



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
 TUESDAY, JANUARY 12, 2021 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
In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is REQUIRED to attend the meeting. To attend the meeting in person, email cwilliamson@firstcity.org no later than 4:00 pm on January 12 to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit public comments to be read during the Public Comments portion of the meeting, or submit questions on an agenda items to be read during discussion on that topic, email your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on January 12.

<p>Updated Agenda Index Added Mayor’s Award Amended “Action” Item #3</p>

Call to Order – Pledge of Allegiance Followed by Silent Meditation

Mayor’s Award Presented to Mrs. Maxine Hunter

Consideration of Previous Meeting Minutes:

- Minutes from December 8, 2020 Regular Meeting & December 15, 2020 Special Meeting **Action:** Motion (pg. 2)

NEW BUSINESS:

Public Comment: *(i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address)*
Any emails received by the public for public comment on non-agenda items will be read at this time.

General Items:

- Withdrawal of Zoning Application 2100 Vilas and 2100 Limit Street **Action:** None Required (pg. 13)
- County Commissioner Chad Schimke Present Letter to Explore Dispatch Audit **Action:** None Required (pg. 15)
- Mayor’s Appointments **Action:** Motion (pg. 16)

Resolutions:

- Resolution B-2275 Consolidated Annual Performance & Evaluation Report (CAPER) **Action:** Motion (pg. 17)

Bids, Contracts and Agreements:

- Consider Bids for 4th & Olive Alley CDBG Sanitary Sewer Project **Action:** Motion (pg. 19)

First Consideration Ordinance:

- First Consideration Ordinance IRB Ordinance Luxury & Imports **Action:** Consensus (pg. 23)

Consent Agenda:

Claims for December 5, 2020, through January 8, 2021, in the amount of \$4,854,738.41; Net amount for Payroll #26 effective December 18, 2020 in the amount of \$367,376.47 (Includes Police & Fire Pension in the amount of \$9,260.03) and Payroll #27 effective December 31, 2020 in the amount of \$353,308.85 (no Police & Fire Pension). **Action:** Motion

Other:

Adjournment

Action: Motion



CITY OF LEAVENWORTH
100 N. 5th Street
Leavenworth, Kansas 66048

City Commission Regular Meeting
Commission Chambers
Tuesday, December 8, 2020 7:00 p.m.

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, Mayor Pro-Tem Nancy Bauder and Commissioners Camalla Leonhard and Mark Preisinger. The following member was present virtually via teleconference: Commissioner Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Finance Director Ruby Maline, Planning and Community Development Director Julie Hurley, Deputy Finance Director Brandon Mills and City Clerk Carla K. Williamson.

Members participating via teleconference: City Attorney David E. Waters, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper.

Mayor Griswold read the following statement from the agenda index:

In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing are REQUIRED to attend the meeting. To attend the meeting in person, email cwilliamson@firstcity.org no later than 4:00 pm on December 8 to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit public comments to be read during the Public Comments portion of the meeting, or submit questions on an agenda items to be read during discussion on that topic, email your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on December 8.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the November 19, 2020 special meeting and November 24, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8156 to Amend Sec. 18-94 Land Disturbance Fees and Bonds– City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the November 24, 2020 meeting.

Mayor Griswold called the roll on Ordinance 8156 and the ordinance passed unanimously 5-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time. No emails were received and no one was present in person for comment.*

Nominations:

Nominations for Mayor, Mayor Pro-Tem and Financial Claims Reviewer with Terms December 8, 2020 – December 14, 2021

Mayor Griswold moved to nominate Commissioner Bauder as Mayor from December 8, 2020 to December 14, 2021. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Commissioner Preisinger moved to nominate Commissioner Leonhard as Mayor Pro-tem from December 8, 2020 to December 14, 2021. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Commissioner Griswold moved to nominate Commissioner Wilson as Financial Claims Reviewer from December 8, 2020 to December 14, 2021. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Public Hearing:

Public Hearing for Amending the 2020 Budget

Open Public Hearing: Commissioner Preisinger moved to open the public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Staff and Public Comments:

- **Staff Comments:**

Community Grant Fund

The proposed amendment would add 2020 spending authority by \$1,000,000 to cover grants made to community organizations and businesses that were negatively impacted by the COVID-19 pandemic. The funding for these increased expenditures will come from a transfer from General Fund.

Home Depot TIF Fund

The proposed increase in this fund comes from additional TIF revenues received (\$112,699) that will need to be paid out.

Sewer Fund

The proposed amendment would increase the 2020 spending authority by \$3,192,149 to cover the transactions related to the debt refunding that was completed in June 2020. The additional funding comes from the bond proceeds.

Business and Technology Park

The proposed amendment would provide spending authority for the maintenance of the Business and Technology Park (\$30,000). The funding comes from the reserves in this fund.

Refuse Restricted Fund

The proposed amendment increases the budget authority for the Refuse Restricted Fund to account for transactions resulting from KDHE activities related to the old City Landfill and the old Municipal Service Center (\$32,264). The funding for these expenses will come from a transfer from the Refuse Fund.

Storm Water Fund

The proposed amendment will increase spending authority to cover transactions related to storm water projects (\$3,533,311). These projects were funded by bond proceeds.

Debt Service Fund

The proposed amendment would increase the 2020 spending authority for the Debt Service Fund by \$536,513 to cover transactions related to the bond refunding that was completed in June 2020.

Hotel TIF

The proposed amendment would increase the Hotel TIF Fund spending authority by \$250,188 due to increased revenues that need to be paid out.

