



**City of Leavenworth**  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, APRIL 9, 2024 6:00 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 6 p.m. and midnight and available for viewing on YouTube*

**CALL TO ORDER** – Pledge of Allegiance Followed by Silent Meditation

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**PROCLAMATIONS:**

1. Proclamations: (pg. 03)
  - a. Sexual Assault Awareness Month
  - b. National Public Library Week
  - c. National Public Safety Telecommunicator’s Week
  - d. Spring Clean Up Day

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from March 26, 2024 Regular Meeting and April 2, 2024 Special Meeting **Action:** Motion (pg. 07)

**Second Consideration Ordinance:**

3. Second Consideration Ordinance No. 8240 Rezoning 46 Limit Street from Medium Density Single Family Residential to High Density Single Family Residential **Action:** Roll Call Vote (pg. 14)

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**NEW BUSINESS:**

**Public Comment:** *(i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.*

**General Items:**

4. Mayor’s Appointments **Action:** Motion (pg. 17)

**Resolutions:**

5. Resolution B-2363 Spring Clean Out Sidewalk Sale Special Event Street Closure for Possession & Consumption of Alcohol **Action:** Motion (pg. 18)
6. Resolution B-2364 Stay Fired Up Gravel Grinder Special Event Street Closure for Possession & Consumption of Alcohol **Action:** Motion (pg. 20)
7. Resolutions for Commonwealth Development Corporation Low Income Housing Tax Credit Project (pg. 22)
  - a. Resolution B-2365 Resolution of Support **Action:** Motion
  - b. Resolution B-2366 Non-Binding Industrial Revenue Bond Resolution **Action:** Motion
  - c. Approval of Fee Waiver Letter **Action:** Motion

**Bids, Contracts and Agreements:**

8. Consider Approval of the City of Leavenworth 2024 Title VI Plan **Action:** Motion (pg. 28)

**First Consideration Ordinances:**

9. First Consideration Ordinance to Rescind Special Use Permits **Action:** Consensus (pg. 50)
  10. First Consideration Ordinance for General Obligation Bonds, Series 2024-A **Action:** Consensus (pg. 52)
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**Consent Agenda:**

Claims for March 22, 2024 through April 4, 2024, in the amount of \$1,161,487.94; Net amount for Payroll #6 effective March 22, 2024, in the amount of \$406,640.95 (Police & Fire Pension in the amount of \$7,491.38). **Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *sexual violence is a widespread, preventable, public health problem, and the problem crosses all economic, racial, gender, educational, religious, and societal barriers; and*
- WHEREAS,** *sexual violence is any sexual act that is perpetrated against someone's will, which includes sexual assault, rape, unwanted touching, threatened sexual violence, and verbal sexual harassment: all types of sexual violence involve victims who do not consent, are unable to consent, or refuse to allow the act; and*
- WHEREAS,** *over half of women and nearly 1 in 3 men, experience some form of contact sexual violence in their lifetimes; and*
- WHEREAS,** *One incident of rape is reported to Kansas law enforcement every 7 hours, 19 minutes, 6 seconds; over 5,300 people receive services for sexual assault from Kansas victim advocacy organizations each year; and*
- WHEREAS,** *these statistics do not represent the true prevalence of sexual violence due to underreporting; and*
- WHEREAS,** *victims should have help to find the compassion, comfort, and healing they need, with access to medical and legal services, counseling, transitional housing so that they can; and*
- WHEREAS,** *it is important we must strive to create strong, connected communities that take care of one another and make decisions to ensure the safety and well-being of others to end sexual violence; and*
- WHEREAS,** *we encourage victims to seek free and confidential assistance from the Alliance Against Family Violence Hotline (913-675-7217)*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2024 to be:*

## Sexual Assault Awareness Month

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of April in the year of two-thousand and twenty-four.*

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *libraries offer the opportunity for everyone to connect with others, learn new skills, and pursue their passions, no matter where they are on life's journey; and*
- WHEREAS,** *libraries have long served as trusted institutions, striving to ensure equitable access to information and services for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and*
- WHEREAS,** *libraries adapt to the ever-changing needs of their communities, developing and expanding collections, programs, and services that are as diverse as the populations they serve; and*
- WHEREAS,** *libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and*
- WHEREAS,** *libraries play a pivotal role in economic development by providing resources and support for job seekers, entrepreneurs, and small businesses, thus contributing to local prosperity and growth; and*
- WHEREAS,** *libraries make choices that are good for the environment and make sense economically, creating thriving communities for a better tomorrow; and*
- WHEREAS,** *libraries are treasured institutions that preserve our collective heritage and knowledge, safeguarding both physical and digital resources for present and future generations; and*
- WHEREAS,** *libraries are an essential public good and fundamental institutions in democratic societies, working to improve society, protect the right to education and literacy, and promote the free exchange of information and ideas for all; and*
- WHEREAS,** *libraries, librarians and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;*

**NOW, THEREFORE,** I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 7-13, 2024 as:

## National Library Week

*During this week, I encourage all residents to visit their library and celebrate the adventures and opportunities they unlock for us every day. Ready, Set, Library!*

**IN WITNESS WHEREOF,** I set my hand and affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of April in the year of two-thousand and twenty-four.

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *emergencies that require police, fire, or emergency medical services can occur at any time; and*
- WHEREAS,** *when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and*
- WHEREAS,** *the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Leavenworth emergency communications center; and*
- WHEREAS,** *Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and*
- WHEREAS,** *Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and*
- WHEREAS,** *Public Safety Telecommunicators of the Leavenworth Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and*
- WHEREAS,** *each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 14-20, 2024 as:*

## National Public Safety Telecommunicators Week

*In honor of the men and women whose diligence and professionalism keep our city and citizens safe.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of April in the year of two-thousand and twenty-four.*

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *the Leavenworth City Commission is committed to working toward making the City of Leavenworth the most attractive, livable, healthy, and vibrant community possible; and*

**WHEREAS,** *your elected leaders realize it takes the good will and hard work of all citizens to achieve such lofty visions and are therefore encouraging all Leavenworth citizens to assume responsibility in maintaining a clean and attractive neighborhood environment; and*

**WHEREAS,** *such collaborative efforts can serve to foster a sense of community, invigorate a sense of pride about the community, serve as an opportunity for organizational and leadership skill development, and reinforce the virtue of personal responsibility, while resulting in a more attractive community with a higher quality of life; and*

**WHEREAS,** *the "Spring Clean-Up" kick-off will be held on Saturday, April 20, 2024 at 8:30 a.m. with a ceremony at Warren Educational Complex.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 20, 2024 to be:*

## Leavenworth Spring Clean-up Day

*I urge all of our citizens to work toward protecting our environment and to join in efforts to preserve the attractiveness of our community.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of April in the year of two-thousand and twenty-four.*

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk





**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Griff Martin (via telephone call-in), Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Human Resources Director Lona Lanter, Planning & Community Development Director Julie Hurley, Public Works Director Brian Faust, Joe Hatley for City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Pro-Tem Pittman asked everyone to stand for the pledge of allegiance followed by silent meditation.

**PROCLAMATIONS:**

**Welcome Home Vietnam Veterans Day March 29, 2024** – Mayor Pro-Tem Pittman read the proclamation. The proclamation was accepted by Vietnam Veterans in attendance. Names of the fallen Leavenworth service members were read and honored with a rose.

**National Child Abuse Prevention Month** – Mayor Pro-Tem Pittman read the proclamation. The proclamation was accepted by Kelly Meyer.

