more separate series in the maximum principal amount of Twelve Million Dollars (\$12,000,000) (the "Bonds") to finance the cost of acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, and remodeling certain commercial facilities and improvements to benefit the Applicant's retail grocery store and pharmacy operating as Price Chopper located generally at 2107 S. 4th Street, Leavenworth, Kansas (the "Project"); and

WHEREAS, the City does hereby find and determine it to be advisable and in the best interest of the City and its inhabitants that such Bonds, as and in the maximum amount so requested be authorized and issued by the City to finance the Project; and

WHEREAS, such Bonds if, as, and when issued by the City will be payable solely and only from the moneys and revenues received by the City from the fees charged and rentals received for the use of the Project and not from any other fund or source; and

WHEREAS, pending the issuance of the Bonds, the Company intends to initiate the construction, furnishing and equipping of the Project and finance, on an interim basis, such capital expenditures with its own funds which it, by its acknowledgment and acceptance hereof, intends to reimburse and permanently finance with the proceeds of the Bonds; and

WHEREAS, this resolution is intended to constitute a non-binding declaration of the official intent of the City to issue such Bonds and it is not bound or otherwise obligated to the Applicant to issue the Bonds if in its sole discretion it determines for whatever reason not to issue such Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AS FOLLOWS:

Section 1. That the Governing Body of the City hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare of the City and be in furtherance of the public purposes as set forth in the Act.

Section 2. That the Bonds in the maximum principal amount of \$12,000,000 be issued by the City in one or more separate series to finance the Project to be leased to the Applicant pursuant to and in accordance with the Act.

Section 3. That the terms of all ordinances, trust indentures, lease agreements and other documents required in the issuance of the Bonds (the “Bond Documents”) shall be as agreed to by and between the City and the Applicant. The selection of the purchaser of the Bonds shall be the sole responsibility of the Applicant, subject to the approval of the City.

Section 4. That the City officials are hereby directed and authorized to proceed with the necessary negotiations relating to the Bond Documents with the Applicant and with the preparation of all other necessary documents relating thereto for final action by the Governing

Body of the City. All terms and conditions of the Bonds and the sale thereof must be acceptable to and approved by the Governing Body of the City and the Applicant.

Section 5. That the City Clerk and Nichols and Wolfe Chartered, bond counsel, are hereby authorized and directed to prepare and cause to be filed and published, where necessary, all statements and notices required by the provisions of both K.S.A. 12-1740 et seq., as amended, and other applicable law.

Section 6. That although the Project site(s) and facilities may be entitled to an exemption from ad valorem taxation for a period of ten (10) years beginning after the calendar year in which the Bonds are issued in accordance with the provisions of K.S.A. 79-201a, as amended, the Applicant agrees that no such abatement of ad valorem taxes is contemplated or being requested by Applicant and, as such, no such abatement will be sought or otherwise requested. The City will, however, cooperate with and assist the Applicant in connection with the preparation and filing of any sales tax exemption certificate requests or refunds Applicant may lawfully request in connection with the Project.

Section 7. That the City will not be liable or otherwise responsible for the payment of any costs or expenses incurred by or in connection with the issuance of the Bonds.

Section 8. That the issuance of the Bonds by the City shall, in addition to all other requirements of the City, be subject to any limitations imposed upon the City by either federal or Kansas law, including any regulations, rulings or executive orders which might appertain thereto.

Section 9. That this Resolution will be available for public inspection during regular business hours of the City at City Hall and shall be of force and effect from and after its adoption and approval.

Section 10. That this Resolution shall be of force and effect immediately upon its adoption and approval.

ADOPTED AND APPROVED THIS _____ day of _____, 2020.

CITY OF LEAVENWORTH, KANSAS

Myron J. "Mike" Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

(SEAL)

ACKNOWLEDGEMENT AND ACCEPTANCE

The provisions of this resolution are hereby acknowledged and accepted as the declaration of the official intent of Super Market Developers, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State.

Dated this ____ day of _____, 2020.

SUPER MARKET DEVELOPERS, INC.

By _____
_____, _____
Name Title

**POLICY REPORT PWD NO. 20-28
CONSIDER APPROVAL OF CHANGE ORDER NO. 1 TO THE
LINAWEAVER CONSTRUCTION CONTRACT RELATED TO
2019 SANITARY SEWER I & I PROJECT**

City Project 2019-902

May 26, 2020

Prepared by:



Michael G. McDonald, PE
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider approval of Change Order No. 1 to the Linaweaver construction contract for the 2019 Sanitary Sewer I & I Project.