Table of Contents:			2020 Amended Budget		
			Amount of 2019 Tax that was Levied	Adopted 2020 Expenditures	Proposed Amended 2020 Expenditures
Fund	K.S.A.	Page No.			
Business & Technology Park		2			30,000
Community Grant Fund		3			1,000,000
Sewer Fund		4		6,126,264	9,318,413
Refuse Restricted		5		18,714	50,978
Storm Water		6		1,100,000	4,633,311
Debt Service Fund	10-113	7	1,676,329	4,174,762	4,711,275
Hotel TIF		8		537,451	787,639
Home Depot TIF		9		307,084	419,783
Totals		x	1,676,329	12,264,275	20,951,399

Public Comment: none

Close Public Hearing: Commissioner Preisinger moved to close the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Commissioner Preisinger moved to approve the 2020 budget amendments as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

General Item:

Review Unsafe and Dangerous Structures Given Extensions on October 27, 2020 – Planning and Community Development Director Julie Hurley presented the following updates properties on the demolition list that was adopted on July 14, 2020 by Resolution B-2257.

1914 W 7th Street – Single-family house – Building permit issued on 10/8/2020 for installation of new siding, foundation repair, and interior renovations. New roof and windows have been installed, new siding currently being installed. Ownership has changed to Glynne Taylor and Trisha Alton.

Owner - Trisha Alton (609 S. Hickory Trail, Lansing KS) present

- Exterior should be complete this week
- Exterior took a little longer due to customer windows needed
- Interior complete in 3 weeks and on the market in 4 weeks

Commissioner Preisinger stated that there is still a lot of trash in the back of the property that needs to be cleaned up and hauled off. Property can be cited as code violations when removed from demolition list. Ms. Alton stated that she would talk to the contractor tomorrow and get it taken care of.

Consensus to remove from the Demolition list.

504 Miami Street – Single-family house – Building permit issued on 5/11/2020 for exterior and interior renovations. Front porch has been removed and replaced and upstairs window on front of house has been replaced. Roof, siding and windows still in need of repair or replacement.

Owner - Ramon Muhammad (1208 W 21st Street, Lawrence KS) present

- Will finish renovation and get ready to rent out
- Finished front-stairs and railing are complete
- Will focus on back and roof next
- Is waiting on more funding before roof can be completed
- Currently tied up for the next three weeks working on a job in Lee's Summit
- Should have the revenue from other project to complete the job
- Has put \$8,000 into the property at this point
- Wants to get the property up and running and rented
- Needs additional 60 days and feels it will be complete

- Commissioner Griswold stated that this has been going on since the summer and knows he has other projects in other cities but the Commission's focus is this property. Commissioner Griswold is not in favor of giving additional extension. Would be willing to give 60 days but it must be done or proceed with demolition but not confident that it will be done in 60 days. If items are not done will not give any further extensions.
- Commissioner Leonhard asked if the entire roof needs replaced or just a portion.
 - It was stated the entire roof needs to be replaced.
- Commissioner Wilson asked how long is needed to finish the roof and finish repairs.

- Will need another 60 days - feels it will be done in 60 days.
 - Commissioner Wilson suggested 60 day extension since he is making progress
- Mayor Bauder stated that the Commission was told at the last meeting that the roof would be done.
- Commissioner Preisinger stated that he reviewed the tapes from the last two times he has been before the commission. At the October 27 meeting, Mr. Muhammad stated he had Christina Brothers lined up to do the roof and would be completed by December 8 and did not happen. Is not in favor of giving any more extensions, but is not in favor of keeping it on list and order demolition. He could keep working and if done in 30 days would stop the demolition process. Has only done porch and a couple windows. Is the city being played again? Pulled a permit on May 11th and all that has been done is a porch and a front door in a seven-month period.

Ms. Hurley stated that if the Commission moves forward with the demolition the City starts incurring costs, staff cannot administratively take it off it must come back to the commission to stop the demolition.

Mr. Kramer also stated that it is difficult to find demolition companies to bid on our projects if we continue to take properties off once they have gone through the bid process.

There was a consensus to review at the February 9, 2021 meeting.

824 Osage Street – Single-family house and detached garage – Building permit issued on 5/22/2020 for roof. Roof on front portion of house has been repaired, new front steps installed, paint applied to front of house and porch area. Roof, siding, and windows/doors still in need of repair or replacement.

Owner Darlene Derringer (112 East Kay, Lansing KS) and Daughter Missy Ironwood (1012 Atchison Street, Atchison KS) present.

Ms. Derringer:

- Redid porch and front of house is all done
- “Little house on top” of front of roof has been fixed
- Does not need new siding just needs paint
- Husband has been in the hospital
- Has spent all money on buying shingles
- Is in the process of buying shingles
- Nothing seems to be good enough
- Purchased paint but was told paint would not be good enough

Ms. Ironwood:

- Willing to take 401K out but worried that if she takes it out it will still be demolished
- Wants to save the house
- Thinks she can draw the money out of 401K after the first of the year
- Did not know the house was at this stage
- Watched one of the meetings online and wanted to get involved

- Needs to find the right person who will not just take their money
- Mother hired someone to do some work and then got scammed

The Commission agreed that it is critical that the roof be completed for the commission to consider additional extensions.

Ms. Hurley stated that there is more than the roof and reviewed all the other items that needs to be addressed in addition to a detached garage. Ms. Hurley provided a copy of all the items that needed to be completed to Ms. Ironwood.