**Barbershop Harmony Month** – Mayor Pro-Tem Pittman read the proclamation. The proclamation was accepted by The Cody Choraliers who then performed a song.

**Fair Housing Month** – Mayor Pro-Tem Pittman read the proclamation. The proclamation was accepted by Planning & Community Development Director Julie Hurley.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the March 12, 2024 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Public Comment:** (*Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes*)  
None.

**General Items:**

**Mayor's Appointments:**

Mayor Martin moved to reappoint to the Leavenworth County Port Authority Greg Kaaz to a term ending March 25, 2028. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.



## Resolutions:

**Resolution B-2362 Authorizing Sale of General Obligation Bonds, Series 2024-A** – City Manager Paul Kramer introduced for consideration a resolution authorizing and providing for the public sale of General Obligation Bonds, Series 2024-A, for the construction, furnishing, and equipping of a new Fire Station No. 3. As outlined in Section 1 of the Resolution: That it is hereby determined to be necessary and it is hereby authorized, directed and ordered, that the Bonds of the City shall be sold at public sale and in the manner provided by law, on Tuesday, April 23, 2024, at 10:00 a.m. C.D.T. The Bonds shall be in the approximate principal amount of Five Million Dollars (\$5,000,000) and shall be dated May 9, 2024.

Commissioner Hingula moved to adopt Resolution B-2362 authorizing and providing for the public sale of General Obligation Bonds, Series 2024-A of the City of Leavenworth, Kansas. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

## Bids, Contracts and Agreements:

**Rescind Award of Bid from Crane Works for Cab and Chassis with Aerial Device** – Public Works Director Brian Faust presented for consideration rescinding the award of the bid for the bucket truck for the Traffic Division from Crane Works. During the March 12, 2024 meeting, the Commission approved a recommendation to purchase an aerial truck from Crane Works in the amount of \$189,909. Staff notified Crane Works that the purchase was approved, however they advised that they had already sold the truck to someone else. Crane Works advised that they could get us a different truck for \$211,000. Crane Works provided an email stating that the bid submitted included an accounting error, and they could not sell a truck for the dollar amount they submitted the bid for. Based on their unwillingness to honor their bid, staff is recommending the award of bid be rescinded.

Mayor Pro-Tem Pittman:

- Asked if it is worth going after them to honor their bid price

Mr. Kramer:

- Staff didn't feel it is worth the effort, as we had another qualified bidder to go through to get the equipment

Commissioner Bauder moved to rescind the bid award for one new 2023 Cab and Chassis with a 40-ft. aerial device from Crane Works, 100 S. Paniplus Drive, Olathe, KS. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Award of Bid for Cab and Chassis with Aerial Device** – Public Works Director Brian Faust presented for consideration approval of the bid for the new bucket truck for the Traffic Division. The 2024 CIP included funding for the purchase of a new bucket truck. This truck will be used to maintain our traffic signals as well as City-owned street lights. The vehicle currently being used is a 2012 truck with a shorter aerial length that limits our ability to maintain City-owned street lights. Specifications were prepared and bids were requested. The bid opening was held on March 1, 2024. During the March 12, 2024 meeting, the



Commission approved a recommendation to purchase an aerial truck from Crane Works in the amount of \$189,909. Based on Crane Works inability to provide the truck they bid at the bid price, staff is recommending approval of the bid from Altec Industries. The equipment from Altec is a 2024 Ford F600-AT41M with a projected delivery date of June 2024. The 2024 CIP included \$195,525 for the bucket truck. The bid from Altec is \$21,310 over the budgeted amount. The additional funding will be made up from other CIP equipment that came in under budget.

Commissioner Bauder moved to approve the bid for one new 2024 F600 Cab and Chassis with a 40-ft. aerial device from Altec Industries, Inc. in an amount not to exceed \$216,835.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Approval of Purchase of UV Lamps for WPC** – Public Works Director Brian Faust presented for consideration the purchase of 480 low-pressure, high-volume ultraviolet (UV) lamps and associated parts to replace all lamps in Channel #1 of the Trojan 3000plus UV System. The Ultraviolet disinfection system was placed in service in 2012. New lamps are warranted for 12,000 hours or 36 months from the date of purchase. The current lamps were replaced in 2017 and 11,847 hours on them. In an effort to save on the cost of replacing lamps, the City has maintained a steady flow to UV System by installing Variable Speed Drives for several of our upstream pumps. This has resulted in less on and off cycles for the lamps meaning fewer hours and fewer chances of lamps and ballasts burning out. Staff has worked with Ray Lindsey Company to reprogram the lighting controller. This adjusted the number and intensity of the lamps that are on at any one time, further reducing hours on the lamps and extending their operational life. Staff will remove and replace lamps to eliminate 3<sup>rd</sup>-party installation costs. During the December 13, 2022 meeting, the Commission authorized staff to purchase lamps from EPEC water, a 3<sup>rd</sup>-party vendor. These lamps were less expensive, but had a similar warranty and specifications. During that meeting, staff stated that they would monitor the performance of the 3<sup>rd</sup>-party lamps to determine if they were actually more cost effective and meeting our permit requirements compared to the original manufacturer. During the trial period, we have identified two fairly significant issues with the 3<sup>rd</sup>-party lamps: lamps burning out prematurely and the longer the lamps ran, the E-Coli numbers approached and then began to exceed the permit limits set forth by the State of Kansas. WPC staff reverted back to another channel with older Trojan Technologies lamps to keep the plant under permit levels. Based on our experience with the EPEC Water UV Lamps, staff feels that the increased burn out rate and associated staff time and the issues involving approaching and exceeding permit limits, necessitates moving back to the original lamp manufacturer. The purchase of the lamps was included in the 2023 CIP. The overage will be paid from the Sewer Fund reserves to cover the cost.

Commissioner Wilson moved to accept the bid from Trojan Technologies for the purchase of 480 Ultraviolet lamps, with the associated parts and supplies in an amount not to exceed \$168,228.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Award of Design Services Contract for 4<sup>th</sup> Street Improvements (Rees to Poplar)** – Public Works Director Brian Faust presented for consideration approval of the design services contract for the 4<sup>th</sup> Street Improvements (K-7 from Rees Street to Poplar Street). This project is part of the KDOT City Connection Link Improvement Program for Surface Preservation (CCLIP-SP). The City was notified in September 2023 that our project was selected for funding. The CCLIP-SP is a cost share program with KDOT covering 85% of



eligible costs while the City's share is 15%. The maximum KDOT contribution will be \$400,000. Costs that are not eligible are preliminary engineering, acquisition of rights-of-way, utility relocates and curb replacement. The project will consist of a mill/overlay, localized full-depth base repairs, spot curb and sidewalk replacement along with any needed ADA upgrades and ramps. The City posted a Request for Qualifications for design consultants and received four submittals. City staff reviewed and scored the submittals using a number of factors, including the qualifications of the project manager, firm's knowledge and experience with KDOT projects, and their approach to the project. Based on the final ranking, JEO Consulting Group was identified as the top firm. The engineering design work is a non-participating cost for the CCLIP-SP project. As such, the City will be responsible for the entire cost of the design. The design fee is a not to exceed amount of \$76,500. Funding is available in the Grant Matching Capital Projects Fund.