BACKGROUND:

On October 8, 2019, the City Commission approved the low bid of Linaweaver Construction for the project. Construction started on November 12, 2019 and continued through the winter and spring as weather would permit.

Work in the project included the replacement of a manhole and associated broken sewer pipe at 2400 Kingman and the replacement of the sewer line in the east/west alley between Kiowa & Dakota from 5th Street to Broadway.

The work at 2400 Kingman expanded due to additional sewer pipe deterioration after the plans had been completed. This situation increased the pipe replacement, backfill, and street restoration quantities for the site. (Item No.1)

To help with the maintenance of the sewer lines, staff tries to limit the distance between manholes to no more than 350 feet. MH A1 is a new manhole and installed with the project to facilitate that goal.

Work on the sanitary sewer line in the alley was deeper than the construction drawings identified. The starter manhole (MH 0095) for this line was an early 1900s flush tank (see attached drawing) that was not identified as a flush tank in our GIS system or by the survey. The way flush tanks are constructed, it places the sewer line deeper than it would be with a normal manhole that is not known until the flush tank and associated piping are removed. This situation increased the depth of the sewer line and manholes from MH 0095.1 to MH A1. All quantities for excavation, extra depth manhole section, backfill material, and service lines increased due to the additional depth of the sewer main. (Item No. 2, 3, 4)

Change Order Number 1 (Summary)

- Item No. 1 – Sherman & Kingman \$14,475.00
- Item No. 2 – Manhole AH-1 and Line (added barrel section, extra depth) \$ 5,430.00
- Item No. 3 – Manhole 0095.1 and Line (extra depth) \$15,327.00
- Item No. 4 – Manhole 0095 and Line (added barrel sections, extra depth) \$23,196.40

\$58,428.40

Payment for the change order will come from the sewer fund.

RECOMMENDATION:

Staff recommends that the City Commission approve Change Order No.1 with Linaweaver Construction for the construction of the 2019 Sanitary Sewer I & I Project in an amount not to exceed \$58,428.40 for a total contract amount of \$538,643.40

ATTACHMENTS:

Leavenworth Flush Tank Plan (1905)
Plan & Profile Diagram
City Change Order Request No. 1 Form
City Change Order Summary Memo
Linaweaver Change Order Request No. 1, 2, 3, & 4