There was a consensus to review at the February 9, 2021 meeting with expectation that all work would be done.

Commissioner Preisinger moved to proceed with the properties as discussed and agreed to by the Commission and as annotated by the City Clerk. Commissioner Griswold seconded the motion. The motion passed 4-1 with Commissioner Preisinger voting no. The Mayor declared the motion carried.

Cereal Malt Beverage Licenses for 2021 – City Clerk Carla Williamson presented the following Cereal Malt Beverage licenses for renewal effective January 1, 2021. Staff recommends approval of the licenses as presented.

Establishment	Address	ON/OFF Premise
Abe’s Place	5101 10 th Ave	ON
Eddie’s Grocery	1101 Spruce St	ON
Little Bar	1431 10 th Ave	ON
Towne Pub Restaurant	1001 Ottawa St	ON
AZAD Inc dba 7-Eleven Store	701 Metropolitan Ave	OFF
Casey’s Retail Store #1261	2004 Spruce St	OFF
Casey’s Retail Store #2609	950 Eisenhower Rd	OFF
Casey’s Retail Store #2826	2100 S 4 th St	OFF
CVS Pharmacy #5268	390 Limit St	OFF
Diamond Oil 2	1031 Metropolitan Ave	OFF
Dillon’s #40	720 Eisenhower Rd	OFF
Four B dba Price Chopper	2107 S 4 th St	OFF
Hometown Store	111 N Broadway St	OFF
GOJRA, LLC dba K7 Stop	300 N 4 th St	OFF
Minit Mart #579	3122 S 4 th St	OFF
Murphy’s USA #7486	1050 Eisenhower Rd	OFF
Star Gas	788 Spruce St	OFF
Walgreens #12923	2900 S 4 th St	OFF
Walmart Store #26	5000 10 th Ave	OFF
Woody’s Food Mart	700 Eisenhower Rd	OFF

Commissioner Preisinger moved to approve the issuance of the 2021 Cereal Malt Beverage Licenses as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Cancellation of the December 22, 2020 Regular Meeting – City Manager Paul Kramer requested the cancellation of the December 22, 2020 Regular Meeting due to the Christmas holiday. There will be a Special Meeting included with next week’s Study Session on December 15 to address some year-end items.

Commissioner Leonhard moved to cancel the December 22, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2273-Resolution to Delete Uncollectable Tenant Accounts (Planters II) – Planning and Community Development Director Julie Hurley presented for adoption Resolution B-2273 authorizing the deletion of uncollectable tenant accounts.

Commissioner Preisinger moved to adopt Resolution B-2273 deleting uncollectable tenant accounts. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2274-Resolution Authorizing the Disposal of Property from the Inventory of the Leavenworth Housing Authority (Planters II) – Planning and Community Development Director Julie Hurley presented for adoption Resolution B-2274 authorizing the removal of property from the Planters II Inventory.

Commissioner Preisinger moved to adopt Resolution B-2274 removing disposed assets at Planters II. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Demolition Project CD2020-02 – Planning and Community Development Director Julie Hurley presented for consideration the sole bid from Denton Excavating dba Midland Wrecking in the amount of \$52,415.00 for the demolition of the following properties:

- 407 N 20th Street
- 1612 W 7th Street
- 420 Ottawa Street
- 934 Ottawa Street
- 713 S 3rd Street

Commissioner Griswold moved to approve the bid by Denton Excavating dba Midland Wrecking for \$52,415.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Purchase of 2 Monroe Spreaders from American Equipment – Public Works Director Mike McDonald presented for consideration the purchase of two (2) salt/sand spreaders from American

Equipment Co for a total cost of \$31,315.00. The bids were obtained through the Sourcewell Cooperative Purchase contract.

Commissioner Griswold moved to accept the bids for two spreaders for a total cost of \$31,315.00 for the Monroe salt/sand spreader from American Equipment Company. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Purchase of ExecuTime Time Clock/Scheduling Software – Finance Director Ruby Maline presented for consideration the purchase of the ExecuTime time management software (a time keeping product offered by Tyler Technologies) in an amount not to exceed \$42,826.00.

Commissioner Griswold moved approve the purchase of the ExecuTime time management software in an amount not to exceed \$42,826.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Janitorial Services Contract – Deputy Finance Director Brandon Mills presented for consideration a one year agreement for Janitorial Services with the option of two (2) one-year renewals for subsequent fiscal years with Jani-King of Kansas City for a total amount not to exceed \$75,384.00 per year.

Commissioner Preisinger moved to approve the a one-year agreement for with Jani-King for Janitorial Services with the option of two (2) one-year renewals for subsequent fiscal years for a total amount not to exceed \$75,384.00 per year. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for November 21, 2020, through December 4, 2020, in the amount of \$1,203,598.68; Net amount for Longevity Pay effective November 27, 2020 in the amount of \$43,755.38 ; and Payroll #25 effective December 4, 2020 in the amount of \$337,784.69 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

City Manager Kramer:

Ribbon cutting for the completion of the Thornton Street project will be in front of the Service Center at 2:00 on Friday, December 11.

Commissioner Preisinger:

- Discussed the process of the Commission selecting a Mayor, which is done each year based on our form of government; The people of Leavenworth chose this form of government in the 1960's or 1970's
- Would like a clear ordinance on the demolition process to include requirement for a plan to fix the property and financial ability to do so; Most cities have such an ordinance
- Congratulations to Deputy Public Works Director, Mike Hooper, he is retiring in a couple weeks and was instrumental in getting historic tax credits and grant for a fuel system at the airfield.