Commissioner Bauder moved to approve the Design Services Contract for the improvements to K-7/4<sup>th</sup> Street from Rees Street to Poplar Street, with JEO Consulting Group, in an amount not to exceed \$76,500.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Award of Design Services Contract for Sanitary Sewer Dye & Smoke Testing Project** – Public Works Director Brian Faust presented for consideration approval of the design services contract for the 2024 Sanitary Sewer Dye and Smoke Testing Project. The City of Leavenworth has been concerned with the amount of Inflow and Infiltration (I&I) that enters the wastewater system and I&I reduction was identified as an important issue in recent master plans. The 2010 Wastewater Master Plan Update confirmed that the City should focus on the Three-Mile Creek Watershed in the Northeast area to address I&I removal. In 2023, GBA Installed flow meters in the system to monitor both wet and dry weather flows in the area that were reconstructed. The results showed the City was making progress in I&I reduction, but more needs to be done. Staff and GBA looked at options that could make a significant impact on reducing I&I while costing less and being less disruptive to neighborhoods. The biggest impacts will be to rehabilitate existing manholes, localized repairs to the City main and eliminating improper private connections. The best method to identify the locations where work is needed is by smoke and dye testing the system. The cost will be funded with sanitary sewer manhole and sewer line rehabilitation funds in a not-to-exceed amount of \$143,778.00. There is currently \$500,000 per year allocated to facilitate the reconstruction of lines and manholes. The City has been using GBA for professional services related to our Sanitary Sewer Projects for the last several years. They have completed flow monitoring projects, smoke and dye testing as well as designed improvements in and around the Kansas City area.

Commissioner Wilson:

- Asked how often is testing done

Mr. Faust:

- The last testing was done around 2012

Commissioner Bauder:

- Asked how the smoke and dye testing is performed

Commissioner Wilson moved to approve the design services contract with George Butler & Associates, Inc. for the Sanitary Sewer Smoke and Dye Testing, in an amount not to exceed \$143,778.00. Commissioner



Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Approval of Purchase of Paving Equipment** – Public Works Director Brian Faust presented for consideration approval of bid for the purchase of a 2024 Pavijet MG7 skid steer attachment. The 2024 CIP included funding for paving equipment for the Street Division. While the City does not have staffing for large paving projects, it is important for city crews to be able to address localized paving repairs in a timely manner. Options were researched for equipment that will enhance staff’s ability to perform needed street repairs. The Pavijet MG7 will meet our needs and is designed to attach to our existing skid steer. The CIP included \$129,800 for the purchase of paving equipment.

Commissioner Wilson moved to approve the purchase of the Pavijet MG7 from Hitek Equipment, Inc., in an amount not to exceed \$59,400.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Consider Approval of Land Transfer and Development Agreements for 201 Kickapoo Street and 709 N 2<sup>nd</sup> Street** – Assistant City Manager Penny Holler presented for consideration approval of the agreements to purchase and redevelop City-owned lots at 201 Kickapoo Street and 709 N 2<sup>nd</sup> Street. The City purchased multiple vacant lots during a 2014 Leavenworth County Sheriff’s Sale. Travis Swift with Insight Development LLC recently reached out to the City requesting to purchase the lots to construct family housing. Insight Development LLC built two duplexes in the same area in the past year and was considering additional opportunities to add more duplexes. The infill development would provide additional homes in the Northeast sector and contribute to local property tax revenues. Multi-family housing is allowed with existing zoning. The agreements outline the terms of that sale, including a timeline for development and the City’s option to have the lots returned if those terms are not met. Staff recommends approval of the agreements to sell 201 Kickapoo Street and 709 N 2<sup>nd</sup> Street to Insight Development LLC.

Travis Swift of Insight Development LLC:

- Leavenworth native
- Likes the park and would like to update the area with more housing options

Mayor Pro-Tem Pittman:

- Asked if the other properties are rented

Mr. Swift:

- One building is being finalized before it can be rented, but the completed ones are rented

Commissioner Bauder:

- Glad to see that area developed

Commissioner Wilson moved to approve the Leavenworth Land Transfer and Development Agreement for 201 Kickapoo Street and 709 N 2<sup>nd</sup> Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**First Consideration Ordinances:**



**First Consideration Ordinance Rezoning 46 Limit Street from R1-9 to R1-6** – Planning & Community Development Director Julie Hurley presented for first consideration an ordinance to rezone the property located at 46 Limit Street from Medium Density Single Family Residential District to High Density Single Family Residential District. The owner is requesting the rezoning in order to divide the parcel into three separate residential lots. The minimum required lot width for the R1-9 zoning district is 75', and the minimum required lot width for the R1-6 zoning district is 48'. As originally platted, the subject property consisted of four separate lots, each approximately 50' in width. In the immediately surrounding neighborhood, there are lots of varying widths and sizes. The lot configuration as presented will be in character with the remainder of the neighborhood. The Planning Commission considered this item at their March 4, 2024 meeting and voted 4-0 to recommend approval of the rezoning. Ms. Hurley reviewed the Conditions of Determination that were referenced in the Policy Report.

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

**Consent Agenda:**

Commissioner Hingula moved to approve claims for March 8, 2024, through March 21, 2024, in the amount of \$1,670,863.66; Net amount for Payroll #5 effective March 8, 2024, in the amount of \$406,035.97 (Includes Police & Fire Pension in the amount of \$7,491.38). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

**Other:**

The City Commission wished everyone a Happy Easter.

Mayor Pro-Tem Pittman:

- Tonight was a very moving night with the proclamations and flowers

**Executive Session – Personnel Matter of Non-Elected Personnel** – Mayor Pro-Tem Pittman moved to recess into executive session for a period of 20 minutes for the purpose of *discussion of a personnel matter, under the justification to discuss personnel matters of non-elected personnel* K.S.A. 75-4319 (b) 1. The City Commission, City Manager and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at 7:17 p.m. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

The City Commission returned to open session at 7:17 p.m.

**Adjournment:**

Mayor Pro-Tem Pittman moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 7:17 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC





**CALL TO ORDER** - The Governing Body met for a special meeting and the following commission members were present in the commission chambers: Mayor Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

**Staff members present:** City Manager Paul Kramer, Human Resources Director Lona Lanter and City Clerk Sarah Bodensteiner.

**Open Special Meeting:**

Commissioner Bauder moved to open the special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Executive Session – Personnel Matter of Non-Elected Personnel** – Mayor Martin moved to recess into executive session for a period of 20 minutes for the purpose of *discussion of a personnel matter, under the justification to discuss personnel matters of non-elected personnel* K.S.A. 75-4319 (b) 1. The City Commission, City Manager and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at 6:21 p.m. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

The City Commission returned to open session at 6:21 p.m.

Mayor Martin moved to appoint Police Chief Patrick Kitchens as Interim City Manager effective at 5:00 p.m. on April 26, 2024, with a 10% salary increase that will remain in effect until Interim appointment is concluded. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Adjournment:**

Commissioner Bauder moved to close and adjourn the special meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved and the meeting was adjourned.

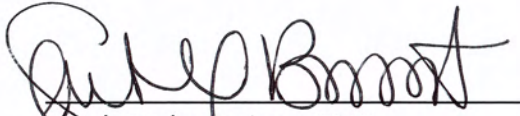
Time Meeting Adjourned 6:22 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC




**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8240  
REZONING 46 LIMIT STREET FROM MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT  
TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT**

**APRIL 9, 2024**



Sarah Bodensteiner, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the March 26, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 46 LIMIT STREET FROM MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-9) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).**

There have been no changes to the ordinance since first introduced. Ordinance No. 8240 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8240



*(Summary Published in the Leavenworth Times on April 13, 2024)*

**ORDINANCE NO. 8240**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 46 LIMIT STREET FROM MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-9) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).**

**WHEREAS**, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 4<sup>th</sup> day of March 2024 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 8<sup>th</sup> day of February 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 46 Limit Street, Leavenworth Kansas from Medium Density Single Family Residential District (R1-9) to High Density Single Family Residential District (R1-6); and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

**Section 1:** That the following described property, to-wit, is hereby rezoned from Medium Density Single Family Residential District (R1-9) to High Density Single Family Residential District (R1-6).