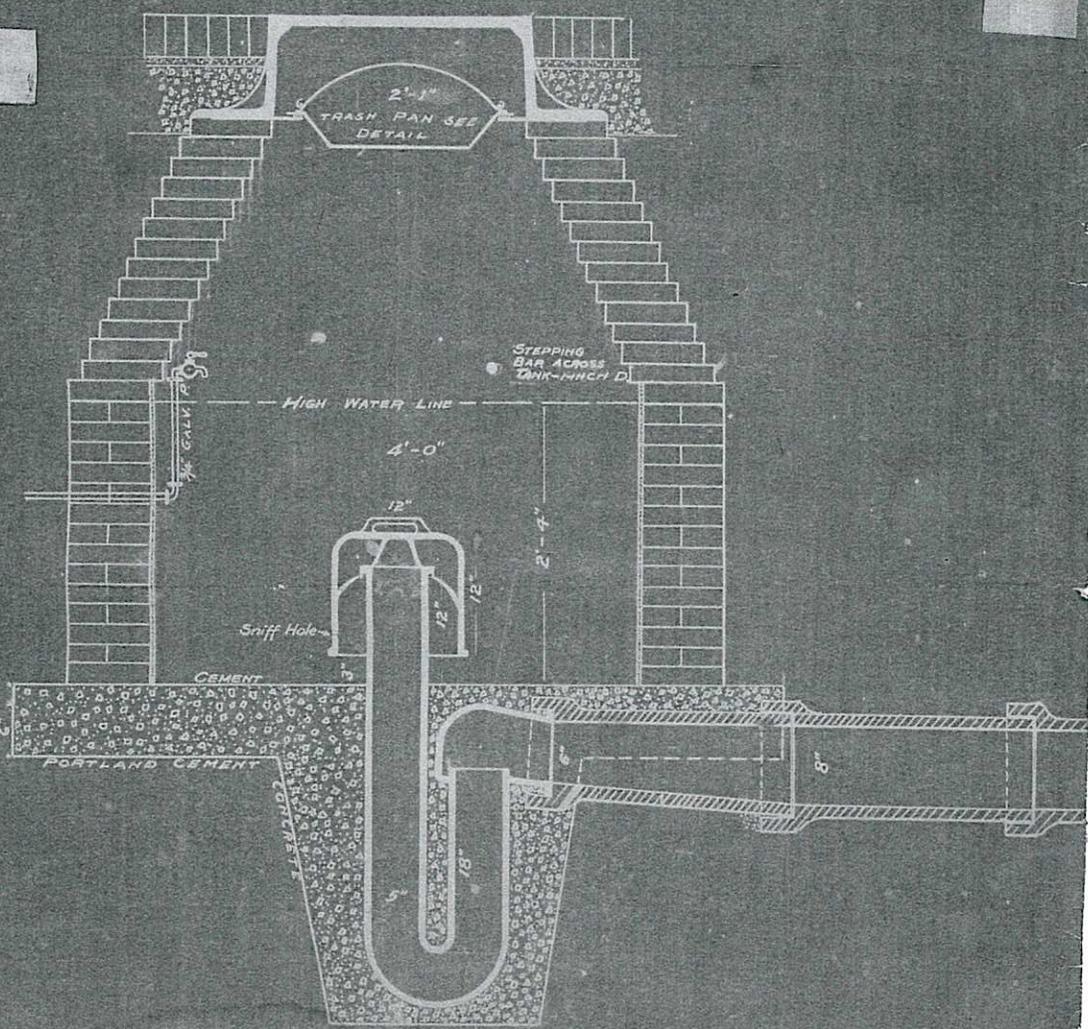
PLAN OF FLUSH TANK

MILLER 5" STANDARD AUTOMATIC SYPHON

CITY ENGINEERS OFFICE
Leavenworth.

Feb. 1905
Scale 1" = 1'

Ed Jones
City Engineer

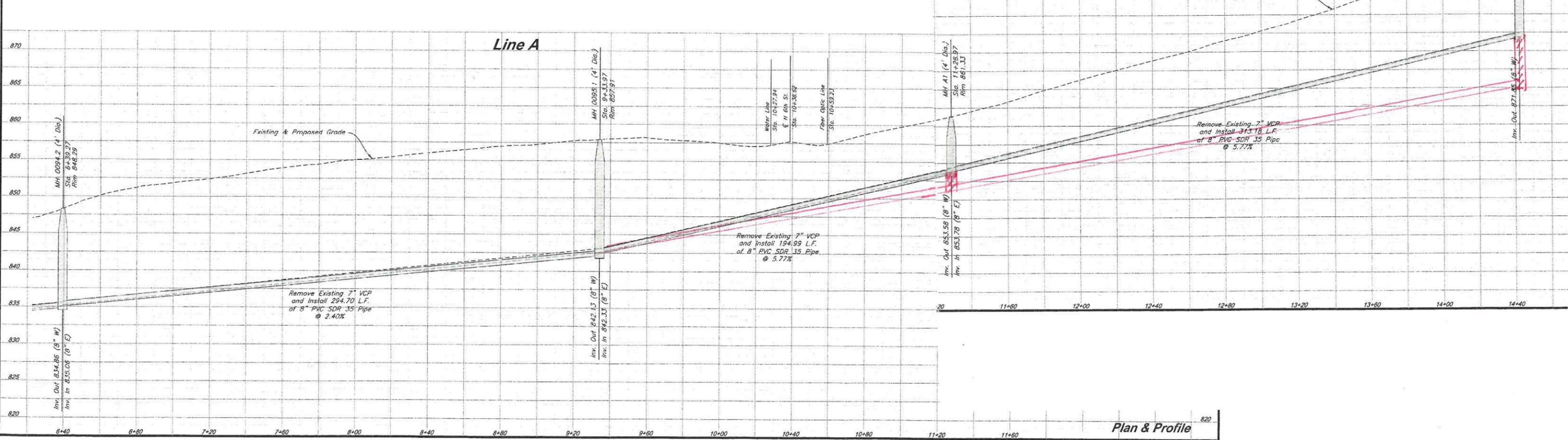
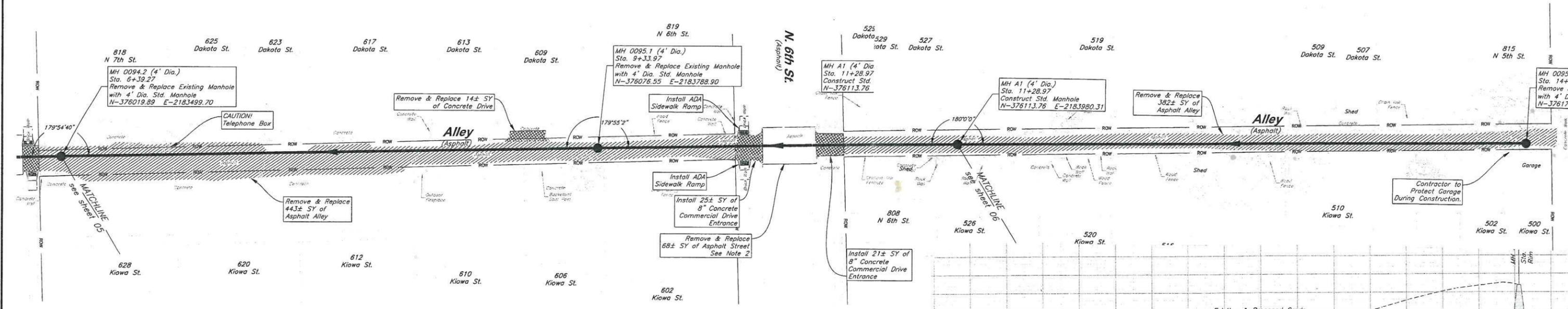