Commissioner Griswold:

- Agreed with Commissioner Preisinger on the need for a demolition process for evaluating properties
- Discussed COVID-19 numbers that went down somewhat, but are now back up; continue to wear masks, wash hands and social distancing

Mayor Bauder:

Alerted Citizens about fraudulent Department of Labor unemployment claims and provided information on filing reports

Adjournment:

Commissioner Preisinger moved to adjourn the meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:33 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



CALL TO ORDER - The Governing Body met for a special meeting and the following commission members were present in the commission chambers: Mayor Nancy Bauder, Mayor Pro-Tem Camalla Leonhard and Commissioners Myron J. (Mike) Griswold and Mark Preisinger. The following member was absent: Commissioner Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald and City Clerk Carla K. Williamson.

Members participating via teleconference: Deputy Public Works Director Mike Hooper.

Mayor Bauder asked for a motion to open the special meeting.

OPEN SPECIAL MEETING:

Commissioner Preisinger moved to open a special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Presentation to Outgoing Mayor Myron J. "Mike" Griswold - The City Commission presented a plaque to outgoing Mayor Griswold who held the position as Mayor from December 10, 2019 to December 8, 2020. Griswold thanked his fellow Commissioners and the public and highlighted his year as mayor.

Consider 2021 City Commercial Insurance Package – City Clerk Carla Williamson reviewed the 2021 Insurance bids. OneBeacon (renamed Intact Insurance) has been the City's insurance carrier since 2013. Intact along with Travelers Insurance both submitted bids for 2021. Per the Premium Summary provided with the policy report Intact Insurance quoted a price of \$561,560.00, which is an increase over the 2020 premium of \$38,926.00. Travelers quoted a price of \$421,006.00.

Travelers has a couple of items to consider that will impact their quote.

- Recommendation to increase the deductible on Wind/Hail from \$25,000 to \$50,000.
 - The increase in the deductible would result in a savings of \$26,250.00
- Add a \$1M Umbrella to the quote.
 - The added coverage will resulting in an additional \$16,370.00
- Travelers would require that the City implement written policies for the Parks & Recreation Department for Abuse concerning Youth Sports. Travelers would work with the City to implement the policy that would then have to be approved by the Commission.
- These changes would bring their quote for 2021 to \$411,126.00.

Staff recommends acceptance of the quote and insurance coverage with Travelers in the amount of \$411,126.00. The City's insurance broker, Mike Reilly reviewed the quotes and answered Commission questions.

Commissioner Leonhard moved to approve the 2021 commercial insurance package with Travelers in the amount of \$411,126.00. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider City Festival Management Contract – Assistant City Manager Taylour Tedder presented for consideration and approval the 2021 Camp Leavenworth Festival Contract with O’Neill Events and Marketing. Keli O’Neill-Wenzel attended the meeting virtually and did an overview of 2021.

Commissioner Preisinger moved to approve the comprehensive management contract with O’Neill Events and Marketing for the 2021 Camp Leavenworth Festival as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Sale/Transfer of 505 Ottawa Street – City Clerk Carla Williamson presented for consideration the sale and transfer of City-owned property at 505 Ottawa Street to Mr. James C. Moyers. The property was acquired by the City at the 2012 County tax sale for a price of \$200.00. The City Attorney has reviewed the Real Estate agreement and Quit Claim transferring the property to Mr. Moyers. No costs are to be incurred by the City for this transaction. Staff recommends the sale of 505 Ottawa Street to James C. Moyers for \$200.00 and authorize the Mayor to sign related documents.

Commissioner Preisinger moved to approve the sale and transfer of 505 Ottawa Street to James C. Moyers for \$200.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

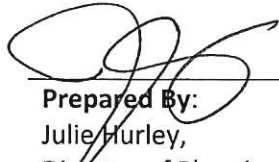
CLOSE SPECIAL MEETING:

Commissioner Preisinger moved to close the special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

The Special Meeting closed at 7:32 p.m. and the Commission moved to a study session
Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT
Withdrawal of Zoning Application
2020-37-REZ

JANUARY 12, 2021



Prepared By:
Julie Hurley,
Director of Planning and Community
Development



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

On December 7, 2020, the Planning Commission recommended denial of rezoning application 2020-37-REZ. The request involved a proposal to rezone the properties addressed as 2100 Vilas Street and 2100 Limit Street from R1-25, Low Density Single Family Residential, to R-MF, Multi Family Residential. The applicant, Greenamyre Rentals, Inc., subsequently withdrew their request.

This agenda item is presented for informational purposes only, given the high degree of interest from neighboring property owners. No action is required.



2500 S. 2nd St.
Leavenworth, KS 66048

(913) 651-9717
www.Greenamyre.com

TO: Julie Hurley

FROM: Jeremy Greenamyre

DATE: December 8, 2020

SUBJECT: Withdrawal of rezoning application

Considering the results of the planning commission meeting last night, we request to withdraw our application for rezoning of 2100 Vilas St. and 2100 Limit St.

If you have any questions, I can be contacted at (913) 828-4440 or Jeremy@Greenamyre.com.

Management Agency for:

Greenamyre Rentals, Inc. - Development, Inc. - Property Management & Maintenance, Inc.
G&G Rentals, LLC - Landmark, LLC - Lansing Business Center, LLC - Greenamyre Leasing, LLC

Policy Report
Presentation of BOCC letter
January 12, 2021

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer
City Manager

Subject:

Leavenworth County Commissioner Chad Schimke will present a letter from the Board of County Commissioners related to exploring an audit of dispatch services.