Lots 24, 25, 26 and 27, Block 35, in SOUTH SIDE PARK subdivision to the City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 46 Limit Street**, Leavenworth, Kansas

**Section 2:** That the “Zoning District Map” adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.



**Section 3:** That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

**PASSED and APPROVED** by the Governing Body on the 9th day of April, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



**MAYOR'S APPOINTMENTS**

**APRIL 9, 2024**

**Mayor Martin**

*"Move to*

*Appoint to the **Library Board** Gerard Overbey to a term ending April 30, 2028 and to Reappoint Melissa Davis to a term ending April 30, 2028.*

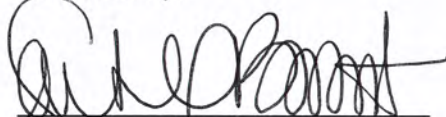
**Requires a second and vote by the Governing Body.**



**POLICY REPORT**  
**FIRST CITY CREATIVES SPRING CLEAN OUT SIDEWALK SALE SPECIAL EVENT**  
**CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2363 – ALCOHOLIC LIQUOR**

**APRIL 9, 2024**

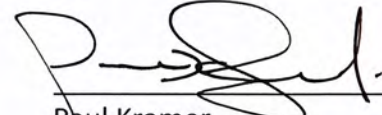
Prepared by:



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Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



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Paul Kramer  
City Manager

**ISSUES:**

Consider approval of Resolution B-2363 approving a Special Event known as Spring Clean Out Sidewalk Sale sponsored by First City Creatives to include the closing of the 400 to 600 block of Delaware Street and 5<sup>th</sup> Street from Shawnee Street to Cherokee Street to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

First City Creatives will be hosting a Special Event on Saturday, April 27, 2024 from 10:00 a.m. to 6:00 p.m. to hold a Spring Clean Out Sidewalk Sale. The event will take place at their establishment located at 200 S 5th Street, and also include the 400 to 600 block of Delaware Street and 5<sup>th</sup> Street from Shawnee Street to Cherokee Street to have shopping, food & drinks, activities, etc., for attendees.

In order for First City Creatives to have beer and/or alcohol outside of their establishment, a Resolution by the Governing Body is required as per K.S.A. 41-719.

The following street will be closed during the hours of the festival per the resolution.

- 400 to 600 block of Delaware Street
- 5<sup>th</sup> Street from Shawnee Street to Cherokee Street

The street will be closed by the Leavenworth Police Department on or around 3:00 a.m. the morning of the event.

The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

**ACTIONS:**

Adopting and approving Resolution B-2363 as presented.

**ATTACHMENTS:**

Resolution B-2363



**RESOLUTION B-2363**

**A RESOLUTION APPROVING A SPECIAL EVENT KNOWN  
AS SPRING CLEAN OUT SIDEWALK SALE SPONSORED BY  
FIRST CITY CREATIVES.**

**WHEREAS**, the City of Leavenworth, Kansas (the “City”) is approving a Special Event sponsored by First City Creatives known as Spring Clean Out Sidewalk Sale.

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

**Section 1.** Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

**Section 2.** Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the event to be held beginning at 10:00 a.m. through 6:00 p.m. on Saturday, April 27, 2024, provided First City Creatives secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

**Section 3.** A portion or all of the following street(s) shall be closed to motor vehicle traffic during the date(s) and time(s) identified in section 2:

- 400 to 600 Block of Delaware Street
- 5<sup>th</sup> Street from Shawnee Street to Cherokee Street

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

**Section 4.** Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

**Section 5.** This Resolution shall take effect and be in force after its approval by the governing body.

**ADOPTED AND APPROVED** by the Governing Body on this 9th day of April, 2024.

(SEAL)

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

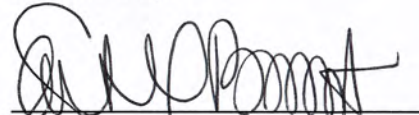
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



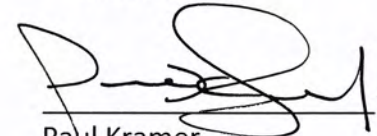
**POLICY REPORT**  
**SANTA FE TRAILS BICYCLE & COFFEE SHOP**  
**STAY FIRED UP GRAVEL GRINDER SPECIAL EVENT**  
**CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2364 – ALCOHOLIC LIQUOR**

**APRIL 9, 2024**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Paul Kramer  
City Manager

**ISSUES:**

Consider approval of Resolution B-2364 approving a Special Event known as Stay Fired Up Gravel Grinder sponsored by Santa Fe Trails Bicycle & Coffee Shop to include the closing of the 400 block of Delaware Street and 5<sup>th</sup> Street from Shawnee Street to Cherokee Street to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

Santa Fe Trails Bicycle & Coffee Shop will be hosting a Special Event on Sunday, April 28, 2024 from 7:00 a.m. to 5:00 p.m. to hold the Stay Fired Up Gravel Grinder. The event will take place at their establishment located at 419 Delaware Street, and will also include the 400 block of Delaware Street and 5<sup>th</sup> Street from Shawnee Street to Cherokee Street to have the race, food, drinks etc., for attendees.

In order for the event to have beer and/or alcohol outside of their establishment, a Resolution by the Governing Body is required as per K.S.A. 41-719.

The following street will be closed during the hours of the festival per the resolution.

- 400 block of Delaware Street
- 5<sup>th</sup> Street from Shawnee Street to Cherokee Street

The street will be closed by the Leavenworth Police Department on or around 3:00 a.m. the morning of the event.

The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

**ACTIONS:**

Adopting and approving Resolution B-2364 as presented.

**ATTACHMENTS:**

Resolution B-2364



**RESOLUTION B-2364**

**A RESOLUTION APPROVING A SPECIAL EVENT KNOWN  
AS STAY FIRED UP GRAVEL GRINDER SPONSORED BY  
SANTA FE TRAILS BICYCLE & COFFEE SHOP.**

**WHEREAS**, the City of Leavenworth, Kansas (the “City”) is approving a Special Event sponsored by Santa Fe Trails Bicycle & Coffee Shop known as Stay Fired Up Gravel Grinder.

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

**Section 1.** Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

**Section 2.** Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the event to be held beginning at 7:00 a.m. through 5:00 p.m. on Sunday, April 28, 2024, provided Santa Fe Trails Bicycle & Coffee Shop secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

**Section 3.** A portion or all of the following street(s) shall be closed to motor vehicle traffic during the date(s) and time(s) identified in section 2:

- 400 Block of Delaware Street
- 5<sup>th</sup> Street from Shawnee Street to Cherokee Street

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

**Section 4.** Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

**Section 5.** This Resolution shall take effect and be in force after its approval by the governing body.

**ADOPTED AND APPROVED** by the Governing Body on this 9th day of April, 2024.

(SEAL)

\_\_\_\_\_  
Griff Martin, Mayor


ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



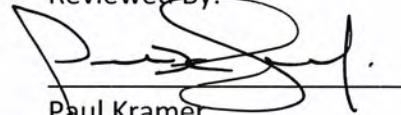
**Policy Report**  
**Commonwealth Development Corporation Affordable Housing Project**  
**April 9, 2024**

Prepared By:



Penny Holler  
Assistant City Manager

Reviewed By:



Paul Kramer  
City Manager

**ISSUE:**

Consider approving the Resolution of Support, the Non-Binding IRB Resolution of Intent and the Fee Waiver Letter for the 2<sup>nd</sup> Avenue affordable housing project by Commonwealth Development Corporation.