1. The Contractor shall be responsible for verifying and locating all active service laterals affected by the construction. Only active service laterals shall be reinstated. Sanitary sewer service lines encountered during construction shall be kept in continuous service during construction and reconnected to the new sewer line. The total cost to locate, verify, and reinstate service laterals shall be included in the Contractor's bid, and shall be considered subsidiary to other contract payment items.
 2. Trench backfill for street excavation shall include flow fill from R.O.W. to R.O.W. (See Detail Sheet 12)

BASE BID

BASE BID

le for verifying and locating all active service laterals affected by
 ice laterals shall be reinstated. Sanitary sewer service lines
 shall be kept in continuous service during construction and
 ie. The total cost to locate, verify, and reinstate service laterals shall
 vid, and shall be considered subsidiary to other contract payment
 on shall include flow fill from R.O.W. to R.O.W.



Plan & Profile

CITY OF LEAVENWORTH
CHANGES IN PLANS AND CONSTRUCTION
CHANGE ORDER NO. 1

Project Name: 2019 Sanitary Sewer I & I Project
 Project Location: City Wide
 Purchase Number: 20190135-00
 Contract Date: October 8, 2019
 Date Prepared: May 14, 2020

The following changes to the original contract amount were required to cover cost incurred by the Contractor or to reflect savings realized by the Contractor as a result of a change in the actual constructed quantities from the estimated quantities shown on the Bid Proposal.

Start Date: November 12, 2019
 Performance Period: _____
 Net Adjustments: \$58,428.40
 Completion Date: April 7, 2020
 Page Number: 1

REQUIRED CHANGES IN PRESENT CONTRACT

Contract or Previous Quantity	Contract or Previous Unit Price	Contract or Previous Amount	Unit	Item Description	New or Adjusted Quantity	New or Adjusted Unit Price	New or Adjusted Amount
	\$	\$		Change Order Request # 1		\$	\$ 58,428.40
	\$	\$		(Additional Pipe & Construction = \$14,475.00)		\$	\$
	\$	\$		(Extra Depth at MH-A1 = \$5,430.20)		\$	\$
	\$	\$		(Extra Depth at MH-0095.1 = \$15,327.00)		\$	\$
	\$	\$		(Extra Depth at MH-A1 to MH-0095 = \$23,196.40)		\$	\$

Previous Total: _____

Adjusted Total: \$ _____
 Net Change: \$ 58,428.40

Statement of Contract

Original Contract Amount	\$480,215.00
Net Amount of Previous Additions and Deductions	\$ 0
Net Contract Amount Prior to This Request	\$480,215.00
Amount of This Request	\$ 58,428.40
New Contract Amount	\$538,643.40
Percent Change in Contract Amount	12.2 %

CONTRACTOR:

Company: Linaweaver Construction
 City, State: Lansing, KS
 Signed by: *[Signature]*
 Date: 5/15/2020

PROJECT OBSERVER:

Company: CITY OF LEAVENWORTH
 Recommended by: Mike Hooper *[Signature]*
 Date: May 14, 2020

ACCEPTED BY CITY OF LEAVENWORTH, KANSAS:

Mayor: _____
 City Clerk: _____
 Date: _____



May 14, 2020

Re: **Change Order No. 1**
City of Leavenworth Project No: 2019-902
2019 Sanitary Sewer I & I Project

Change Order No. 1:

- Item No. 1 (Sherman & Kingman St. Additional Pipe)
 - To the East of the Remove & Replace Manhole, the Main Line was in poor condition.
 - Contractor had to remove & replace the main line past the first reached service line and construct a larger excavated area to fill and pave.
- Item No. 2 (Main Line Extra Depth at MH-A1)
 - Extra depth at this new manhole was required since the existing mainline was deeper than plan.
 - Additional excavation and fill materials were needed.
- Item No. 3 (Main Line Extra Depth At MH-0095.1)
 - Extra depth at this Manhole was required since the existing manhole was in reality a flush tank.
 - To bring the main back to the existing elevations to properly set service lines, a barrel section was added to the manhole.
 - Additional excavation and fill materials were needed.
- Item No. 4 (Main Line Extra Depth MH-A1 to MH-0095)
 - Mainline was found to be deeper than plan, thus extra excavation and fill materials were required.