MAYOR'S APPOINTMENTS

January 12, 2021

Mayor Bauder

Motion:

"Move to

*Reappoint to the **Parks and Community Activities Advisory Board:***

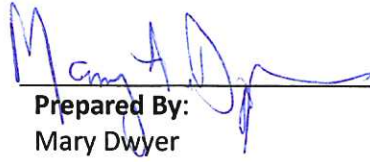
Jennifer Brenneman Tobey and Jim Mathis to terms ending January 15, 2024; and

*Reappoint to the **Sister City Advisory Board:***

Bobbie Bower to a term ending December 31, 2023.

Requires a second and vote by the Governing Body.

POLICY REPORT
Community Development Block Grant
Consolidated Annual Performance and Evaluation Report (CAPER)
January 12, 2021



Prepared By:
Mary Dwyer
Community Development
Coordinator



Reviewed By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

DISCUSSION

Each year HUD requires a Consolidated Annual Performance and Evaluation Report (CAPER) to show the accomplishments of the current program year, reflect the implementation of the Consolidated Plan, and illustrate the compliance with National Objectives set by Congress.

As a brief summary for grant year 2019-20, our efforts this year provided 15 low/moderate income homeowners with home rehabilitation assistance and five first time home buyers with financial assistance to purchase their home. Both of these goals are lower than originally projected due to the impact of Covid. In neighborhood stabilization, the city demolished five unsafe, blighted residential structures to eliminate hazardous conditions in our residential communities.

CDBG funds also provided rent or utility assistance for seven social service agencies, which serve lower income persons, disadvantage families and the homeless. Funds also provide landlord/tenant resolution to support decent, safe and sanitary housing conditions for Leavenworth residents. This year the agencies served 13,311 households, which is almost double the previous year's number, again due to the impact of Covid.

As an effort toward our local Fair Housing goals, we committed matching funds for a KDOT grant to pursue public transportation for residents. The City, KDOT and Kansas City Area Transit Authority are working cooperatively to bring Leavenworth public transit to fruition. The Kansas City regional Affirmative Fair Housing consortium, which the City of Leavenworth is a member, addressed additional regional Fair Housing goals.

Our expended amount this year was \$257,010. The CAPER report will be presented to the Community Development Advisory Board at a public meeting on January 11, 2021 for approval before presentation to the commission.

RECOMMENDED ACTION

Motion to consider and approve the resolution approving the CAPER 2019-20 for submittal to the Department of Housing and Urban Development.

RESOLUTION NO. B-2275

**CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION
REPORT (CAPER)**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION,
LEAVENWORTH, KANSAS,** as follows:

Section 1. The Consolidated Annual Performance and Evaluation Report (CAPER) for the period July 1, 2019, through June 30, 2020, is approved and shall be submitted to the US Department of Housing & Urban Development (HUD).

Section 2. The report shows completion of projects or contractual obligations of all funds available to the City through the Community Development Block Grant program for the report year as well as those projects completed during the year from prior program authorizations.

Section 3. The Community Development Advisory Board (CDAB) advertised a public hearing on December 26, 2020 and held the hearing on January 11, 2021, to provide opportunity for public response to the report. An executive summary was published and available prior to the hearing date.

Section 4. The CDAB recommends the City Commission approve the report and submit to HUD.

Section 5. This resolution shall take effect and be effective from and after its passage as provided by law.

Passed and approved this 12th day of January 2021.

Nancy D. Bauder, Mayor

ATTEST:

City Clerk Carla Williamson, CMC

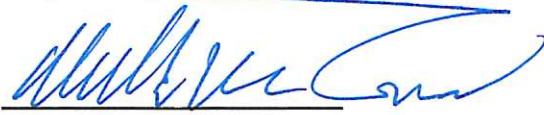
POLICY REPORT PWD NO. 21-01

CONSIDER BIDS FOR THE
4TH & OLIVE ALLEY CDBG SANITARY SEWER PROJECT

Project 2020-938

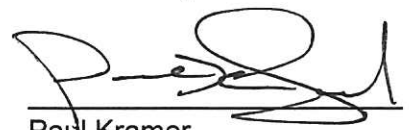
January 12, 2021

Prepared by:



Michael G. McDonald,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider bids received for 4th & Olive Alley CDBG Sanitary Sewer Project.

BACKGROUND:

City of Leavenworth has had multiple calls over many years regarding overflowing sewer lines, flooded basements and other sewer-related circumstances. Records show at least 30 calls in the last 15 years, with at least three overflows to the creek through the storm drainage system.

The addresses involved are:

- South side of Olive (403 to 413)
- 802, 804 and 806 S. 4th Street
- 801, 803 S. 5th Street