**BACKGROUND:**

Commonwealth Development Corporation reached out to the City regarding their plans to develop 2604 2<sup>nd</sup> Avenue into 43 affordable housing units. They plan to apply for tax credits through the Kansas Housing Resources Corporation (KHRC). That program utilizes scoring criteria to distribute Low Income Housing Tax Credits (LIHTC) to eligible projects. Commonwealth Development Corporation requested a letter of support from the City for their application. They also requested the City agree to waive certain development fees and authorize \$8.7 million in Industrial Revenue Bonds, items that are included in the LIHTC's scoring criteria. The IRBs allow project materials to be purchased exempt from sales tax. The City incurs no fees for that process and is under no financial obligation for those bonds.

Any request for City economic development incentives requires the consideration of whether or not the project could proceed without the requested incentives. Per the developer's financial calculations, the project will not be feasible without City and state/federal incentives. The project also must support City economic development goals. The creation of new affordable housing falls within the City's Economic Development Policy under, "Housing developments for seniors and the disabled are of the highest priority. It is the City's intention to encourage development of housing for residents of all ages, abilities and incomes." The project's mix of one, two and three bedroom apartments will be available based upon income criteria that benefit all three housing categories.

The documents demonstrate the City's support for the affordable housing project as they seek additional tax credits through KHRC. Staff recommends approval of two resolutions and the fee waiver letter.

**ATTACHMENTS:**

Resolution of Support (LIHTC Application)  
Non-Binding IRB Resolution of Intent  
Fee Waiver Letter



**RESOLUTION B-2365**

**A RESOLUTION OF SUPPORT OF LOW INCOME HOUSING TAX CREDITS FOR COMMONWEALTH DEVELOPMENT CORPORATION HOUSING DEVELOPMENT AT 2604 2<sup>nd</sup> AVENUE LEAVENWORTH KANSAS**

**WHEREAS**, the City of Leavenworth, Kansas has been informed by Commonwealth Development Corporation that Low Income Housing Tax Credits (LIHTC) from the Kansas Housing Resources Corp. are necessary to move forward with a multifamily housing development at 2604 2<sup>nd</sup> Avenue in Leavenworth, Kansas; and

**WHEREAS**, this housing project contains approximately 5 residential buildings — approximately 43 units — in total; and

**WHEREAS**, the individual units will have Energy Star rated or equivalent appliances, washers/dryers; and

**WHEREAS**, the property will have the following amenities: community building and play area; and

**WHEREAS**, the City of Leavenworth will provide fee waivers in the amount not to exceed \$40,000.

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

**Section 1.** The Mayor and City Commission, City of Leavenworth supports and approves the development of the aforesaid housing in our community, subject to City ordinances and the building permit process.

**Section 2.** In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

**ADOPTED THIS** 9<sup>th</sup> day of April, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



**RESOLUTION NO. B-2366**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS DETERMINING THE ADVISABILITY OF ISSUING INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUIRING, CONSTRUCTING AND EQUIPPING OF A MULTIFAMILY HOUSING FACILITY TO BE LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

**WHEREAS**, the City of Leavenworth, Kansas (the “Issuer”) desires to promote, stimulate and develop the general economic welfare and prosperity of the City of Leavenworth, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

**WHEREAS**, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the “Act”), the Issuer is authorized to issue revenue bonds for such purposes, and it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that revenue bonds of the Issuer in a principal amount not to exceed \$8,700,000 be authorized and issued, in one or more series, to provide funds to pay the costs of the acquiring, constructing and equipping of a Multifamily Housing facility (the “Project”) to be located at 2604 2<sup>nd</sup> Avenue and to be leased by the Issuer to Commonwealth Development Corporation, or its successors and assigns (the “Tenant”).

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

Section 1. **Public Purpose.** The governing body of the Issuer hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the Issuer, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. **Authorization to Acquire Project; Intent to Issue Bonds.** The Issuer is hereby authorized to proceed with the acquiring, constructing and equipping of the Project and to issue its revenue bonds, in one or more series, in a principal amount not to exceed \$8,700,000 (the “Bonds”) to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. **Conditions to Issuance of Bonds.** The issuance of the Bonds is subject to: (a) the passage of an ordinance authorizing the issuance of the Bonds; (b) the successful negotiation of a Trust Indenture, Site Lease, Project Lease, Bond Purchase Agreement or other legal documents necessary to accomplish the issuance of the Bonds, the terms of which shall be in compliance with the Act and mutually satisfactory to the Issuer and the Tenant; (c) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined (the “Purchaser”), which sale shall be the responsibility of the Tenant and not the Issuer; (d) the receipt of the approving legal opinion of City’s bond counsel in form acceptable to the Issuer, the Tenant



and the Purchaser; (e) the obtaining of all necessary governmental approvals to the issuance of the Bonds; and (f) the commitment to and payment by the Tenant or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) expenses of the Issuer and the Issuer Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals.

Section 4. **Sales Tax Exemption.** The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-3601 *et seq.* (the "Sales Tax Act"), particularly 79-3606(b) and (d) and other applicable laws, sales of tangible personal property or services purchased in connection with construction of the Project and financed with proceeds of the Bonds are entitled to exemption from the tax imposed by the Sales Tax Act; provided proper application is made therefore. In the event that the Bonds are not issued for any reason, the Tenant will not be entitled to a sales tax exemption under the terms of the Sales Tax Act and will remit to the State Department of Revenue all sales taxes that were not paid due to reliance on the sales tax exemption certificate granted hereunder.

Section 5. **Reliance by Tenant; Limited Liability of Issuer.** It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds. Proceeds of Bonds may be used to reimburse the Tenant for such expenditures made not more than 60 days prior to the date this Resolution is adopted. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the Issuer from the Project and not from any other fund or source. The Issuer shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the Issuer shall have no liability to the Tenant.

Section 6. **Further Action.** The Clerk is hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Mayor, Clerk and other officials and employees of the Issuer, including the Issuer's counsel and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) cooperate with the Tenant in filing an application for a sales tax exemption certificate with the Kansas Department of Revenue with respect to Bond-financed property; and (b) execution on behalf of the Issuer of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

Section 7. **Effective Date.** This resolution shall become effective upon adoption by the Governing Body.

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**ADOPTED** by the governing body of the City of Leavenworth, Kansas on April 9, 2024.

[SEAL]

\_\_\_\_\_  
Griff Martin, Mayor

Attest:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on April 9, 2024, as the same appears of record in my office.

DATED: April 9, 2024

\_\_\_\_\_  
Clerk

(Signature Page to Resolution)





April 9, 2024

Daniel DiFrancesco  
Commonwealth Development Corporation  
2501 Parmenter Street, Suite 300 B  
Middleton, WI 53562

Dear Mr. DiFrancesco,

The City of Leavenworth appreciates your efforts to build 43 units of affordable housing at 2604 2<sup>nd</sup> Avenue.

We fully support Commonwealth Development Corporation's application to the Kansas Housing Resources Corporation for Low Income Housing Tax Credits. As a show of support, permit fees not to exceed \$40,000 will be waived for the project.