Sincerely,

Michael T. Stephan
Project Manager
Public Works - Engineering
City of Leavenworth

Cc: File

LINAWEAVER CONSTRUCTION

SHERMAN AND KINGMAN ST. ADDITIONAL PIPE
 DATE: 1.8.19

NO	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	10" PIPE SDR 35	15	LF	\$ 35.00	\$ 525.00
2	10" EXCAVATION, AB3 BACKFILL FILL WITHIN 7' FROM TOP	15	LF	\$ 500.00	\$ 7,500.00
3	FLOWABLE FILL	60	CY	\$ 85.00	\$ 5,100.00
4	SERVICE LINE (10" T,4" PIPE, FERNCO, LABOR)	1	EA	\$ 500.00	\$ 500.00
5	ADDITIONAL STREET PATCH	10	SY	\$ 85.00	\$ 850.00
				TOTAL	\$ 14,475.00

**CITY OF LEAVENWORTH
 ENGINEERING DEPARTMENT**

DATE: 1/30/2020

REVIEWED BY: nm

APPROVED

APPROVED

REJECTED

[Signature] nm

LINAWEAVER CONSTRUCTION

EXTRA DEPTH AT MH A1 HEADING UPSTREAM
 DATE: 1.28.2020

NO	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	4' EXTRA DEPTH AB3 (100X5X4)	148	TON	\$ 23.00	\$ 3,404.00
2	ADDITIONAL LABOR AND EXPORT	75	cy	\$ 22.00	\$ 1,650.00
3	ADDITIONAL 4' BARREL SECTION W/ 10% MARK UP	1	LS	\$ 376.20	\$ 376.20
				TOTAL	\$ (5,430.20)

CITY OF LEAVENWORTH
 ENGINEERING DEPARTMENT

DATE: 1/30/2020

REVIEWED BY: MTI

✓

APPROVED AS NOTED REJECTED

[Handwritten Signature] *[Handwritten Signature]*

LINAWEAVER CONSTRUCTION

EXTRA DEPTH AT MH C095.1 HEADING UPSTREAM TO MANHOLE A1
DATE: 2.24.2020

NO	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	4' EXTRA DEPTH AB3 (194.99x5x4)	289	TON	\$ 23.00	\$ 6,647.00
2	ADDITIONAL LABOR AND EXPORT	199	CY	\$ 22.00	\$ 4,180.00
3	ADDITIONAL FLOWFILL IN THE 6TH STREET(60X5X4)	45	CY	\$ 100.00	\$ 4,500.00
				TOTAL	\$ 15,327.00

EXTRA DEPTH MANHOLE A1 TO MH C095 (100. OF RUN WAS IN C02)

NO	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
1	4' EXTRA DEPTH AB3 (213.18x6x7)	654	TON	\$ 23.00	\$ 15,272.00
2	ADDITIONAL LABOR AND EXPORT	331	CY	\$ 22.00	\$ 7,282.00
3	ADDITIONAL BARREL SECTION	1	LS	\$ 584.00	\$ 584.00
4	10% MARK UP ON BARREL SECTIONS	1	LS	\$ 58.40	\$ 58.40
				TOTAL	\$ 23,196.40

TOTAL OF BOTH RUNS \$ 38,523.40

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 2/26/2020

REVIEWED BY: mrs

APPROVED AS NOTED APPROVED REJECTED

[Signature] pm

Project No. 2019-902
2019 Sanitary Sewer I & I
Contractor: Linaweaver
Design Firm: GBA
Inspection Firm: City of Leavenworth (Justin)



Proposed Construction Cost: \$480,215.00 (PO No. 20190135)

No.	Date	Invoice No.	Approved	P.O. No.	Completed	Retainage	Total Paid
1	11/25/19	Pay App No. 1	12/2/2019	20190135	\$145,190.00	\$14,519.00	\$130,671.00
2	12/31/19	Pay App No. 2	12/31/2019	20190135	\$111,075.00	\$11,107.50	\$99,967.50
3	1/28/20	Pay App No. 3	1/30/2020	20190135	\$93,953.00	\$9,395.30	\$84,557.70
4	2/24/20	Pay App No. 4	2/26/2020	20190135	\$123,180.40	\$12,318.04	\$110,862.36
5	4/13/20	Pay App No. 5	5/14/2020	20190135	\$65,245.00	\$6,524.50	\$58,720.50
6	4/13/20	Pay App No. 6	5/14/2020	20190135		\$0.00	\$53,864.34
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
Totals:					\$538,643.40	\$53,864.34	\$538,643.40