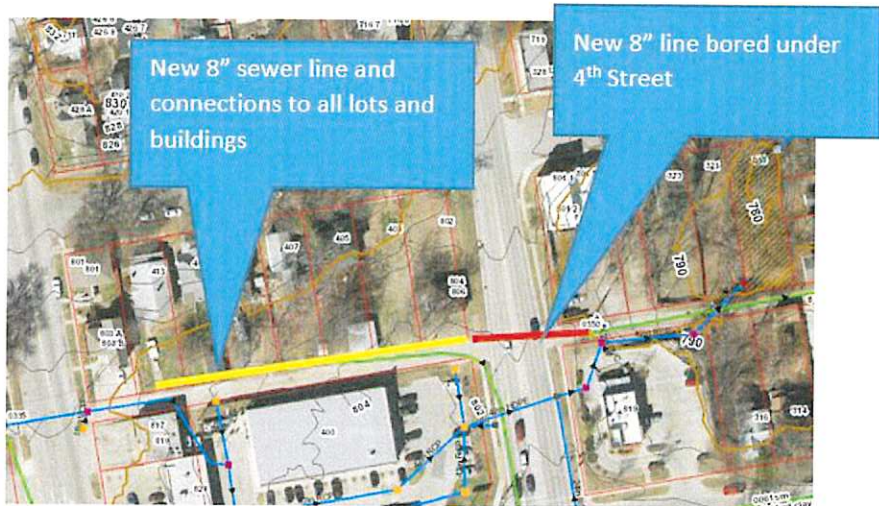
The sewer line that these addresses are connected to is a private line. It is 4" in diameter, shallow (less than three feet deep), is not laid straight, has no cleanouts except at the houses, and connects to the manhole at 4th and Spruce. It cannot be easily maintained with normal plumbing equipment due to the length and condition of the line.

The City has informed residents and owners over the years that this is a private line, and that they should collectively address it through a private contract or a benefit district. Many of the individual houses have had clean-outs added which has helped. The fundamental problem of a poorly functioning private sewer line continues to exist and the residents do not have the funds for the extensive repair work.

Discussions among City staff on options and alternatives identified an interesting option. The CDBG funds can be used to address inside infrastructure problems, although there are income requirements. There is currently \$100,000 of CDBG funds available for infrastructure work. Further review found that the residents of the block were nearly all considered low/moderate income and the census tract had been identified as a target area for possible infrastructure improvements.

The City arranged for design of a project to address all of the impacted residences in this block. It was originally intended that all of the funding would be with CDBG funds. The project has grown sufficiently since it was envisioned that regular wastewater capital projects funds will be used as well.

The area of the proposed improvements is shown below. The second image is the general location of the new sewer line. The alley paving will be replaced as part of the project.



Plans were distributed through Drexel, and three bids were received on December 16, 2020:

No.	COMPANY	CITY	AMOUNT
1.	Linaweaver Construction	Lansing, KS	\$160,760
2.	Kissick Construction	Kansas City, MO	\$173,403
3.	Kansas Heavy Construction	Tonganoxie, KS	\$193,250

The City has obtained the necessary KDOT permits, "right of entry" forms, and clearances from the CDBG process. This project is expected to begin shortly after approval and take about 45 days to complete.

POLICY:

The City Commission can reject all bids or award the contract to the lowest qualified bidder if desired.

RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received Linaweaver Construction in the amount of \$160,760 for the 4th & Olive Alley CDBG Sanitary Sewer Project.

ATTACHMENTS:

Bid tabulation



CITY OF LEAVENWORTH
 Project No. 2020-938
 4th & Olive-Alley CDBG Sanitary Sewer Project Bid Tab Review
 December 16, 2020

BASE BID											
Item	Description	Unit	Quantity	Engineer's Estimate		Linaweaver Construction		Kissick Construction		Kansas Heavy Construction	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00	\$10,500.00	\$10,500.00
2	Testing	LS	1	\$4,500.00	\$4,500.00	\$1,500.00	\$1,500.00	\$3,900.00	\$3,900.00	\$4,000.00	\$4,000.00
3	Traffic Control	LS	1	\$4,000.00	\$4,000.00	\$3,080.00	\$3,080.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00
4	Construction Staking	LS	1	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$1,450.00	\$1,450.00	\$1,450.00	\$1,450.00
5	Demobilization	LS	1	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$750.00	\$750.00
6	Demolition	LS	1	\$7,500.00	\$7,500.00	\$6,000.00	\$6,000.00	\$10,322.00	\$10,322.00	\$13,000.00	\$13,000.00
7	Seeding & Site Restoration	LS	1	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$500.00	\$500.00	\$4,250.00	\$4,250.00
8	Install 8" PVC SDR 26	LF	435	\$80.00	\$34,800.00	\$24.00	\$10,440.00	\$47.00	\$20,445.00	\$88.00	\$38,280.00
9	Install 6" PVC SDR 26	LF	15	\$50.00	\$750.00	\$90.00	\$1,350.00	\$76.00	\$1,140.00	\$98.00	\$1,470.00
10	Install 4" PVC SDR 26	LF	130	\$40.00	\$5,200.00	\$80.00	\$10,400.00	\$45.00	\$5,850.00	\$99.00	\$12,870.00
11	Install 4' Dia. Sanitary Sewer Manhole, Standard	EA	2	\$4,000.00	\$8,000.00	\$3,800.00	\$7,600.00	\$3,200.00	\$6,400.00	\$5,600.00	\$11,200.00
12	Install 6' Dia. Sanitary Sewer Manhole, Inside Drop	EA	1	\$7,500.00	\$7,500.00	\$7,000.00	\$7,000.00	\$5,473.00	\$5,473.00	\$11,250.00	\$11,250.00
13	Install 8" Cleanout	EA	1	\$250.00	\$250.00	\$800.00	\$800.00	\$950.00	\$950.00	\$800.00	\$800.00
14	Extra Depth of 4' Manhole >6'	VF	5.7	\$100.00	\$570.00	\$100.00	\$570.00	\$50.00	\$285.00	\$60.00	\$342.00
15	Extra Depth of 6' Manhole >6'	VF	3	\$200.00	\$600.00	\$200.00	\$600.00	\$98.00	\$294.00	\$85.00	\$255.00
16	Connect to Existing 8" VCP w/Stiffback Fernco	EA	1	\$1,800.00	\$1,800.00	\$300.00	\$300.00	\$2,505.00	\$2,505.00	\$1,450.00	\$1,450.00
17	Install Sanitary Sewer Service Reconnections	EA	9	\$500.00	\$4,500.00	\$150.00	\$1,350.00	\$1,090.00	\$9,810.00	\$650.00	\$5,850.00
18	Install 8" PVC Inside Drop Reliner Bowl	EA	1	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00
19	Install 8"x4" Tee	EA	8	\$200.00	\$1,600.00	\$125.00	\$1,000.00	\$65.00	\$520.00	\$275.00	\$2,200.00
20	Install 8"x6" Tee	EA	1	\$250.00	\$250.00	\$150.00	\$150.00	\$74.00	\$74.00	\$290.00	\$290.00
21	Directional Bore w/16" Steel Casing Pipe	LF	70	\$650.00	\$45,500.00	\$350.00	\$24,500.00	\$700.00	\$49,000.00	\$495.00	\$34,650.00
22	Trench Backfill (0'-8')	LF	355	\$15.00	\$5,325.00	\$130.00	\$46,150.00	\$57.00	\$20,235.00	\$14.00	\$4,970.00
23	Trench Backfill (8'-10')	LF	10	\$20.00	\$200.00	\$150.00	\$1,500.00	\$68.00	\$680.00	\$26.00	\$260.00
24	Alley Repair	SY	799	\$65.00	\$51,935.00	\$30.00	\$23,970.00	\$30.00	\$23,970.00	\$37.00	\$29,563.00
25					\$0.00		\$0.00		\$0.00		\$0.00
TOTAL - BASE BID					\$203,280.00		\$160,760.00		\$173,403.00		\$193,250.00