Affordable housing fills a community need and we look forward to working with you further as this develops.

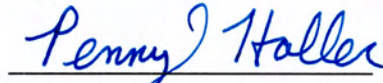
Respectfully,

Paul Kramer  
City Manager



**POLICY REPORT**  
**Title VI Plan Update**  
**April 9, 2024**

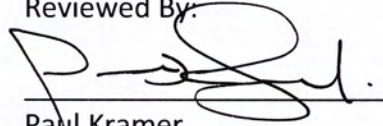
Prepared By:



Penny Holler

Assistant City Manager

Reviewed By:



Paul Kramer

City Manager

**BACKGROUND:**

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires state and local transportation agencies demonstrate compliance with Title VI requirements. The Kansas Department of Transportation (KDOT) is the state agency that requires cities provide an updated Title VI plan every five years to avoid withholding of funding. The City of Leavenworth's previous Title VI plan was last approved more than five years ago and requires renewal. The revised plan has been reviewed by the Kansas Department of Transportation's Office of Civil Rights Compliance and is recommended for approval.

**ACTION:**

Consider approving the City of Leavenworth's 2024 Title VI Plan.

**ATTACHMENTS:**

2024 Title VI Plan



## Notifying the Public of Rights Under Title VI (Updated April 2024)

The City of Leavenworth operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Leavenworth.

For more information on the City of Leavenworth's Civil Rights program and the procedures to file a complaint, contact 913-680-2602 or email to [Penny.Holler@firstcity.org](mailto:Penny.Holler@firstcity.org) or visit our administrative offices at 100 N. 5<sup>th</sup> Street, Leavenworth, KS, 66048.

A complainant may file a complaint directly with Kansas Department of Transportation Office of Civil Rights Compliance, 700 SW. Harrison, 3<sup>rd</sup> Floor West, Topeka, KS, 66603-3754, ATTN: Title VI Program Coordinator. If information is needed in an alternate format, contact KDOT Bureau of Transportation Information, Eisenhower Building, 700 SW. Harrison, 2<sup>nd</sup> Floor West, Topeka, KS, 66603-3754, or (785) 296-3585 (voice)/Hearing Impaired – 711. If information is needed in another language, contact 800-854-3613.

A complainant may file a complaint directly with the U.S. Department of Transportation by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington DC 20590.



**Nondiscrimination Agreement**  
**Population Under 100,000**

**Kansas Department of Transportation**  
**And Recipient Policy Statement**

The City of Leavenworth, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, disability, age or low income status as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs and activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988).

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The City of Leavenworth Assistant City Manager Penny Holler, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 Code of Federal Regulation 21.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## **Title VI Program Organization and Staffing**

Pursuant to 23 CFR 200, the City of Leavenworth has designated a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for the City of Leavenworth's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

## **Assurances 49 CFR Part 21.7**

The City of Leavenworth hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, sex, disability, age or low income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
  - a. List all major programs and activities of the recipient and Title VI responsibilities for each of them. Include information as Attachment 2 to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility (i.e., lands change to roadways, park and ride lots, etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the recipient by the Kansas Department of Transportation (KDOT) under the federally-funded program is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all federally-funded programs and, in all proposals for negotiated agreements.

The City of Leavenworth, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.



7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effect a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of the Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a federal aid program; and (b) for the construction or use of or access to space on, over and under property acquired, or improved under a federal aid program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

### **Implementation Procedures**

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of federal funds.
2. The grant or donation of federal property and interest in property.
3. The detail of federal personnel.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.
5. Any federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

### **The recipient shall:**

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by KDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Designate a civil rights coordinator who has a responsible position in the organization and easy access to the head of the recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The civil rights coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the



complaint, the date of the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to KDOT's Office of Civil Rights Compliance (OCR) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by KDOT Office of Civil Rights Compliance.

### **Discrimination Complaint Procedure**

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as KDOT or USDOT.
5. The recipient will advise KDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to KDOT:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, or sex)
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.



**Sanctions**

In the event the recipient fails or refuses to comply with the terms of this agreement, KDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

**KANSAS DEPARTMENT  
OF TRANSPORTATION:**

\_\_\_\_\_  
Signature - **Civil Rights Administrator**

\_\_\_\_\_  
Date

**City of Leavenworth:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Appendix 1

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance With Regulations** – The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination** – The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment** – In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. **Information and Reports** – The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to KDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance** – In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions** – The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request KDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.



## **Appendix 2**

The following clauses shall be included in any deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **GRANTING CLAUSE**

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Kansas will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation KDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d – 4) does hereby remise, release, quitclaim, and convey unto the state of Kansas all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

### **HABENDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interests therein unto the state of Kansas, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Kansas, its successors, and assigns.

The state of Kansas, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)\* (2) that the state of Kansas, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination of Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.



### Appendix 3

The following clauses shall be included in all transportation related deeds, licenses, leases, permits, or similar instruments entered into by the City of Leavenworth pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Kansas Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.



**City of Leavenworth Title VI Program Organizational Chart**

**Paul Kramer  
City Manager**

**Penny Holler  
Assistant City Manager  
Title VI/Civil Rights Coordinator  
Municipal Court/Probation**

**Roberta Beier  
Finance Director  
Bids/Purchasing**

**Brian Faust  
Public Works Director  
Transportation/Bids**

**Steve Grant  
Parks & Rec. Director  
Recreational Activities**

**Kristi Lee  
CVB Manager  
Tourism/Convention**

**Pat Kitchens  
Police Chief  
Public Safety**

**Gary Birch  
Fire Chief  
Fire Safety**

**Sarah Bodensteiner  
City Clerk  
Contracts/Bid Website**



### **City of Leavenworth Major Programs and Activities**

1. Contract/Bid Administration
  - a. Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations and enter into contracts without the fear of discrimination on the grounds of age, race, color, national origin, or sex.
2. Bid Advertisement/Letting
  - a. Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations without the fear of discrimination on the grounds of age, race, color, national origin, or sex.
3. Recreational Activities
  - a. Provide assurance that all disadvantaged residents are afforded full opportunity to use city facilities, participate in the Recreation Activity Scholarship Programs, and participate in all city organized sports activities without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.
4. Tourism, Convention and Visitors Bureau
  - a. Provide assurance that all employees/volunteers will attend and promote multi-cultural trade shows and events, and that all residents and tourists are afforded full opportunity to receive all available information regarding multi-cultural events, historical sites, tours, and local history without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.
5. Police/Fire
  - a. Provide assurance that all employees/volunteers/citizens are afforded full opportunity to receive all available information and assistance regarding public safety, municipal court proceedings, and public outreach programs without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.



**City of Leavenworth  
Public Participation Plan Outline**

1. Brief description of provider’s activities and services

The City of Leavenworth provides a wide range of services to the population of the City of Leavenworth. Most of our services are available to the public of all ages in accordance with the requirements of the funding source and any supporting grants. All of our services are available for residents of the City of Leavenworth. We will provide service to anyone, within the City of Leavenworth, who qualifies in accordance with the criteria set forth for the program service they are in need of.

Following is a list of services and programs that receive Federal funding:

CDBG Funding  
Road Projects

2. Brief description of activities that would warrant public participation.

Provide assurance that all disadvantaged residents are afforded full opportunity to use city facilities, participate in the Recreation Activity Scholarship Programs, and participate in all city organized sports activities without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

3. Brief description of the proactive public participation strategies would be used.

Provide assurance that all employees/volunteers/citizens are afforded full opportunity to receive all available information and assistance regarding public safety, municipal court proceedings, and public outreach programs without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

4. Brief description of outreach methods to engage minority and Limited English Proficiency (LEP) individuals.

Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations and enter into contracts without the fear of discrimination on the grounds of age, race, color, national origin, or sex.