Contract Amount: \$480,215.00
Total Paid: \$538,643.40
Balance: -\$58,428.40

Change Order Total: \$58,428.40
Adjusted Contract: \$538,643.40

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
GENERAL OBLIGATION BONDS, SERIES 2020-A**

May 26, 2020

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider an ordinance authorizing the issuance of \$8,130,000 aggregate principal amount of General Obligation Refunding and Improvement Bonds Series 2020-A.

BACKGROUND:

General Obligation Series 2020-A will be issued in the estimated amount of \$8,130,000.00 and will provide finance for the following:

Second and Chestnut Stormwater Project	\$2,030,000.00
Independence Court Stormwater Project	\$ 465,000.00
Paving 2019 Temporary Notes (permanent Financing)	\$1,415,000.00
Refunding	\$4,220,000.00

The bond and note sale will be on Tuesday, June 9, 2020. The results will be presented to the City Commission the same evening and final numbers will be provided in the ordinance for second consideration and approval.

ACTION REQUIRED:

Consensus to place an ordinance on first consideration for the General Obligation Bonds, Series 2020-A, as presented.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$8,130,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2020-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 10-427 ET SEQ., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b, AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Leavenworth, Kansas**, (the "City") has heretofore duly authorized, issued and delivered its \$4,165,000 aggregate principal amount of General Obligation Bonds, Series 2012-A (Sewer Project), dated March 1, 2012, (the "Series 2012-A Bonds") pursuant to its Ordinance No. 7890 adopted February 14, 2012, and published as required by law, and Resolution No. B-2026 adopted February 14, 2012, (the "Series 2012-A Bond Resolution") in accordance with the requirements of K.S.A. 12-618 and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

WHEREAS, as of June 1, 2020, there remains outstanding of the Series 2012-A Bonds the principal amount of \$2,935,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

SERIAL BONDS

<u>MATURITY (SEPTEMBER 1)</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
2020	\$195,000	2.000%
2021	200,000	2.000
2022	205,000	2.000
2023	210,000	2.000
2024	210,000	2.000
2025	215,000	2.125
2026	225,000	2.250
2027	230,000	2.250
2028	235,000	2.350
2029	240,000	2.400
2030	250,000	2.500
2031	255,000	2.625
2032	265,000	2.750

WHEREAS, pursuant to Section 301 of the Series 2012-A Bond Resolution, the Series 2012-A Bonds, or any portion thereof maturing on September 1, 2019, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2018, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$5,300,000 aggregate principal amount of General Obligation Improvement and Refunding Bonds, Series 2012-B, dated June 28, 2012, (the "Series 2012-B Bonds") pursuant to its Ordinance No. 7897 adopted June 12, 2012, and published as required by law, and Resolution No. B-2033 adopted June 12, 2012, (the "Series 2012-B Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City, K.S.A. 10-427 et seq. and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

WHEREAS, as of June 1, 2020, there remains outstanding of the Series 2012-B Bonds the principal amount of \$1,520,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

SERIAL BONDS

<u>MATURITY (SEPTEMBER 1)</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
2020	\$335,000	1.550%
2021	340,000	1.750
2022	345,000	1.900
2023	160,000	2.050
2024	170,000	2.200
2025	170,000	2.300

WHEREAS, pursuant to Section 301 of the Series 2012-B Bond Resolution, the Series 2012-B Bonds, or any portion thereof maturing on September 1, 2018, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2017, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$5,040,000 aggregate principal amount of General Obligation Refunding and Improvement Bonds, Series 2014-A, dated June 30, 2014, (the "Series 2014-A Bonds") pursuant to its Ordinance No. 7947 adopted June 10, 2014, and published as required by law, and Resolution No. B-2082 adopted June 10, 2014, (the "Series 2014-A Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City, K.S.A. 10-427 et seq. and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

WHEREAS, as of June 1, 2020, there remains outstanding of the Series 2014-A Bonds the principal amount of \$1,985,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

SERIAL BONDS

<u>MATURITY (SEPTEMBER 1)</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
2020	\$440,000	2.00%
2021	455,000	2.00
2022	465,000	2.25
2023	475,000	2.50
2024	150,000	2.50