Actual Bid: \$173,413.00
 Math matches bid form, original total was correct.
 Contractor change their total??

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS
REA HOLDING LLC AND/OR TED A. REA, INC. (LUXURY & IMPORTS) SERIES 2021**


Carla K. Williamson, CMC City Clerk

JANUARY 12, 2021


Paul Kramer, City Manager

ISSUE:

First Consideration for:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$2,750,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (LUXURY & IMPORTS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR REA HOLDINGS, LLC AND/OR TED A. REA, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

BACKGROUND:

At the November 24, 2020 Regular Meeting the City Commission adopted and approved Resolution B-2272; *“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 \$2,750,000 to both finance various improvements benefiting Rea Holdings, LLC, and Ted A. Rea, Inc., and promote, stimulate and develop the economic welfare of both the City and the State of Kansas.*

- On November 30, 2020 the City Clerk requested a Project Exemption Certificate (PEC) from the Kansas Department of Revenue for use by Rea Holding LLC/Ted A. Rea, Inc. for their project. The PEC allows Rea Holding LLC/Ted A. Rea, Inc. to exempt purchases of items purchased for the construction of the project from sales tax.
- As required by law, a Public Notice was published on January 5, 2021 in the Leavenworth Times providing notice of the issuance of the Industrial Revenue Bonds.

ACTION:

Consensus by the Governing Body to place on first consideration.

ATTACHMENTS:

- Resolution B-2272
- Draft Ordinance
- Affidavit of Publication of Public Notice

RESOLUTION NO. B-2272

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 \$2,750,000 TO BOTH FINANCE VARIOUS IMPROVEMENTS BENEFITTING REA HOLDINGS, LLC, AND TED A. REA, 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, Rea Holdings, LLC, a Kansas limited liability company, and Ted A. Rea, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State, (collectively, the "Applicants") have requested that the City issue its federally taxable industrial revenue bonds in one or more separate series in the maximum principal amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) (the "Bonds") to finance the cost of acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling certain commercial facilities and improvements to benefit the Applicants' automobile dealership, operating as Luxury & Imports located generally at 5239 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 Applicants 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 \$2,750,000 be issued by the City in one or more separate series to finance the Project to be leased to the Applicants 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 Applicants. The selection of the purchaser of the Bonds shall be the sole responsibility of the Applicants, 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 Applicants 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 Applicants.

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 Applicants agree that no such abatement of ad valorem taxes is contemplated or being requested by Applicants and, as such, no such abatement will be sought or otherwise requested. The City will, however, cooperate with and assist the Applicants in connection with the preparation and filing of any sales tax exemption certificate requests or refunds Applicants 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.

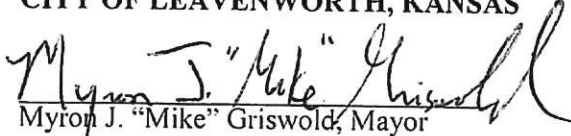
Section 8. That the issuance of the Bonds by the City shall, in addition to all other requirements of the City, be subject to any limitations imposed upon the City by either federal or Kansas law, including any regulations, rulings or executive orders which might appertain thereto.

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 24th day of November, 2020.

CITY OF LEAVENWORTH, KANSAS


Myron J. "Mike" Griswold, Mayor

ATTEST:


Carla K. Williamson, GMC, City Clerk
(SEAL)


ACKNOWLEDGEMENT AND ACCEPTANCE

The provisions of this resolution are hereby acknowledged and accepted as the declaration of the official intent of Rea Holdings, LLC, a Kansas limited liability company, and Ted A. Rea, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State.