5. Brief description of the desired outcomes of the agency’s public participation efforts.

- The agency desires to have actively engaged members of the citizens, general public and stakeholders in the decision making process.



- The agency strives to have given adequate public notice of public participation activities and allowed time for proper public review and comment on key decision points.
- The agency desires to provide timely information about issues and processes to citizens, stakeholders and the general public.
- The agency will provide responses to all public input as appropriate.
- The agency will have facilitated effective communication among a diverse group of citizens, stakeholders, and the general public.
- The agency will have established a timetable for review of the Public Participation Process to ensure it provides full and open access to all.

6. Brief summary of recent outreach efforts over the past three (3) years.

- The City Commission conducts an open City Commission work session every third Tuesday of the month. The work session is also televised on the City public access channel and the City's YouTube channel.
- The City Commission conducts an open City Commission meeting every second and fourth Tuesday of the month. The commission meeting is also televised on the City public access channel and the City's YouTube channel.

**Menu of Public Participation Strategies:**

- The City's phone lines are open during regular business hours, 8:00a.m. – 5:00 p.m., Monday - Friday, for the public to make any comment or concern of any program offered.
- The City utilizes a variety of advertising platforms; newspapers, public announcements, brochures, email, City website, social media, and public meetings.
- The City maintains a database of contacts to include at a minimum the following members; members of the public, elected officials, City staff, KDOT staff, and local media
- The City will electronically send and/or email meeting announcements (invitations) to groups likely to be interested in the City's activities as well as those included in the database.
- The City will use direct mailings and/or emails to announce upcoming meetings or activities or to provide information to specifically targeted areas, groups of people, and advocacy groups.



## Title VI Complaint Procedure

The following pertains only to Title VI complaints regarding the services of:

*The City of Leavenworth (herein referred to as City)*

Title VI, 42 U.S.C. 2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement that:

*No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.*

The City has in place Title VI Complaint Procedures, which outline a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe the City federally funded programs have discriminated your civil rights on the basis of race, color, or national origin, you may file a written complaint by following the procedures outlined below:

### 1. Submission of Complaint.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the City, may file a written complaint with the City's City Manager. A complaint form is available in hard copy at City Hall, Office of the City Manager, or you may call, 913-680-2602, to request the form be emailed or have the form mailed to you. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

**Note: Assistance in the preparation of any complaints will be provided to any person or persons upon request as appropriate. If information is needed in another language, then contact Arianne Burgoon at 913-680-2604.**

Complaints should be mailed to or submitted by hand to the City Clerk's Office:

City of Leavenworth  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

### 2. Referral to Review Officer

Upon receipt of the complaint, the Assistant City Manager shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the Assistant City Manager shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the City processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the Assistant City Manager for concurrence. If the Assistant City Manager concurs, he or she shall issue the City's written response to the Complainant. The final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.



**Note: Upon receipt of a complaint, the City shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA-Region 7 contacts.**

**3. Request for Reconsideration**

If the Complainant disagrees with the Assistant City Manager's response, he or she may request reconsideration by submitting the request, in writing, to the Assistant City Manager within 10 calendar days after receipt of the Assistant City manager's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully addressed or understood by the Assistant City Manager. The Assistant City Manager will notify the Complainant of his or her decision in writing either to accept or deny the request from reconsideration within 10 calendar days. In cases where the Assistant City manager agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

**4. Appeal**

If the request for reconsideration is denied, the Complainant may appeal the Assistant City manager's response by submitting a written appeal to the City Commission no later than 10 calendar days after receipt of the Assistant City Manager's written decision rejecting reconsideration. The City Commission will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.

**5. Submission of Complaint to the State of Kansas Department of Transportation**

If the Complainant is dissatisfied with the City's resolution of the complaint, he or she may also submit a written complaint within 180 calendar days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

KDOT Office of Contract Compliance  
Eisenhower State Office Building  
700 SW Harrison  
3<sup>rd</sup> Floor West  
Topeka, KS 66603

**Title VI Complaint Form**

The purpose of this form is to assist you in filing a complaint with the City. You are not required to use this form; a letter containing the same information will be sufficient.

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
( ) Race	( ) Color	( ) National Origin		
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.				

<b>Section IV:</b>		
Have you previously filed a Title VI complaint with this agency?	Yes	No



<b>Section V:</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?            ( ) Yes                            ( ) No	
If yes, check all that apply:	
( ) Federal Agency: _____	( ) State Agency: _____
( ) Federal Court _____	( ) Local Agency: _____
( ) State Court _____	
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
<b>Section VI:</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please submit this form in person at the address below, or mail this form to:

ATTN: Assistant City Manager  
City of Leavenworth  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

**List of Title VI Investigations, Lawsuits and Complaints**

	Date Submitted/Filed (Month, Day, Year)	Summary of allegation (include basis of complaint: race, color, or national origin)	Status	Resolution/Action Taken
<b>Investigations</b>				
1				
2				
<b>Lawsuits</b>				
1				
2				
<b>Complaints</b>				
1				
2				





**City of Leavenworth**  
**100 N. 5<sup>th</sup> Street**  
**Leavenworth, Kansas 66048**

## **Limited English Proficiency (LEP) Plan**

### **Introduction**

On August 11, 2000, President Bill Clinton issued Executive Order 13166 "Improving Access to Services for Limited English Proficiency", (65 FR 50121). The intent of this Executive Order is to improve access to federally conducted and federally assisted programs and activities for persons who are limited in their English proficiency. The purpose of developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals in the region and identify ways that the city can reduce or eliminate the barriers to LEP individuals. The starting point for developing this plan is to perform a four factor analysis to determine the individualized needs of the region. After these needs are identified, the city should develop a language assistance plan addressing the mix of services that will be provided.

### **Limited English Proficiency Plan**

Utilizing the information gathered from the Four Factor Analysis, the following plan is developed in order to provide the necessary assistance to LEP persons.

### **Identified LEP Individuals**

There are not any specific population groups that meet the criteria of more than 5% of the population in the City of Leavenworth, Kansas or more than 1,000 individuals that speak English less than well.

### **Language Assistance Measures**

The City of Leavenworth would contact an individual that is proficient in the language of origin for the individual. To aid in identifying the language we would utilize the I Speak Cards at <http://www.lep.gov/ISpeakCards2004.pdf>.

### **Training Staff**

Staff members will be knowledgeable in the protocol of obtaining the translator.

### **Providing Notice**

The LEP Plan will be available to any person or agency requesting a copy. Please call 913-680-2604 to request a copy.

### **Monitoring and Updating LEP Plan**

The City will update the plan in accordance with the Title VI update schedule of every three years. The plan will also be updated anytime changes in demographics of the City's service area are significant in regards to LEP persons.

\*A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English



City of Leavenworth  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

## Language Assistance Plan Limited English Proficiency Plan (LEP) Preview

The purpose of developing an LEP, as a recipient of federal funds, is to identify the extent of LEP individuals and identify ways the City can reduce or eliminate barriers to LEP individuals.