WHEREAS, pursuant to Sections 301 of the Series 2014-A Bond Resolution, the Series 2014-A Bonds, or any portions thereof maturing on September 1, 2021, and thereafter may be

called for redemption and payment prior to their stated maturity on September 1, 2020, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$1,700,000 aggregate principal amount of General Obligation Bonds, Series 2015-A, dated June 30, 2015, (the "Series 2015-A Bonds") pursuant to its Ordinance No. 7972 adopted June 9, 2015, and published as required by law, and Resolution No. B-2113 adopted June 9, 2015, (the "Series 2015-A Bond Resolution") in accordance with the requirements of Charter Ordinance No. 37 of the City and Article 1 of Chapter 10 of the Kansas Statutes Annotated, all as amended; and

WHEREAS, as of June 1, 2020, there remains outstanding of the Series 2015-A Bonds the principal amount of \$1,065,000 bearing interest payable semiannually on March 1 and September 1 each year and maturing serially on September 1, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2020	\$165,000	2.00%
2021	170,000	2.30
2022	175,000	2.50
2023	180,000	2.50
2024	185,000	2.65
2025	190,000	2.75

WHEREAS, pursuant to Sections 301 of the Series 2015-A Bond Resolution, the Series 2015-A Bonds, or any portions thereof maturing on September 1, 2021, and thereafter may be called for redemption and payment prior to their stated maturity on September 1, 2020, and thereafter as a whole or in part on any date, at the redemption price of one hundred percent (100%) of the principal amount redeemed plus all accrued interest there to the redemption date; and

WHEREAS, pursuant to Sections 203 of the Series 2012-A Bond Resolution, the Series 2012-B Bond Resolution, the Series 2014-A Bond Resolution, and the Series 2015-A Bond Resolution (the Series 2012-A Bond Resolution, the Series 2012-B Bond Resolution, the Series 2014-A Bond Resolution, and the Series 2015-A Bond Resolution are collectively referred to as the "Outstanding Bond Resolutions"), the Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Series 2012-A Bonds, the Series 2012-B Bonds, the Series 2014-A Bonds, and the Series 2015-A Bonds (the Series 2012-A Bonds, the Series 2012-B Bonds, the Series 2014-A Bonds, and the Series 2015-A Bonds are collectively referred to as the "Outstanding Bonds"); and

WHEREAS, pursuant to Sections 301 of the Series 2012-A Bond Resolution and Series 2012-B Bond Resolution, the City deems it necessary and advisable to call (1) the Series 2012-A Bonds maturing on September 1, 2023, through and including September 1, 2032, (i.e., \$2,335,000) (the "Series 2012-A Refunded Bonds"); and (2) the Series 2012-B Bonds maturing on September 1, 2023, through and including, September 1, 2025, (i.e., \$500,000) (the "Series 2012-B Refunded Bonds") on July 25, 2020, and paid from the issuance of general obligation refunding bonds of the City; and

WHEREAS, pursuant to Sections 301 of the Series 2014-A Bond Resolution and Series 2015-A Bond Resolution, the City deems it necessary and advisable to call (1) the Series 2014-A Bonds maturing on September 1, 2023, and September 1, 2024, (i.e., \$ 625,000) (the “Series 2014-A Refunded Bonds”); and (2) the Series 2015-A Bonds maturing on September 1, 2022, through and including, September 1, 2025, (i.e., \$730,000) (the “Series 2015-A Refunded Bonds”) on September 1, 2020, and paid from the issuance of general obligation refunding bonds of the City (the Series 2012-A Refunded Bonds, the Series 2012-B Refunded Bonds, the Series 2014-A Refunded Bonds and the Series 2015-A Refunded Bonds are collectively, the “Refunded Bonds”); and

WHEREAS, the City pursuant to Resolution No. B-2191 of the City, adopted on March 27, 2018, authorized the replacement of certain stone elements and to otherwise repair, reconstruct and renovate the City’s Riverfront Community Center building facility at a total estimated cost of \$1,500,000 (the “RFCC Stone Replacement Project”) under the authority of K.S.A. 12-1736 et seq., as amended; and

WHEREAS, the City has, pursuant to Resolution No. B-2192 of the City adopted March 27, 2018, authorized the improvement of a portion of New Lawrence Road, from 20th Street Trafficway and continuing in a northeasterly direction a distance of 1,400 feet, by preparing, grading, constructing, and otherwise completing a new 31 foot wide, back of curb to back of curb, street with a road surface of 8” asphalt placed on 6” of AB-3 over geo-grid reinforcement material on compacted soil sub-grade together with storm drainage, concrete curb and gutter, entrances, and other necessary items at a maximum estimated cost of \$605,000 (the “New Lawrence Road Project”) under the authority of K.S.A. 12-685 et seq.; and