Dated this 26 day of Nov, 2020.

REA HOLDINGS, LLC

By [Signature] President
Name Title

TED A. REA, INC.

By [Signature] President
Name Title

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$2,750,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (LUXURY & IMPORTS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR REA HOLDINGS, LLC AND/OR TED A. REA, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the City of Leavenworth, Kansas, (the “Issuer”) is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended, (collectively, the “Act”) to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project), in an aggregate principal amount not to exceed \$2,750,000 (the “Bonds”) for the purpose of (a) acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, and remodeling a commercial facility for Rea Holdings, LLC, a Kansas limited liability company duly organized and validly existing under the laws of the State of Kansas, and/or Ted A. Rea, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State of Kansas (collectively, the “Company”), and (b) paying certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Bond Indenture”), by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as Bond Trustee (the “Bond Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement of even date herewith (the “Base Lease”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed, reconstructed, improved, equipped, furnished, repaired, and remodeled pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided.

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

Section 1. Findings and Determinations. The Issuer hereby makes the following findings and determinations with respect to the Company and the Bonds to be issued by the Issuer, based upon representations made to the Issuer:

- (a) The Company has properly requested the Issuer’s assistance in financing the costs of the Project;
- (b) The issuance of the Bonds for the purpose of providing funds to finance the costs of the Project is in furtherance of the public purposes set forth in the Act; and
- (c) The Bonds are being issued for a valid purpose under and in accordance with the provisions of the Act.

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$2,750,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at the fixed rate of _____% and shall mature not later than the year 2026, and shall have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer’s approval thereof.

Section 3. Limited Obligations. The Bonds shall be limited obligations of the Issuer, payable solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer, the State of Kansas (the “State”) or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer or any charge upon its general credit or against its taxing power.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), and the Issuer is hereby authorized to execute and deliver each of such documents (the “Issuer Documents”) with such changes therein (including the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such officials’ signatures thereon being conclusive evidence of their approval and the Issuer’s approval thereof:

- (a) Bond Indenture;
- (b) Base Lease Agreement;
- (c) Lease Agreement; and
- (d) Bond Purchase Agreement.

Section 5. Execution of Bonds and Documents. The Mayor of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The City Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Leavenworth, Kansas this 26th day of January, 2021.

CITY OF LEAVENWORTH, KANSAS

Nancy D. Bauder, Mayor

(Seal)

ATTEST:

Carla K. Williamson, CMC City Clerk

[SUMMARY ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *The Leavenworth Times* ON _____, 2021)

SUMMARY OF ORDINANCE NO. _____

On January 26, 2021, the governing body of the City of Leavenworth, Kansas, passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$2,750,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (LUXURY & IMPORTS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR REA HOLDINGS, LLC AND/OR TED A. REA, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The bonds approved by the Ordinance are being issued in an aggregate principal amount not to exceed \$2,750,000 for the purpose of acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, and remodeling a commercial facility located approximately at 5239 S. 4th Street, Leavenworth, Kansas and paying certain costs of issuance of the bonds. The bonds shall be limited obligations of the City of Leavenworth, Kansas payable from lease payments to be made by Rea Holdings, LLC, a Kansas limited liability company duly organized and validly existing under the laws of the State of Kansas, and/or Ted A. Rea, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State of Kansas, (collectively, the “Company”) in amounts sufficient to pay the principal of and interest on the bonds. The bonds and interest thereon shall not be deemed to constitute a debt or liability of the City of Leavenworth, the State of Kansas (the “State”) or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City of Leavenworth, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the bonds shall not, directly, indirectly or contingently, obligate the City of Leavenworth, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 North 5th Street. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at the City Clerk’s office 100 North 5th Street, Leavenworth, Kansas.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 2021.

David E. Waters, City Attorney

Leavenworth Times Affidavit of Publication


I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she (he) is a Legal Representative of the Times a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for a least Fifty (50) times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

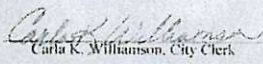
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PUBLIC NOTICE

NOTICE is hereby given, pursuant to K.S.A. 12-1744e, as amended, that the City of Leavenworth, Kansas, (the "City") intends to enter into a lease agreement with Rea Holdings, LLC, a Kansas limited liability company duly organized and validly existing under the laws of the State of Kansas, and/or Ted A. Rea, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State of Kansas, (individually and/or collectively, the "Company") for its use as a retailer of certain facilities to be purchased with the proceeds of industrial revenue bonds to be issued pursuant to K.S.A. 12-1740 et seq., as amended, as authorized by an ordinance of the City. A copy of the Resolution of Intent of the Governing Body of the City to enter into such lease agreement with the Company is on file in the office of the City Clerk and is available for public inspection during normal business hours.

DATED this 5th day of January, 2021.




 Carla K. Williamson, City Clerk

to be published one time in the official city newspaper.
 Published in the Leavenworth Times, January 5, 2021.

- First Publication was made on the 5th day of January, 2021.
- Second Publication was made on the th day of , 2021.
- Third Publication was made on the day of , 2021.
- Fourth Publication was made on the day of, 2021.
- Fifth Publication was made on the day of, 2021.
- Sixth Publication was made on the day of , 2021.
- Seventh Publication was made on the day of, 2021.

WITNESS my hand this 5th day of January, 2021.

Tammy Lawson

 Legal Representative

Subscribe and sworn before me, this the 5 day of Jan, 2021.

Rebecca A. Broom

 Notary Public

My Commission Expires: 6/7/23