### Four Factor Analyses

#### **(1) Identify number of or proportion of LEP individuals that can utilize the services provided by the City.**

Using the 2022 American Community Survey 5 year estimates data profile, we find that there are not any language groups that fit the criteria of more than 5% of the population and more than 1,000 persons who “speak English less than very well” in our service area. Currently we do service some people who would be categorized as LEP but so far the staff seems to manage in understanding and accommodating their needs.

According to the Four Factor Analysis for Title VI Plans, the City of Leavenworth 34,396 population over the age of 4 years with the following 543 individuals in the community who speak English less than “very well” by their language:

*Spanish – 308*  
*Other Indo-European – 66*  
*Asian and Pacific Islander – 162*  
*Other – 7*

#### **(2) Identify the frequency in which LEP individuals come in contact with the City.**

Although there is not any one language group that qualifies as a LEP group, we do provide service to 6 or more people on a weekly basis that speak English less than very well.

#### **(3) Identify the importance of the City to the LEP community.**

We provide general services to the residents of the City of Leavenworth. The services are for individuals within the boundaries of the City. Many people, including those that speak English less than very well, depend on our services for recreation activities, housing, trash pick-up and recycling activities, police and fire protection, court services, and infrastructure information.

#### **(4) Identify the resources available and the respective costs of these resources.**

The Kansas Relay provides an operator for those that are hard of hearing, 1-800-766-3777. The operator for the Spanish speaking population is 1-866-305-1343. For any other language population, we are not aware of a service. To aid in



identifying the language we would utilize the I Speak Cards at <http://www.lep.gov/ISpeakCards2004.pdf>. These services are of no cost to the City and provided by the State of Kansas and the Federal Government.

**Table Depicting Membership of Committees, Councils, Broken Down by Race**

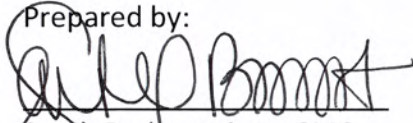
Body	White (Not Hispanic or Latino)	Hispanic or Latino (Any Race)	Black or African American	Asian	American Indian and Alaskan Native	Native Hawaiian/Other Pacific Islander	Some Other Race/Two or More Races
Population within service area	25,130	3,294	5,145	666	405	117	4,495
City Commission	4	0	1	0	0	0	
Planning Commission	6	0	0	0	0	0	
Community Development Advisory Board	5	0	2	0	0	0	

Data from U.S. Census Bureau 2020 Decennial Census

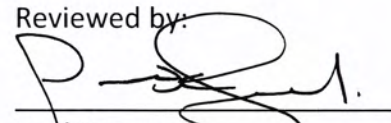
**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE TO  
RESCIND SPECIAL USE PERMITS**

**APRIL 9, 2024**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to place on first consideration an ordinance to rescind the Special Use Permit (SUP) allowing auto salvage or junk yard at 235 Marion Street and to rescind the Special Use Permit (SUP) allowing a child care center at 2715 Olde Creek Court.

**BACKGROUND:**

The Special Use Permit allowing auto salvage or junk yard at 235 Marion Street was approved on April 23, 1985 by passage of Ordinance 6771. The auto salvage owner has advised staff that they have closed the business and will not be renewing the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

The Special Use Permit allowing a Child Care Center at 2715 Olde Creek Court was approved on January 10, 2006 by passage of Ordinance 7683. The child care center owner has advised staff that they have closed the child care center and will not be renewing the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

**ACTION REQUIRED:**

Consensus to place an ordinance on first consideration to rescind the Special Use Permits as presented.

Attachments:

- Draft Ordinance



(Summary Published in the Leavenworth Times on \_\_\_\_\_)

**ORDINANCE NO. XXXX**

**AN ORDINANCE TO RESCIND CERTAIN SPECIAL USE PERMITS WITHIN THE CITY OF LEAVENWORTH KANSAS.**

**WHEREAS**, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations, Section 2.04 C, the Governing Body of the City of Leavenworth is given the power to administratively discontinue or rescind a special use permit; and

**WHEREAS**, property owners approved for a special use permit may request that such special use permit be rescinded.

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

**Section 1.** That the following special use permits are hereby rescinded:

<b>Name</b>	<b>Location</b>	<b>Use</b>	<b>Original Special Use Ordinance to Rescind</b>	<b>Date Approved</b>
Robert I & Frances M Lake	235 Marion Street	Auto Salvage or Junk Yard	6771, Section 1	04/23/1985
Debora Betzer	2715 Olde Creek Court	Child Care Center	7683	01/10/2006

**Section 2.** This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

**PASSED AND APPROVED** by the City Commission of the City of Leavenworth, Kansas, on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

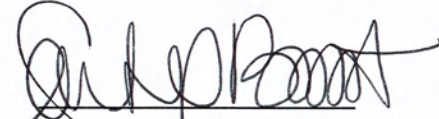
ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

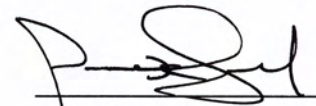
**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
GENERAL OBLIGATION BONDS SERIES, 2024-A OF THE CITY  
OF LEAVENWORTH, KANSAS**

**APRIL 9, 2024**

Prepared by:

  
Sarah Bodensteiner, 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 \$5,000,000.00 aggregate principal amount of General Obligation Bonds, Series 2024-A.

**BACKGROUND:**

General Obligation Series 2024-A will be issued in the approximate amount of \$5,000,000.00 and will provide funds to permanently finance the cost for the construction, furnishing, and equipping of a new Fire Station No. 3

The bond sale will be on Tuesday, April 23, 2024 at 10:00 a.m. C.D.T. The results will be presented to the City Commission the same evening.

**ACTION REQUIRED:**

Consensus to place an ordinance on first consideration for the General Obligation Bonds, Series 2024-A, as presented.



**ORDINANCE NO. XXXX**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2024-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND K.S.A. 12-1736, ET SEQ., ALL AS AMENDED.**

**WHEREAS**, the City of Leavenworth, Kansas, (the "City") has the authority to erect or construct, acquire by gift, purchase, condemnation or lease a public building or buildings and procure any necessary site therefor by gift, purchase or condemnation and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings for public purposes pursuant to K.S.A. 12-1736 et seq., as amended (the "Act"); and

**WHEREAS**, the City pursuant to Resolution No. B-2335 of the City adopted May 9, 2023, authorized the demolition of its existing Fire Station No. 3 located at the intersection of 2nd and Limit Streets in the City, clearing the site thereof, and the construction, furnishing, and equipping of a new Fire Station No. 3 on such site in the total estimated amount of \$5,000,000 (the "Project"), to be financed in whole or in part from proceeds of the City's general obligation bonds issued in accordance with the requirements of the Act; and

**WHEREAS**, all legal requirements pertaining to the Project have been complied with and the total cost thereof, including bond issuance costs, is \$\_\_\_\_\_ (the "Project Cost") to be financed in whole or in part with the proceeds of general obligation bonds of the City in the principal amount of \$5,000,000 with the balance of such Project Cost payable from bond premium, if any; and

**WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2024-A, in the aggregate principal amount of Five Million Dollars (\$5,000,000) for the purpose of providing funds to permanently finance the costs of the Project, and paying the costs of issuing the Bonds; and

**WHEREAS**, the City has, in accordance with K.S.A. 10-106, published notice (the "Sale Notice") of the City's intent to sell 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 permanently finance all or a portion of costs of the Project, and paying the costs of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2024-A, of the City in the aggregate principal amount of Five Million Dollars (\$5,000,000) (the "Bonds") as provided by K.S.A. 12-1736 et seq. of the City 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 affect 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 \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
Griff Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

(SEAL)