WHEREAS, the City heretofore duly authorized, issued and delivered its Temporary Notes, Series A2018, dated June 28, 2018, pursuant to Resolution No. B-2201 (the “Series A2018 Note Resolution”) adopted June 12, 2018, in accordance with the requirements of Charter Ordinance No. 56 of the City, K.S.A. 12-1736 et seq., and K.S.A. 12-685 et seq., all as amended, in the principal amount of Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) (the “Series A2018 Notes”) in part to temporarily finance the cost of the RFCC Stone Replacement Project and the New Lawrence Road Project, a portion of which Series A2018 Notes maturing on December 1, 2020 in the principal amount of \$215,000; maturing on June 1, 2021, in the principal amount of \$220,000; maturing on December 1, 2021, in the principal amount of \$225,000; and maturing June 1, 2022, in the principal amount of \$250,000, all in the aggregate principal amount of \$910,000, will be redeemed and paid on July 1, 2020, from legally available funds of the City; and

WHEREAS, the City has, in accordance with the powers of home rule of all cities of the State of Kansas under Section 5 of Article 12 of the Constitution of the State of Kansas, passed and approved, by the vote of not less than two-thirds of the members-elect of the governing body of the City, Charter Ordinance No. 56 of the City, which charter ordinance was published once each week for two consecutive weeks in the official newspaper of the City with such charter ordinance taking effect, without protest, on the sixty-first (61st) day following the publication thereof; and

WHEREAS, Charter Ordinance No. 56 both exempted the City from the provisions of K.S.A. 13-1024a, which was applicable to the City but not uniformly applicable to all Kansas cities and therefor was, in accordance with the City’s powers of home rule, subject to the City’s authority to exempt itself from the whole or any part of said K.S.A. 13-1024a, and, in accordance with such power of home rule, provided substitute and additional provisions on the same subject as in both K.S.A. 13-1024a; and

WHEREAS, the City has, pursuant to Resolution No. B-2214 of the City adopted February 12, 2019, authorized the construction of certain general improvements in the total estimated amount of \$1,887,985 (the “2019 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$7,430,000 Temporary Notes, Series A2019, dated June 27, 2019, (the “Series A2019 Notes”) pursuant to Resolution No. B-2224 (the “Series A2019 Note Resolution”) adopted June 11, 2019, in accordance with the requirements of K.S.A. 12-685 et seq. and Charter Ordinance No. 56 of the City in part to temporarily finance the costs of the 2019 Improvements, a portion of which Series A2019 Notes maturing on December 1, 2020, in the principal amount of \$1,390,000 will be redeemed and paid on July 1, 2020, from proceeds of the Bonds authorized herein; and

WHEREAS, the Series A2019 Notes are subject to redemption and payment prior to maturity, in whole or in part, at anytime on or after June 1, 2020, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, the City has, pursuant to Ordinance No. 8124 of the City adopted March 10, 2020, authorized certain stormwater utility system improvements and all other things necessary and incidental thereto at an estimated maximum total cost of \$3,165,000 (the “Stormwater Utility System Project”) under the authority of K.S.A. 12-631r, 12-631s, 13-1055a, and 13-1055b, all as amended (the 2019 General Improvements and the Stormwater Utility System Project are collectively referred to as the “Improvements”); and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with and the total cost thereof, including bond issuance costs, is \$ _____ (the “Project Cost”) to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$ _____ with the balance of such Project Cost payable from bond premium; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Refunding and Improvement Bonds, Series 2020-A, in the aggregate principal amount of _____ Dollars (\$ _____) for the purpose of providing funds to (1) currently refund the Refunded Bonds in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City’s 2019 General Improvements, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project, and (4) paying the cost of issuing the Bonds; and

WHEREAS, the City does hereby authorize the issuance and sale of the bonds to the best bidder.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS:

Section 1. That for the purpose of providing funds to (1) currently refund the Refunded Bonds in the principal amount of \$4,190,000 together with accrued interest payable thereon, (2) permanently finance the costs of the City’s 2019 General Improvements, including redeeming and paying a portion of the Series A2019 Notes in the principal amount of \$1,390,000 together with accrued interest payable thereon on July 1, 2020, (3) financing the construction of the Stormwater Utility System Project, and (4) paying the cost of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Refunding and Improvement Bonds, Series 2020-A, of the City in the aggregate principal amount of _____ Dollars

(§ _____) (the "Bonds") as provided by Charter Ordinance No. 56 of the City, K.S.A. 10-427 et seq., K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 13-1055a, K.S.A. 13-1055b, and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 9th day of June, 2020.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Myron J. "Mike" Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk