



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

CITY COMMISSION REGULAR MEETING  
COMMISSION CHAMBERS  
TUESDAY, APRIL 23, 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. Arbor Day
  - b. Small Business Week
  - c. Historic Preservation Month
  - d. National Drinking Water Week
  - e. Provider Appreciation Day

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from April 9, 2024 Regular Meeting **Action:** Motion (pg. 08)

**Second Consideration Ordinance:**

3. Second Consideration Ordinance No. 8241 Rescinding Certain Special Use Permits **Action:** Roll Call Vote (pg. 13)

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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. 2024-2025 City Commission Goals **Action:** Motion (pg. 15)
5. Leavenworth Attainable Housing Update **Action:** Consensus (pg. 22)
6. Consider Cereal Malt Beverage License for Little Bar at 1431 10<sup>th</sup> Avenue **Action:** Motion (pg. 27)
7. 2024-A General Obligation Bonds Issuance Proceedings (pg. 28)
  - a. Present Results of Bond Sale
  - b. Accept Proposals for General Obligation Bonds, Series 2024-A **Action:** Motion
  - c. Second Consideration Ordinance 8242 General Obligation Bonds, Series 2024-A **Action:** Roll Call Vote
  - d. Adopt Resolution B-2367 Issuance of 2024-A General Obligation Bonds **Action:** Motion

**Resolutions:**

8. Resolution B-2368 Community Development Block Grant Annual Action Plan **Action:** Motion (pg. 65)
9. Resolution B-2369 Authorizing Serving of Complimentary Alcoholic Liquor for Main Street “Alive After Five” Events **Action:** Motion (pg. 67)

**Bids, Contracts and Agreements:**

10. Consider Approval of Executive Search Firm Services **Action:** Motion (pg. 70)
11. Consider Award of Bid for Municipal Service Center Building Partial Remodel **Action:** Motion (pg. 72)

**First Consideration Ordinances:**

12. First Consideration Ordinance to Rezone 707 Pawnee from OBD to R1-6 **Action:** Consensus (pg. 75)
13. First Consideration Ordinance for Special Use Permit for a College or University at 4100 S 4<sup>th</sup> Street **Action:** Consensus (pg. 85)

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**Consent Agenda:**

Claims for April 5, 2024 through April 18, 2024, in the amount of \$1,263,299.15; Net amount for Payroll #7 effective April 5, 2024, in the amount of \$393,466.23 (No Police & Fire Pension).

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and*

**WHEREAS,** *this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and*

**WHEREAS,** *Arbor Day is now observed throughout the nation and the world; and*

**WHEREAS,** *trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and*

**WHEREAS,** *trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and*

**WHEREAS,** *trees in the City of Leavenworth, Kansas increase property values, enhance the economic vitality of business areas, and beautify our community.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 26, 2024 to be:*

## Arbor Day

*and I urge all citizens to celebrate Arbor Day, to support efforts to protect our trees and woodlands, to plant trees to gladden the heart and promote the well-being of this and future generations.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-third 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,** *from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and*
- WHEREAS,** *small business owners and Main Street businesses have energy and a passion for what they do; and*
- WHEREAS,** *when we support small business, jobs are created, and local communities preserve their unique culture; and*
- WHEREAS,** *because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and*
- WHEREAS,** *the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration and other government agencies; and*
- WHEREAS,** *the City of Leavenworth, Kansas supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today; and*
- WHEREAS,** *the Leavenworth Main Street Program has been in existence since 1995, personally supporting and growing downtown small businesses and entrepreneurs within the community and specifically within the 28 blocks of the First City of Kansas.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim April 28 – May 4, 2024 to be:*

## National Small Business Week

*and urge all citizens to acknowledge and celebrate the achievements made by small business both locally and nationally and encourage all citizens to Live Local.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-third 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,** *historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and*

**WHEREAS,** *historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and*

**WHEREAS,** *it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as people; and*

**WHEREAS,** *“People Saving Places” is a national campaign cosponsored by the Leavenworth Preservation Commission, Preservation Alliance of Leavenworth, Leavenworth Main Street, and the National Trust for Historic Preservation.*

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

## Leavenworth Historic Preservation Month

*and call upon the people of Leavenworth, the First City of Kansas, to join their fellow citizens across the United States in recognizing and participating in this special observance.*

**IN WITNESS WHEREOF,** I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-third 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,** *water is our most valuable and important natural resource; playing a vital role in our daily lives; and the water produced by the Leavenworth Water Department is the most reliable and best-tasting water in all of Leavenworth County; and*
- WHEREAS,** *a safe, reliable water supply is critical to the success of our community – it creates jobs, attracts industry and investment, and provides for the health and welfare of citizens in ways ranging from disease prevention to fire suppression and the quality of life we enjoy; and*
- WHEREAS,** *we often take water supply for granted until it is threatened, either by drought, water main breaks, or some other event; any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and*
- WHEREAS,** *we are all stewards of the water supply and infrastructure upon which future generations depend; and*
- WHEREAS,** *each citizen of the City of Leavenworth is called upon to help protect our source waters from pollution, to practice responsible water conservation, to get involved in local water issues; and*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim  
May 5-11, 2024 as:*

## National Drinking Water Week

*and I urge all citizens to recognize the vital role water plays in our daily lives and to value the importance and fragility of our water resources.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-third 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,** *Child Care Aware® of America and other organizations nationwide are recognizing Child Care Providers on this day; and*

**WHEREAS,** *child care provides a safe, nurturing place for the enrichment and development of millions of children nationwide, and is a vital force in our economy; and*

**WHEREAS,** *the pandemic illuminated how indispensable child care providers are for the well-being and economic security of Kansas' young children, families and communities.*

**WHEREAS,** *child care programs, which are mostly small businesses, run and staffed predominantly by women, continue to recover from health and financial hardships stemming from the pandemic while they have continued to meet the needs of families; and*

**WHEREAS,** *Kansas recognizes that child care has been and continues to be a lifeline for families, communities and the economy. As such, it has provided much-needed support to providers to help sustain the viability of child care; and*

**WHEREAS,** *the future depends on the quality of early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim May 10, 2024 to be:*

## Provider Appreciation Day

*and I urge all citizens to recognize Child Care Providers for their important work, and how valuable they are for our communities.*

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

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

ATTEST:

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



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

City Commission Regular Meeting  
Commission Chambers  
Tuesday, April 9, 2024 6:00 p.m.

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**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, 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, Fire Chief Gary Birch, Police Chief Patrick Kitchens, Public Information Officer Melissa Bower, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**PROCLAMATIONS:**

**Sexual Assault Awareness Month** – Mayor Martin read the proclamation declaring the month of April as Sexual Assault Awareness Month. The proclamation was accepted by Katie Irvin of Alliance Against Family Violence.

**National Library Week** – Mayor Martin read the proclamation declaring April 7-13, 2024 as National Library Week. The proclamation was accepted by Leavenworth Public Library Director Matt Nojonen.

**National Public Safety Telecommunicators Week** – Mayor Martin read the proclamation declaring April 14-20, 2024 as National Public Safety Telecommunicators Week. The proclamation was accepted by Fire Chief Gary Birch and Police Chief Patrick Kitchens.

**Spring Clean Up Day** – Mayor Martin read the proclamation declaring April 20, 2024 as Leavenworth Spring Clean-up Day. The proclamation was accepted by Public Information Officer Melissa Bower.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Hingula moved to accept the minutes from the March 26, 2024 regular meeting and April 2, 2024 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8240 Rezoning 46 Limit Street from Medium Density Single Family Residential to High Density Single Family Residential** – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the March 26, 2024 meeting.

Mayor Martin called the roll and the Ordinance No. 8240 was unanimously approved.



**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

Gerard Overbey, 4108 Grand Ave:

- Requested support for appointment to Library Board
- Steward of taxpayer dollars
- Wants the Library Board to work in conjunction with the City and not in contrast

#### **General Items:**

#### **Mayor's Appointments:**

Mayor Martin moved 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. Commissioner Hingula seconded the motion. The motion failed 2-3, with Commissioners Bauder, Wilson, and Pittman voting no. Mayor Martin declared the motion failed 2-3.

#### **Resolutions:**

**Resolution B-2363 Spring Clean Out Sidewalk Sale Special Event Street Closure for Possession & Consumption of Alcohol** – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of the 400 to 600 block of Delaware Street and 5<sup>th</sup> Street from Shawnee Street to Cherokee Street for the First City Creatives Spring Clean Out Sidewalk Sale special event to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Hingula moved to approve Resolution B-2363 for the First City Creatives Spring Clean Out and Sidewalk Sale Special Event as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Resolution B-2364 Stay Fired Up Gravel Grinder Special Event Street Closure for Possession & Consumption of Alcohol** - City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of the 400 block of Delaware Street and 5<sup>th</sup> Street from Shawnee to Cherokee for the Santa Fe Trails Bicycle & Coffee Shop Stay Fired Up Gravel Grinder special event to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Pittman moved to approve Resolution B-2364 for the Santa Fe Trails Bicycle & Coffee Shop Stay Fired Up Gravel Grinder Special Event as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Resolutions for Commonwealth Development Corporation Low Income Housing Tax Credit Project – Assistant** City Manager Penny Holler presented that the City has been working with Commonwealth Development Corporation on a multifamily affordable housing project for consideration under the Low Income Housing Tax Credits program from the Kansas Housing Resources Corp (KHRC). The proposed development would be submitted through KHRC for competitive award. As part of the process, Commonwealth Development Corporation approached the City about providing local support for an application to the State for residential development on 2<sup>nd</sup> Avenue. The development would be 43 affordable housing units. Along with a resolution of support, KHRC requires that the local government waive development fees up to \$40,000 and indicate willingness to issue Industrial Revenue Bonds to

exempt the tangible personal property and services purchased in connection with the construction of the project from sales tax. Ms. Holler introduced Danny DiFrancesco with Commonwealth Development Corporation who provided details about the project to the City Commission.

Commissioner Bauder:

- Asked if the buildings will be on slab
- Asked if the community center will also serve as a tornado shelter

Mr. DiFrancesco:

- Building will be slab on grade
- The community center will be designed with being utilized as a storm shelter in mind

Commissioner Pittman:

- Asked what rent would be
- Asked if there will be local partnering during the process

Mr. DiFrancesco:

- Rents would utilize Area Median Income, it would be a range
- We recognize the importance of local partnership

Commissioner Bauder:

- Asked if the units will be handicap accessible

Mr. DiFrancesco:

- There will be some units, but they are all built with future accessibility needs in mind

Mayor Martin:

- Asked about maintenance standards

Mr. Kramer:

- They would be required to meet our property maintenance standards
- There could be landscape, stormwater, grass/weeds requirements that they would be required to comply with

Commissioner Bauder moved to adopt Resolution B-2365 a Resolution of support of Low Income Housing Tax Credits for Commonwealth Development Corporation Multifamily Housing Development at 2604 2<sup>nd</sup> Avenue. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Commissioner Bauder moved to adopt Resolution B-2366 a Non-Binding Resolution of intent to Issue Industrial Revenue Bonds for the Commonwealth Development Corporation Multifamily Housing Development. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Commissioner Bauder moved to approve the Fee Waiver letter for the Commonwealth Development Corporation Multifamily Housing Development. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Bids, Contracts and Agreements:**

**Consider Approval of the City of Leavenworth 2024 Title VI Plan** – Assistant City Manager Penny Holler presented for approval the update to the City’s Title VI Plan. Title VI of the City Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs that receive federal funding. The Federal Transportation Administration requires state and local transportation agencies demonstrate compliance with Title VI requirements. The Kansas Department of Transportation 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 a renewal. The revised plan has been reviewed by the Kansas Department of Transportation’s Office of Civil Rights Compliance and is recommended for approval.

Commissioner Bauder moved to approve the City of Leavenworth 2024 Title VI Plan. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Rescind Special Use Permits** – City Clerk Sarah Bodensteiner presented for 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. 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.

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

**First Consideration of General Obligation Bond Ordinance** – City Manager Paul Kramer presented for consensus to place on first consideration an ordinance authorizing the issuance of \$5,000,000.00 aggregate principal amount of General Obligation Bonds, Series 2024-A. The Bond and Note sale will be on Tuesday, April 23, 2024 and results will be presented to the Commission with final numbers and request for approval of the ordinance on second consideration.

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

**Consent Agenda:**

Commissioner Hingula moved to approve 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). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Other:**

City Manager Paul Kramer:

- Mentioned Cody Park Pickelball Complex project
- Baseball/softball registration has exploded
- Stubby Park Shelter has been a huge addition to the community
- Pavement Management work will start in May
- Best partnership with Leavenworth Soccer Association, going extremely well
- Trails and sidewalk repairs are going very well
- Lifeguard participation is going strong, great leadership at Wollman
- Gearing up for the 2<sup>nd</sup> season at the splash pad

Commissioner Hingula:

- Excited for all the great things going on

Commissioner Pittman:

- Asked if we need more park shelters with how well they are doing
- Plugged the Leavenworth Education Foundation meat raffle this weekend at The Eagles

Commissioner Wilson:

- Thanked Mr. Kramer for the updates
- God bless have a great weekend

Mayor Martin:

- Asked the Commission about the library appointee motion that failed
- We make decisions based on world views
- Your voice can be heard
- Hope to see you all out at the Spring Clean Up

**Adjournment:**

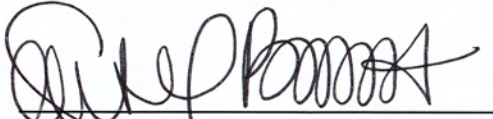
Commissioner Bauder moved to adjourn the meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:47 p.m.

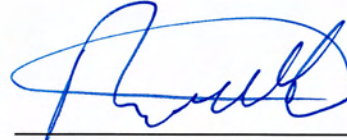
Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8241  
TO RESCIND CERTAIN SPECIAL USE PERMITS WITHIN THE  
CITY OF LEAVENWORTH, KANSAS**

APRIL 23, 2024



Sarah Bodensteiner, CMC  
City Clerk



Patrick Kitchens  
Interim City Manager

**BACKGROUND:**

At the April 9, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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

There have been no changes to the ordinance since first introduced. Ordinance No. 8241 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8241

(Summary Published in the Leavenworth Times on April 27, 2024)

**ORDINANCE NO. 8241**

**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 23rd day of April, 2024.

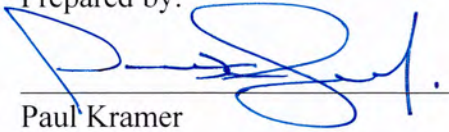
\_\_\_\_\_  
Griff Martin, Mayor

{Seal}  
ATTEST:

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

Policy Report  
2024-25 City Commission Goals  
April 23, 2024

Prepared by:



Paul Kramer  
City Manager

Subject:

The City Commission conducted its annual goal setting session on Friday, March 22. At that meeting, the Commission added, edited and removed items from the list. The updated goals document, reflecting those edits is attached.

The City Commission goals are not designed as an exhaustive list of efforts to be undertaken by City staff over the next year, but instead represent guidance to staff on allocating resources to big-picture Commission priorities.

Highlighted changes:

The Commission discussed the goals in detail, making minimal changes for the 2024-25 document. Highlights included:

- Completed and/or removed:
  - Exploring a partnership with Big Brothers Big Sisters or like organizations
  - Replacing the Fire Department RMS (Records Management System)
  - Streamlining registration, reservation, and payment processes (these are complete)
  - Two finance goals to update various policies (all done in 2023/24)
  - Removed a goal about a login portal for document access for Commissioners (deemed not to be a need anymore)
  - Removed quarterly updates and moved the USD 453 and LCDC to semi-annual
- Added or edited:
  - Moved from implementing to tracking and reporting on the progress of RideLV
  - Added the pursuit of safety improvements for motorists and pedestrians to the “Roadways and Infrastructure” section.
  - Added the pursuit of grant funding for projects and operational elements at Sherman Army Airfield

Action Requested:

The 2024-25 City Commission Goals are attached hereto for your reading, information and consideration for approval.

ATTACHMENTS: Proposed 2024-25 City Commission goals.

City Commission Goals  
2024-2025



## Leavenworth City Commission Goals 2024-2025

### 1. Economic Development

- a. Business Attraction, Retention, & Expansion
  - i. Advocate for renovation and reuse of existing Bureau of Prisons facilities.
  - ii. Pursue all avenues to showcase, market and draw interest to bring development to the Business and Technology Park. Efforts to include, but not limited to engaging third-party experts, partnering with business development organizations, proactively recruiting and reaching out to individual industries.
  - iii. Explore options for an overall City marketing campaign, to include residential, commercial and industrial highlights, as well as unique amenities and attractions.
  - iv. Promote Leavenworth as a destination for “vetpreneurs,” transitioning service members and military retirees through informational presentations, hiring events and expanding partnerships.
  - v. Explore opportunities, partnership and other methods to increase traffic in the downtown, including events and arts and cultural attractions.
  - vi. Actively pursue a grocery store for North Leavenworth.
  - vii. Continue and expand the City’s small business symposium.
- b. Downtown Development & Revitalization
  - i. Plan/pursue future downtown and northeast improvement projects using all available recruitment and retention methods.
  - ii. Work to reduce the number of unoccupied and/or abandoned buildings using available tools, methods and incentives.
  - iii. Explore efforts to improve the aesthetic appearance of downtown, including lawn maintenance and landscaping, reducing litter, decorative elements, downtown park enhancements, etc.
  - iv. Undertake review of City ordinances related to building safety, appearance, and dilapidation to determine whether they are adequate to protect the City’s interest in maintaining a safe, aesthetically pleasing, and vibrant downtown.
  - v. Explore a full review and possible redrawing of historic district boundaries in downtown Leavenworth.

## Leavenworth City Commission Goals 2024-2025

- c. Tourism
  - i. Boost travel demand through statewide industry events and extend invitations to meet in Leavenworth for future meetings.
  - ii. Concentrate on the SMERF markets (Social, Military, Education, Religious and Fraternal), as well as emerging markets: sports tourism, the arts (film festivals, art festivals, etc.)
  - iii. Identify projects/programs to reinvest transient guest tax funds.

## 2. Community Improvement

- a. Community Appearance and Image
  - i. Engage in partnerships to benefit look, perception and quality of life in the City.
  - ii. Look for all opportunities – budget, policy, administrative, etc. – to integrate aspects of the City’s Comprehensive Plan, “Leavenworth 2030: First City, Future Forward” into action items.
  - iii. Review status of adopt-a-park program to identify the level of activity at adopted parks and to pursue groups - community service organizations, churches, and other groups – to adopt every park in the City of Leavenworth.
- b. Community Amenities
  - i. Update and improve amenities at less-used City parks to spur growth.
  - ii. Continue to fund and plan for expanded trail offerings in the City.
  - iii. Increase youth participation in City activities and study possible adjustments to the City’s recreation program going forward.
  - iv. Support partnerships to continue increased use of Havens Park.
  - v. Track the progress and performance of the City’s transit service: RideLV
  - vi. ~~Explore a partnership with the Boys and Girls Club or similar organization to promote activity and opportunity for Leavenworth youth.~~

## 3. Public Safety

- a. Police

## Leavenworth City Commission Goals 2024-2025

- i. Address recent trends in domestic violence incidents and target initiatives to reduce drug crimes in high risk areas, with an emphasis on fentanyl and opioids.
  - ii. Continue to focus on community engagement.
  - iii. Continue to evaluate technology to improve operations and transparency.
  - iv. Push for the continuation of increased funding and resources for mental health issues.
- b. Fire
- i. Successfully complete the replacement of Fire Station No. 3.
  - ii. ~~Plan/pursue replacement of our current RMS (Records Management System)~~

## 4. Roadways and Infrastructure

### a. Roadways

- i. Review and implement the long-term pavement management plan for all city streets.
- ii. Explore options for streetscape improvements (4<sup>th</sup> Street, 7<sup>th</sup> Street, Cherokee).
- iii. Continue to push for the full funding and expedient replacement of the Centennial Bridge in Kansas FY 2026.
- iv. Work with KDOT and state elected officials to secure funding, full or partial, for improvement of Highway 7/73 (4<sup>th</sup> Street) from Limit Street to Metropolitan Avenue, with an emphasis on the stretch of 4<sup>th</sup> Street running through Downtown.
- v. Pursue safety improvements for motorists and pedestrians

### b. Infrastructure

- i. Continue storm water management program to include a focus on projects that impact residents, quality of life and safety. Identify, complete and report repairs and replacement projects in a timely and responsible manner.
- ii. Re-establish annual sidewalk program, as funding allows, to pursue more walkable routes for residents.
- iii. Pursue grant funding to update and maintain Sherman Army Airfield.

## Leavenworth City Commission Goals 2024-2025

### 5. Outreach and Transparency

- a. Public information
  - i. Explore new ways for the Commission to reach the public (i.e., podcasts, social media, etc.)
  - ii. Continue performance measurement tools for measuring how we are doing in providing City services – including exploring citizen satisfaction surveys.
  - iii. ~~Streamline registration, reservation, and payment processes for all services.~~
- b. Financial management
  - i. ~~Revise and update City Reserve Policy.~~
  - ii. ~~Update and revise financial policies related to cooperative purchasing.~~
  - iii. Create a multi-year budgeting and cash forecasting tool.
  - iv. Transition to an online Bid Process from paper submissions.

### 6. Other Items Receiving General Support (all ongoing)

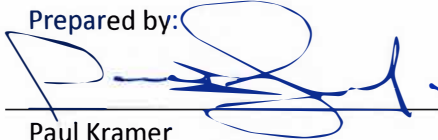
- a. Schedule the City Attorney to conduct periodic training regarding advisory board scope of authority, duties, and responsibilities (Planning Commission, Zoning Board of Appeals and Preservation Commission).
- b. ~~Explore and pursue a secure IT solution that allows City Commissioners to access key documents, informational reports, photos, and other items pertinent to their governance duties and responsibilities.~~
- c. Prioritize and explore all efforts related to employee recruitment and retention.
- d. Provide Annual Updates (all scheduled for a 2024 meeting)
  - i. Main Street Program
  - ii. Shelter of Hope
  - iii. Workforce partnership
  - iv. Guidance Center
  - v. Alliance Against Family
- e. Provide semi-annual updates and reports (all scheduled for a 2024 meeting)
  - i. Leavenworth Public Library

**Leavenworth City Commission Goals 2024-2025**

- ii. Leavenworth County Development Corp
- iii. Leavenworth CVB
- iv. St Mary University
- v. Leavenworth Lansing Chamber of Commerce
- vi. Leavenworth School Board

**Policy Report**  
Leavenworth Attainable Housing update  
April 23, 2024

Prepared by:



Paul Kramer  
City Manager

**Background**

At the January 24, 2023 City Commission meeting, the Commission approved \$600,000 in funding to Depaul USA through the Leavenworth Attainable Housing for homeless transitional housing in the City. At that meeting, the representatives outlined use of those funds as follows:

**THE PROPOSED BUDGET**

Amount	Item	Comments
\$456,000	Construction of two 952 sq. ft. duplexes	Construction cost estimated at \$239/sq. ft.
\$24,000	Land Acquisition	Lot needed for one of the duplexes
\$140,000	Purchase of four houses	Estimated cost of each house \$35,000
\$120,000	Rehab of the four houses	Estimated cost of rehab is \$30,000 per house
\$740,000		

The group has been active over the past 15 months working on this project.

**Issue**

As Depaul USA and Leavenworth Attainable Housing have been working on these projects, they have seen a few conditions change, related to land availability, housing stock, material cost, and opportunity.

Representatives from the initiative will discuss with the Commission their plans going forward, and how they would like to readjust some of the budget allocation within the same categories presented. There is no request for additional funds or to fundamentally change the use of the funds.

**Commission action**

There is no anticipated Commission action required, as long as the Commission agrees that the reallocation within the approved categories above meets the original intent of the funding.

**Attachments**

- January 24, 2023 Policy Report and Project Proposal

**Policy Report**  
Leavenworth Attainable Housing proposal  
January 24, 2023

Prepared by:

---

Paul Kramer  
City Manager

**Background**

At the Dec. 6 City Commission Study Session, Sister Vickie Perkins, representing Leavenworth Attainable Housing, briefed the City Commission on efforts by the group to build a homeless transitional housing program in the City. As part of that presentation, a request was made for City American Rescue Plan Act (ARPA) funding for two duplex housing units for the program. At that meeting, Sister Vickie also mentioned that the local group was partnering with Depaul USA to help manage the program.

At the request of the City Commission, Chuck Levesque, President of Depaul USA, presented a more detailed proposal for the project at the Jan. 3 meeting, along with providing more information on the Depaul organization. Following that meeting, Depaul and Leavenworth Attainable Housing submitted a revised proposal attached to this policy report. In brief, the revised proposal expands the scope to include the two duplex units, as well as the intent to purchase, rehabilitate and incorporate four single-family homes into the project.

**Issue**

The proposal is before the Commission for consideration. If there is Commission direction to move forward, I would suggest the following structure to allocating the funds:

- 1) Funding for land and/or property acquisition as outlined in the proposal would happen following an agreement and prior to closing. My office would confirm an agreement and contract had been completed, and prior to closing, would issue that portion of the funding.
  
- 2) Funding for construction would be allocated following full building permits being issued by the City. At that point, the City would expend construction funding in an amount not to exceed \$600,000 total (including funding provided for land and property acquisition as outlined in item #1).

**Commission action**

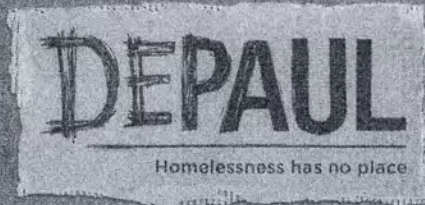
The Commission can accept the proposal and instruct the City Manager to work with the group to execute the agreement. The Commission can reject the proposal. The Commission can take alternative action.

**Attachments**

- Attainable Housing proposal

**ATTAINABLE HOUSING DEVELOPMENT  
PROPOSAL TO THE LEAVENWORTH  
CITY COMMISSION**

**January 4th, 2023**





## INTRODUCTION

On January 1, 2023, Leavenworth Attainable Housing became a program of Depaul USA, Inc., a national homeless services organization that provides housing and services across the United States. Prior to this merger, Leavenworth Attainable Housing had requested \$600,000 in ARPA funding from the City of Leavenworth to expand the inventory of attainable housing in the city.

## OVERVIEW

Depaul USA, through Leavenworth Attainable Housing, now owns or manages seven housing units in Northeast Leavenworth. These houses accommodate families of extremely limited means. Depaul USA provides residents with the necessary social services and relationships to maintain their housing and become more productive and engaged members of the community.

Depaul USA now proposes an expansion of its attainable housing program in Leavenworth. The project is estimated to cost a total of \$740,000. Depaul USA will raise \$140,000 for this initiative from private individuals, faith communities, and institutional donors. Depaul USA seeks the remaining \$600,000 in ARPA funds from the City of Leavenworth. The \$740,000 will permit Depaul USA to construct two duplexes (4 units) of housing on two vacant lots, and purchase and rehabilitate four houses in Northeast Leavenworth. These housing units will accommodate 16 individuals currently without permanent housing or precariously houses.

## THE PROPOSED BUDGET

Amount	Item	Comments
\$456,000	Construction of two 952 sq. ft. duplexes	Construction cost estimated at \$239/sq. ft.
\$24,000	Land Acquisition	Lot needed for one of the duplexes
\$140,000	Purchase of four houses	Estimated cost of each house \$35,000
\$120,000	Rehab of the four houses	Estimated cost of rehab is \$30,000 per house
\$740,000		

## STATUS OF THE PROPOSAL

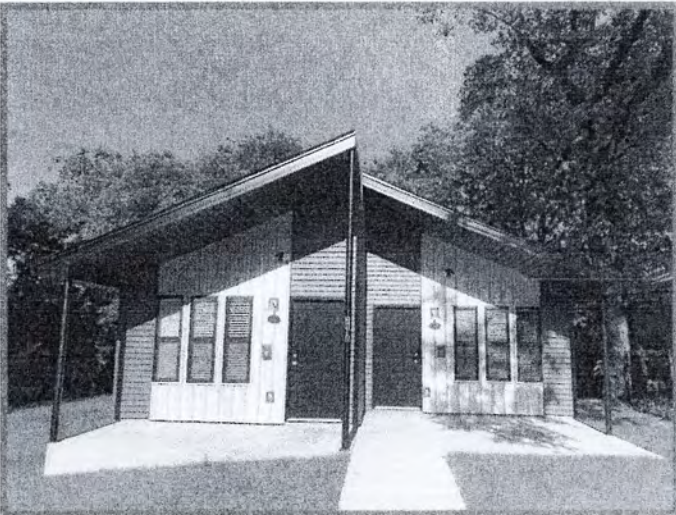
Depaul USA has acquired the vacant lot located at 728 Pottawatomie Street. The first duplex will be built there. Depaul USA is negotiating with the owners of two additional plots, either of which could serve as the site for the second duplex. In addition, having constructed duplexes in Little Rock, Arkansas, Depaul USA already possesses architectural drawings for the duplexes that could be modified for use in Leavenworth.

As regards the four houses Depaul USA plans to purchase and rehab, Depaul USA has made offers to a number of property owners. These offers are under consideration.  
Status of the Proposal

## BENEFITS OF THE PROPOSAL

Depaul USA's proposal leverages the organization's 14-years of experience developing attainable housing and has multiple benefits. It will expand the city's inventory of attainable housing, allow Depaul USA to house more individuals (an underserved population), jump-start investment and improvement in older city neighborhoods, and beautify the city's urban core.

Depaul USA thanks the City Commission for its consideration and looks forward to working in Leavenworth.



A duplex Depaul USA constructed in Little Rock, Arkansas



A house rehabbed by Depaul USA in Little Rock, Arkansas

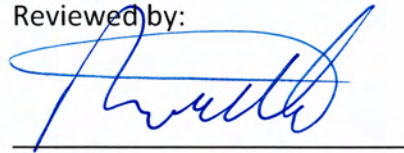
**POLICY REPORT  
CONSIDER CEREAL MALT BEVERAGE LICENSE FOR  
LITTLE BAR AT 1431 10<sup>th</sup> AVENUE**

**APRIL 23, 2024**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Patrick Kitchens  
Interim City Manager

**ISSUE:**

Consider approving the issuance of a 2024 Cereal Malt Beverage (CMB) License to Little Bar, located at 1431 10<sup>th</sup> Avenue.

**BACKGROUND:**

The Little Bar has been sold and a new Cereal Malt Beverage License is required for the new owner to continue the locations operations. The new owner has submitted the application for an on premise consumption Cereal Malt Beverage License for the location in town. The Police Department has reviewed and approved the application.

**STAFF RECOMMENDATIONS:**

Staff recommends approving the issuance of the CMB license.

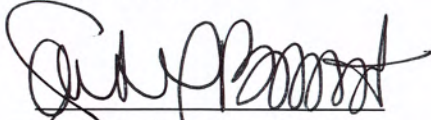
**ACTION:**

Motion to approve the issuance of a 2024 on premise consumption Cereal Malt Beverage License for Little Bar, located at 1431 10<sup>th</sup> Avenue.

**POLICY REPORT  
BOND PROCEEDINGS  
GENERAL OBLIGATION BONDS SERIES 2024-A  
ORDINANCE 8242 AND RESOLUTION B-2367**

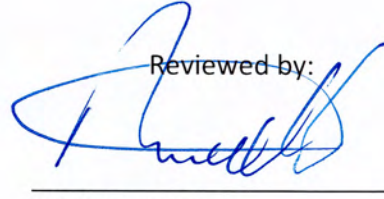
**APRIL 23, 2024**

Prepared by:



Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



Patrick Kitchens  
Interim City Manager

**ISSUE:**

The issue before the City Commission is to consider proceedings for the General Obligation Bonds, Series 2024-A, for the construction, furnishing, and equipping of a new Fire Station No. 3. The bond sale will be on Tuesday, April 23, 2024. Ordinance 8242 and Resolution B-2367 are drafts and will be finalized after the bond sale on Tuesday, April 23, 2024. The results and final documents will be presented to the City Commission at the meeting on the evening of April 23, 2024.

**General Obligation Bonds, Series 2024-A** sold and issued in the amount of \$5,000,000

**ACTION REQUIRED:**

- |  |                               |
|--|-------------------------------|
| A. Accept Proposals for the General Obligation Bonds, Series 2024-A            | <b>ACTION:</b> Motion         |
| B. Second Consideration Ordinance 8242 General Obligation Bonds, Series 2024-A | <b>ACTION:</b> Roll Call Vote |
| C. Adopt Resolution B-2367 Issuance of General Obligation Bonds, Series 2024-A | <b>ACTION:</b> Motion         |

**ATTACHMENTS:**

- Draft Ordinance No. 8242
- Draft Resolution B-2367

**ORDINANCE NO. 8242**

**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 23rd day of April, 2024.

CITY OF LEAVENWORTH, KANSAS

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

ATTEST:

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

(SEAL)

\*\*\*\*\*

RESOLUTION  
OF  
CITY OF LEAVENWORTH, KANSAS

PASSED  
APRIL 23, 2024

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\$5,000,000  
GENERAL OBLIGATION BONDS  
SERIES 2024-A

\*\*\*\*\*

RESOLUTION

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RESOLUTION NO. B-2367

A RESOLUTION AUTHORIZING THE ISSUANCE AND DELIVERY OF \$5,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2024-A, OF THE CITY OF LEAVENWORTH, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PERMANENTLY FINANCE IN WHOLE OR IN PART THE COST OF THE DEMOLITION OF EXISITING FIRE STATION NO. 3, CLEARING THE SITE THEREOF, AND THE CONSTRUCTION, FURNISHING, AND EQUIPPING OF A NEW FIRE STATION ON SUCH SITE TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO; AND PRESCRIBING THE FORM AND DETAILS OF SAID BONDS, ALL PURSUANT TO K.S.A. 12-1736 ET SEQ. AND ARTICLE 1 OF CHAPTER 10 OF THE KANSAS STATUTES ANNOTATED, ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Leavenworth, Kansas**, (the "City") has by its Ordinance No. 8242 passed and approved April 23, 2024, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2024-A, in the aggregate principal amount of \$5,000,000 (the "Bonds") under the authority of K.S.A. 12-1736 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, for the purpose of providing funds to permanently finance in whole or in part the costs of demolishing the City's 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, (the "Project") and paying the cost of issuing the Bonds; and

WHEREAS, in accordance with the City's notice of the sale of the Bonds published in accordance with the requirements of law the Bonds have been sold to and purchased by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; and

WHEREAS, in accordance with the terms and conditions of the Ordinance, the City hereby intends to both prescribe the form and details of the Bonds and authorize certain other documents and actions in connection with the issuance of the Bonds.

ARTICLE I

DEFINITIONS

**Section 101. Definitions of Words and Terms.** In addition to words and terms identified elsewhere herein, the following words and terms as used in this Resolution shall have the following meanings:

**"Act"** means collectively K.S.A. 10-101 to 10-125, inclusive, and K.S.A. 12-1736 et seq., all as amended.

**"Arbitrage Instructions"** means the Arbitrage Instructions included in Article IV of the City's Federal Tax Certificate dated as of the date of issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

**"Bond and Interest Fund"** means the Bond and Interest Fund of the City for its general obligation bonds.

**"Bond Counsel"** means the firm of Nichols and Wolfe Chartered, or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing as selected by the City.

**"Bond Payment Date"** means any date on which principal of or interest on any Bond is payable.

**"Bond Register"** means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

**"Bond Registrar"** means the Treasurer of the State of Kansas, Topeka, Kansas, and its successors and assigns.

**"Bonds"** means the General Obligation Bonds, Series 2024-A, authorized and issued by the City pursuant to the Ordinance.

**"Business Day"** means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

**"Cede & Co."** means Cede & Co., as nominee name of The Depository Trust Company, New York, New York.

**"City"** means the City of Leavenworth, Kansas, the issuer of the Bonds.

**"Clerk"** means the duly appointed and/or elected Clerk of the City or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk of the City.

**"Code"** means the Internal Revenue Code of 1986, as amended.

**"Costs of Issuance"** means all costs of issuing the Bonds, including all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code and with the Disclosure Certificate, all expenses, if any, incurred in connection with receiving ratings on the Bonds.

**"Dated Date"** means May 9, 2024.

**"Defaulted Interest"** means interest on any Bond which is payable but not paid on any Interest Payment Date.

**"Defeasance Obligations"** means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the City of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust; and

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent.

**"Disclosure Certificate"** means the Continuing Disclosure Certificate attached to the City's Final Certificate as Exhibit D and included in the transcript of proceedings pertaining to the issuance of the Bonds.

**"EMMA"** means the Electronic Municipal Market Access (EMMA) System, the web-based platform of the Municipal Securities rulemaking Board.

**"Event of Default"** means each of the following occurrences or events:

(a) Payment of the principal or the Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise; or

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed (other than relating to Rule 15c2-12 as defined in the Disclosure Certificate), and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Owner of any of the Bonds then Outstanding.

**"Federal Tax Certificate"** means the certificate so named and included in the transcript of proceedings pertaining to the issuance of the Bonds describing the investment and use of the proceeds of the Bonds.

**"Fiscal Year"** means the twelve-month period ending on December 31.

**"Funds and Accounts"** means funds and accounts created or referred to in **Section 501** hereof.

**"Interest Payment Date(s)"** means the Stated Maturity of an installment of interest on any Bond which shall be March 1 and September 1 of each year, commencing March 1, 2025.

**"Maturity"** when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

**"Mayor"** means the duly appointed and/or elected Mayor of the City or, in the Mayor's absence, the duly appointed Deputy Mayor or Acting Mayor of the City.

**"Ordinance"** means Ordinance No. 8242 passed and approved April 23, 2024, and published as required by law, pursuant to which the issuance of the Bonds has been authorized.

**"Outstanding"** means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 701** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

**"Owner"** when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

**"Participants"** means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

**"Paying Agent"** means the State Treasurer, and any successors and assigns.

**"Permitted Investments"** means: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the City's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks located in the county or counties in which the City is located; (f) obligations of the federal national mortgage association, federal home loan banks or the federal home loan mortgage corporation; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements with or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's, Inc. or Standard & Poor's; (i) investments in shares or units of a money market fund or trust the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the States as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f). No Permitted Investment shall include any derivative investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

**"Person"** means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

**"Principal and Interest Account"** means the Principal and Interest Account for the City of Leavenworth, Kansas, General Obligation Bonds, Series 2024-A, created herein within the City's Bond and Interest Fund.

**"Project"** means the demolition of 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 accordance with the legal authority as described in the recitals to this Resolution.

**"Project Account"** means the Project Account in the treasury of the City, created herein.

**"Purchase Price"** means the purchase price of the Bonds as set forth in the Bid Proposal for Purchase of Bonds as submitted by the Original Purchaser and accepted by the City.

**"Purchaser"** means \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, the original purchaser of the Bonds.

**"Rebate Fund"** means the Rebate Fund for the City of Leavenworth, Kansas, General Obligation Bonds, Series 2024-A, created herein.

**"Record Dates"** for the interest payable on any Interest Payment Date means the fifteenth day (whether or not a Business Day) of each month preceding such Interest Payment Date.

**"Redemption Date"** when used with respect to any Bond to be redeemed means the date fixed for the redemption of such Bond pursuant to the terms of this Resolution.

**"Redemption Price"** when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

**"Replacement Bonds"** means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 211** hereof.

**"Representation Letter"** means the Blanket Issuer Letter of Representations from the City to the Securities Depository with respect to the Bonds, substantially in the form attached to this Resolution as Exhibit B.

**"Resolution"** means this resolution relating to the Bonds.

**"Securities Depository"** means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

**"Special Record Date"** means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

**"State"** means the State of Kansas.

**"State Treasurer"** means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State of Kansas.

"**Stated Maturity**" when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

["**Term Bonds**" means the Bonds scheduled to mature in the year 20\_\_.]

"**Treasurer**" means the duly appointed and/or elected Treasurer of the City or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the City.

"**United States Government Obligations**" means bonds, notes, certificates of indebtedness, treasury bills or other securities consisting of direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in the future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation).

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

**Section 201. Authorization of the Bonds.** There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2024-A, of the City in the aggregate principal amount of \$5,000,000 for the purpose of providing funds to permanently finance in whole or in part the costs of the Project and paying the cost of issuing the Bonds.

**Section 202. Description of the Bonds.** The Bonds shall consist of fully registered bonds in the denominations of \$5,000 or any integral multiple thereof and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated May 9, 2024, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided in Article III hereof), and shall bear interest at the rates per annum as follows:

SERIAL BONDS

MATURITY (SEPTEMBER 1)	PRINCIPAL AMOUNT	INTEREST RATE
2025	\$375,000	____%
2026	445,000	____
2027	465,000	____
2028	480,000	____
2029	500,000	____
2030	515,000	____
2031	530,000	____
2032	545,000	____
2033	565,000	____
2034	580,000	____

TERM BONDS

20\_\_ \_\_\_\_\_

The Bonds shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) from the later of the Dated Date or the most recent

Interest Payment Date to which interest has been paid, payable on the Interest Payment Dates in the manner set forth in **Section 204** hereof.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be typed or printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as Exhibit A or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 et seq.

**Section 203. Designation of Paying Agent and Bond Registrar.** The State Treasurer, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of the principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor and Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Bond Registrar and Paying Agent for the Bonds.

The City will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent or Bond Registrar by (1) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (2) causing notice of appointment of the successor Paying Agent and Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Paying Agent or Bond Registrar.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 et seq. and K.S.A. 10-620 et seq., respectively.

**Section 204. Method and Place of Payment of the Bonds.** The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or (b) in the case of an interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the



Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the City.

**Section 205. Registration, Transfer and Exchange of Bonds.** The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal corporate trust office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The City shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The City and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to **Section 303** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

**Section 206. Execution, Registration, Authentication and Delivery of Bonds.** Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk and the seal of the City shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the City affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as Exhibit A hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the City or its representative.

**Section 207. Mutilated, Lost, Stolen or Destroyed Bonds.** If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the City and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the City or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding Bonds.

**Section 208. Cancellation and Destruction of Bonds Upon Payment.** All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

**Section 209. Preliminary and Final Official Statement.** The Preliminary Official Statement dated April 11, 2024, is hereby ratified and approved. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Purchaser a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of such Rule.

The final Official Statement is hereby authorized to be prepared by supplementing, amending and completing the Preliminary Official Statement, with such changes and additions thereto as are necessary to conform to and describe the transaction. The Mayor is hereby authorized to execute the final Official Statement as so supplemented, amended and completed, and the use and public distribution of the final Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

The City agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 210. Sale of the Bonds.** The sale of the Bonds to the Purchaser is hereby ratified and confirmed. Delivery of the Bonds shall be made to the Purchaser as soon as practicable after the passage of this Resolution, upon payment of the Purchase Price.

**Section 211. Book-Entry Bonds; Securities Depository.**

(a) The Bonds shall initially be registered to Cede & Co., the nominee for the Securities Depository, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event the Bond Registrar issues Replacement Bonds as provided in subsection (b) hereof. It is anticipated that during the term of the Bonds, the Securities Depository will make book-entry transfers among its Participants and receive and transmit payment of principal of, premium, if any, and interest on, the Bonds to the Participants

until and unless the Bond Registrar authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (b).

(b) (1) If the City determines (A) that the Securities Depository is unable to properly discharge its responsibilities, or (B) that the Securities Depository is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, or (2) if the Bond Registrar receives written notice from Participants having interests in not less than 50% of the Bonds Outstanding, as shown on the records of the Securities Depository (and certified to such effect by the Securities Depository), that the continuation of a book-entry system to the exclusion of any Bonds being issued to any Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Bonds, then the Bond Registrar shall notify the Owners of such determination or such notice and of the availability of certificates to Owners requesting the same, and the Bond Registrar shall register in the name and authenticate and deliver Replacement Bonds to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to accrued interest and previous calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City, with the consent of the Bond Registrar, may select a successor securities depository in accordance with **Section 211(c)** hereof to effect book-entry transfers. In such event, all references to the Securities Depository herein shall relate to the period of time when the Securities Depository has possession of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by the Securities Depository shall be deemed to be imposed upon and performed by the Bond Registrar, to the extent applicable with respect to such Replacement Bonds. If the Securities Depository resigns and the City, the Bond Registrar or Owners are unable to locate a qualified successor of the Securities Depository in accordance with **Section 211(c)** hereof, then the Bond Registrar shall authenticate and cause delivery of Replacement Bonds to Owners, as provided herein. The Bond Registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Bonds. The cost of printing, registration, authentication and delivery of Replacement Bonds shall be paid for by the City.

(c) In the event the Securities Depository resigns, is unable to properly discharge its responsibilities, or is no longer qualified to act as a securities depository and registered clearing agency under the Securities and Exchange Act of 1934, as amended, the City may appoint a successor Securities Depository provided the Bond Registrar and the City receive written evidence with respect to the ability of the successor Securities Depository to discharge its responsibilities. Any such successor Securities Depository shall be a securities depository which is a registered clearing agency under the Securities and Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Bond Registrar upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor of the City in the form attached hereto as Exhibit B with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized, and execution of the Representation Letter by the Mayor shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Registered Owners of the Bonds and beneficial Owners and payments on the Bonds. The Paying Agent shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

**Section 301. Optional Redemption by City.**

(a) Optional Redemption. At the option of the City, the Bonds or portions thereof maturing on September 1, 2034, may be called for redemption and payment prior to their Stated Maturity on September 1, 2033, and thereafter as a whole or in part at any time (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the City), at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

[(b) Mandatory Redemption. The Term Bonds shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date. The taxes levied in Article IV hereof which are to be deposited into the Principal and Interest Account shall be sufficient to redeem, and the City shall redeem on September 1 in the years, the principal amounts of such Term Bonds as follows:

<u>Principal Amount</u>	<u>Year</u>
\$ _____	20__
_____	20__

(leaving \$ \_\_\_\_\_ to mature \_\_\_\_\_, 20\_\_)

At its option, to be exercised on or before the 45th day next preceding any mandatory Redemption Date, the City may: (1) deliver to the Paying Agent for cancellation Term Bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any Term Bonds subject to mandatory redemption on said mandatory Redemption Date from any Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any Term Bonds subject to mandatory redemption on said mandatory Redemption Date which, prior to such date, have been redeemed (other than through the operation of the mandatory redemption requirements of this subsection (b)) and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this subsection (b). Each Term Bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem Term Bonds of the same Stated Maturity on such mandatory Redemption Date, and any excess of such amount shall be credited on future mandatory redemption obligations for Term Bonds of the same Stated Maturity in chronological order, and the principal amount of Term Bonds to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with, with respect to such mandatory redemption payment.]

**Section 302. Selection of Bonds to be Redeemed.** Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Bonds of

the same maturity are to be redeemed and paid prior to their Stated Maturity, the Bonds to be redeemed shall be selected by the Bond Registrar in \$5,000 units of principal amount in such equitable manner as the Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then Outstanding, then for all purposes in connection with such redemption each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent the \$5,000 unit or units of face value called for redemption (and to that extent only).

**Section 303. Notice and Effect of Call for Redemption.** In the event the City desires to call the Bonds for optional redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date[; **provided however, that no such written notice of intent shall be required for the mandatory redemption of Term Bonds and Term Bonds shall be called by the Bond Registrar for redemption and notice of redemption shall be given by the Bond Registrar without any further action by the City**]. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by it of the City's written notice. If the Bonds are refunded more than 90 days in advance of such Redemption Date, any escrow agreement entered into by the City in connection with such refunding shall provide that such written instructions to the Paying Agent shall be given by the escrow agent on behalf of the City not more than 90 days prior to the Redemption Date. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met.

Unless waived by any Owner of Bonds to be redeemed, the Bond Registrar shall give written notice of the redemption of said Bonds on a specified date, the same being described by maturity, said notice to be mailed by United States first class mail addressed to the Owners of said Bonds to be redeemed and to the Original Purchaser of the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The City and Bond Registrar shall also give such additional notice as may be required by Kansas law or regulations of the Securities and Exchange Commission in effect as of the date of such notice.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;
- (c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the State or the Securities Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

#### ARTICLE IV

#### SECURITY FOR AND PAYMENT OF BONDS

**Section 401. Security for the Bonds.** The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

**Section 402. Levy and Collection of Annual Tax.** The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the City are levied and collected. The proceeds derived from said taxes shall be deposited in the Principal and Interest Account, shall be kept separate and apart from all other funds of the City and shall be used solely for the payment of the principal of, premium, if any, and interest on the Bonds as and when the same become due, taking into account the fees and expenses of the Bond Registrar and Paying Agent.

If at any time said taxes are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

## ARTICLE V

### ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF MONEYS

**Section 501. Establishment of Funds and Accounts.** Simultaneously with the issuance of the Bonds, there shall be created within the treasury of the City the following funds and accounts:

(a) In the treasury of the City, the "Project Account";

(b) In the City's Bond and Interest Fund, the "Principal and Interest Account for the City of Leavenworth, Kansas, General Obligation Bonds, Series 2024-A (the "Principal and Interest Account"); and

(c) Rebate Fund for the City of Leavenworth, Kansas, General Obligation Bonds, Series 2024-A (the "Rebate Fund").

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Resolution so long as the Bonds are Outstanding.

**Section 502. Disposition of Bond Proceeds and Funds of the City.** The proceeds of the Bonds in the amount of \$ \_\_\_\_\_, upon issuance and delivery thereof, shall be deposited in the Project Account to pay the costs of the Project and the Costs of Issuance which does not include underwriters discount in the amount of \$ \_\_\_\_\_.

**Section 503. Withdrawals from the Project Account.** The Treasurer shall make withdrawals from the Project Account solely for the purpose of paying the costs of the Project and the Costs of Issuance. Such withdrawals shall be made only on due authorization by the governing body of the City.

**Section 504. Surplus in the Project Account.** All moneys remaining in the Project Account after the payment of the costs of the Project and Costs of Issuance, as determined by the governing body of the City, shall be transferred immediately to the Principal and Interest Account and applied to the next installment of principal due on the series of Bond from which surplus moneys remain.

**Section 505. Application of Moneys in Principal and Interest Account.** All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Principal and Interest Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or



otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds and entitled to payment from such moneys.

Any moneys or investments remaining in the Principal and Interest Account after the retirement of the indebtedness for which the Bonds were issued shall be transferred and paid into the Bond and Interest Fund of the City.

**Section 506. Application of Moneys in the Rebate Fund.**

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Arbitrage Instructions. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to pay rebatable arbitrage to the United States of America, and neither the City nor the Owner of any Bonds shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Arbitrage Instructions.

(b) The City shall periodically determine the rebatable arbitrage, if any, under Section 148(f) of the Code in accordance with the Arbitrage Instructions, and the City shall make payments to the United States of America at the times and in the amounts determined under the Arbitrage Instructions. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any rebatable arbitrage, or provision made therefor, shall be deposited into the Bond and Interest Fund of the City.

(c) Notwithstanding any other provision of this Resolution, including in particular Article VII hereof, the obligation to pay rebatable arbitrage to the United States of America and to comply with all other requirements of this Section and the Arbitrage Instructions shall survive the defeasance or payment in full of the Bonds.

(d) The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 507. Deposits and Investment of Moneys.** Moneys in each of the Funds and Accounts shall be deposited in accordance with the requirements of K.S.A. 10-131, as amended. All such deposits shall be continuously and adequately secured by the financial institutions holding such deposits as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the City so that there shall be no commingling of such funds with any other funds of the City.

Moneys held in the funds and accounts herein created or established in conjunction with the issuance of the Bonds may be invested by the City in Permitted Investments or in other investments allowed by Kansas law in such amounts and maturing at such times as shall reasonably provide for moneys to be available when required in said accounts or funds; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any Permitted Investment held in any fund or account (except amounts required to be deposited in the Rebate Fund in accordance with the Arbitrage Instructions) shall accrue to and become a part of such fund or account; provided, however, that interest earned on investments of moneys held in the Project Account may, at the direction of the governing body of the City, be paid and credited to the Principal and Interest Account and used to pay interest on the Bonds. In determining the amount held in any fund or account under the

provisions of the Resolution, Permitted Investments shall be valued at their par value or at their then redemption value, whichever is lower.

**Section 508. Nonpresentment of Bonds.** If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, said Bond. If such funds shall have remained unclaimed for five (5) years after such principal or interest has become due and payable, such funds shall be paid to the City; and all liability of the Paying Agent to the owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged. The obligations of the Paying Agent under this Section to pay any such funds to the City shall be subject to any provisions of law applicable to the Paying Agent or to such funds providing other requirements for disposition of unclaimed property.

## ARTICLE VI

### DEFAULT AND REMEDIES

**Section 601. Remedies.** The provisions of the Resolution, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Resolution or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owners of the Bonds.

**Section 602. Limitation on Rights of Owners.** The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

**Section 603. Remedies Cumulative.** No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the

Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owners of the Bonds by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the City and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

**Section 701. Defeasance.** When any or all of the Bonds or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Resolution and the pledge of the City's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds are to be redeemed prior to their Stated Maturity, (1) the City has elected to redeem such Bonds, and (2) either notice of such redemption has been given, or the City has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with **Section 303** of this Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Resolution.

ARTICLE VIII  
TAX COVENANTS

**Section 801. General Covenants.**

(a) The City covenants and agrees that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds and (2) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, will not take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. The City will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants and agrees that (1) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, to take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code.

**Section 802. Rebate Covenant.** The City covenants and agrees that it will pay or provide for the payment from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

**Section 803. Survival of Covenants.** The covenants contained in this Article shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to Article VII hereof or any other provision of this Resolution until the final maturity date of all Bonds Outstanding.

**Section 804. Qualified Tax-exempt Obligations.** The Bonds are designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

ARTICLE IX  
CONTINUING DISCLOSURE REQUIREMENTS

**Section 901. Disclosure Requirements.** The City hereby covenants with the Purchaser and the Beneficial Owners (as defined in the Disclosure Certificate) to provide and disseminate such information as is required by Rule 15c2-12 (as defined in the Disclosure Certificate) and is

further set forth in the Disclosure Certificate. Such covenant shall be for the benefit of and enforceable by the Purchaser and such Beneficial Owners.

**Section 902. Failure to Comply with Continuing Disclosure Requirements.** In the event the City fails to comply in a timely manner with its covenants contained in the preceding section, the Purchaser and/or any such Beneficial Owner may make demand for such compliance by written notice to the City. In the event the City does not remedy such noncompliance within 10 days of receipt of such written notice, the Purchaser or any such Beneficial Owner may in its discretion, without notice or demand, proceed to enforce compliance by a suit or suits in equity for the specific performance of such covenant or agreement contained in the preceding section or for the enforcement of any other appropriate legal or equitable remedy as the Purchaser and/or any such Beneficial Owner shall deem effectual to protect and enforce any of the duties of the City under such preceding section.

## ARTICLE X

### MISCELLANEOUS PROVISIONS

**Section 1001. Annual Audit.** Annually, promptly after the end of the Fiscal Year, the City will cause an audit to be made of its Funds and Accounts for the preceding Fiscal Year by a certified public accountant or firm of certified public accountants.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk and made available on EMMA. Such audit shall at all times during the usual business hours of the City be open to the examination and inspection by any taxpayer, any Owner of the Bonds or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the City shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Resolution, the City shall promptly cure such deficiency.

**Section 1002. Amendments.** The rights and duties of the City and the Owners, and the terms and provisions of the Bonds or of this Resolution, may be amended or modified at any time in any respect by resolution of the City with the written consent of the Owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay as principal or interest on any Bond;
- (c) permit preference or priority of any Bond over any other Bond; or
- (d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Resolution.

Any provision of the Bonds or of this Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the City at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the City may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the City amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Resolution will be sent by the Clerk and filed on EMMA. A copy of every amendatory or supplemental resolution shall be sent to the surveillance group of any rating agency then maintaining a rating on the Bonds.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Resolution which affects the duties or obligations of the Paying Agent under this Resolution.

**Section 1003. Notices, Consents and Other Instruments by Owners.** Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to make acknowledgements within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Resolution, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's rights so to act with respect to such Bonds and that the pledgee is not the City.

**Section 1004. Further Authority.** The officers and officials of the City, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 1005. Severability.** If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

**Section 1006. Governing Law.** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

**Section 1007. Effective Date.** This Resolution shall take effect and be in full force from and after its passage by the governing body of the City.

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

**PASSED** by the governing body of the City on April 23, 2024.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

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

ATTEST:

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

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution of the governing body of the City of Leavenworth, Kansas, adopted by the governing body at a regularly scheduled meeting held on April 23, 2024, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: April 23, 2024.

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

(SEAL)



EXHIBIT A  
(FORM OF BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
CITY OF LEAVENWORTH  
GENERAL OBLIGATION BOND  
SERIES 2024-A

No. R- \_\_\_\_\_

\$ \_\_\_\_\_

Rate of Interest: \_\_\_\_\_ Maturity Date: September 1, 20\_\_ Dated Date: May 9, 2024 CUSIP 522229 \_\_\_\_\_

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT \_\_\_\_\_

The City of Leavenworth, in the County of Leavenworth, State of Kansas, (the "City") for value received acknowledges itself to be indebted to and promises to pay, but solely from the sources hereinafter pledged, to the registered owner identified above, or registered assigns as hereinafter provided, on the maturity date identified above, the principal amount identified above, and in like manner to pay, as of the Record Dates as hereinafter provided, interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid prior to the registration date set forth below at the rate of interest per annum set forth above semiannually on March 1 and September 1 of each year (the "Interest Payment Dates") commencing March 1, 2025, until said principal amount is paid.

The principal of and premium, if any, on this Bond shall be payable in lawful money of the United States of America at the office of the Treasurer of the State of Kansas, Topeka, Kansas, (the "Paying Agent" and "Bond Registrar") upon presentation of this Bond for payment and cancellation. The interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Paying Agent by mailing to the registered owner thereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address as is furnished in writing by such registered owner to the Bond Registrar at the close of business on the 15th day of February or August next preceding the applicable interest payment date (the "Record Dates"). The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

This Bond is one of a duly authorized series of Bonds of the City aggregating the principal amount of \$ \_\_\_\_\_ (the "Bonds") issued for the purposes set forth in Ordinance No. 8242 of the City (the "Ordinance"). This Bond and the series of Bonds of which it is a part are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including K.S.A. 10-101 to 125,

inclusive, as amended, K.S.A. 10-620 to 10-632, inclusive, K.S.A. 12-1736 et seq., and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. B-2367 of the City (the "Resolution") and all other provisions of the laws of the State of Kansas applicable thereto.

The Bonds are issued in fully registered form in the denomination of \$5,000 each or authorized integral multiples thereof. This Bond may be exchanged at the principal office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms set forth in the authorizing Ordinance and the Resolution.

At the option of the City, the Bonds or portions thereof maturing in the year 2034 may be called for redemption and payment prior to maturity on September 1, 2033, and thereafter in whole or in part at any time in such order as may be determined by the City (selection of Bonds within the same maturity to be by lot by the Bond Registrar in such manner as it shall determine) at a redemption price of 100% of the principal amount redeemed, plus accrued interest to date of redemption.

[Each of the Bonds maturing on September 1, 20\_\_\_, shall also be subject to mandatory redemption and payment prior to maturity beginning on September 1, 20\_\_\_, and on each September 1 thereafter to and including September 1, 20\_\_\_, pursuant to the redemption schedule set forth in the Resolution at the Redemption Price of 100% (expressed as a percentage of the principal amount) plus accrued interest thereon to the Redemption Date.]

Bonds will be redeemed in integral multiples of \$5,000. If less than all Bonds are called for redemption, the Bond Registrar will, in the case of Bonds in denominations greater than \$5,000, treat each \$5,000 of face value as though it were a separate Bond.

In the event of any such redemption, the Paying Agent shall give notice of such call by mailing a copy of the redemption notice by first class mail, postage prepaid, not less than thirty (30) days prior to the date of such redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Failure to give such notice by mailing to the registered owner of any Bond, or any defect therein, shall not affect the validity of any proceedings for the redemption of other Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the owner of such Bonds received the notice.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof, or redemption price hereof and interest due hereon and for all other purposes.

This Bond is transferable by the registered owner hereof in person or by his attorney duly authorized in writing at the principal office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds or from other funds all costs incurred in connection with the issuance, transfer, exchange, registration, redemption or payment of the Bonds except (a) the reasonable fees and expenses in connection with the replacement of a Bond or Bonds mutilated, stolen, lost or destroyed or (b) any tax or other governmental charge imposed in relation to the transfer, exchange, registration, redemption or payment of the Bonds. Upon such transfer a replacement Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefore.

It is hereby certified and declared that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the said City of Leavenworth, in the State of Kansas, by its governing body, has caused this Bond to be executed by its Mayor and attested by its City Clerk by their manual with its corporate seal to be affixed, all as of the 9th day of May, 2024.

CITY OF LEAVENWORTH, KANSAS

\_\_\_\_\_  
(manual)  
Mayor

ATTEST: \_\_\_\_\_  
(manual)  
City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Leavenworth, Kansas, General Obligation Bonds, Series 2024-A described in the within mentioned Resolution.

Registration Date: \_\_\_\_\_

OFFICE OF THE STATE TREASURER  
Topeka, Kansas,  
as Bond Registrar and Paying Agent

By \_\_\_\_\_

I.D.#: \_\_\_\_\_

\*\*\*\*\*

CERTIFICATE OF CITY CLERK

I, the undersigned, City Clerk of the City of Leavenworth, Kansas, do hereby certify that this Bond has been duly registered in my office according to law as of May 9, 2024.

WITNESS my hand and official seal.

\_\_\_\_\_  
(manual)  
City Clerk

(SEAL)

\*\*\*\*\*

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, STEVEN JOHNSON, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office and that this Bond was registered in my office according to law this

WITNESS my hand and official seal.

STEVEN JOHNSON  
TREASURER OF THE STATE OF KANSAS

By \_\_\_\_\_  
State Treasurer

(SEAL)

\*\*\*\*\*

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

\_\_\_\_\_  
(Name and Address)

\_\_\_\_\_

\_\_\_\_\_  
(Social Security or Taxpayer Identifying No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$\_\_\_\_\_ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned does (do) hereby irrevocably constitute and appoint \_\_\_\_\_ as attorney to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Social Security or Taxpayer  
Identifying No.

\_\_\_\_\_  
Signature (Sign Here Exactly as  
Name(s) Appear on Face of  
Certificate)

Signature guaranty:

By \_\_\_\_\_

\*\*\*\*\*

EXHIBIT B  
(DTC LETTERS OF REPRESENTATIONS)

# The Depository Trust Company

A subsidiary of the Depository Trust & Clearing Corporation

## BLANKET ISSUER LETTER OF REPRESENTATIONS

(To be completed by Issuer and Co-Issuer(s), if applicable)

CITY OF LEAVENWORTH, KANSAS

(Name of Issuer and Co-Issuer(s), if applicable)

April 13, 2021

(Date)

The Depository Trust Company  
18301 Bermuda Green Drive  
Tampa, FL 33647  
Attention: Underwriting Department

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request to be made eligible for deposit by The Depository Trust Company ("DTC").

Issuer is: **(Note: Issuer shall represent one and cross out the other.)**

~~Incorporated in~~ [formed under the laws of] the State of Kansas

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Very truly yours,

**Note:**

Schedule A contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities distributed through DTC, and certain related matters.

City of Leavenworth, Kansas

(Issuer)

By:

  
(Authorized Officer's Signature)

Nancy D. Bauder, Mayor

(Print Name)

100 North 5th Street

(Street Address)

Leavenworth, Kansas 66048

(City) (State) (Country) (Zip Code)

913-684-0335

(Phone Number)

cwilliamson@firstcity.org

(E-mail)

**DTCC**

Address)

BLOR 06-2013

**SAMPLE OFFERING DOCUMENT LANGUAGE  
DESCRIBING BOOK-ENTRY-ONLY ISSUANCE**

(Prepared by DTC--bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

**SCHEDULE A**  
(To Blanket Issuer Letter of Representations)

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. [Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.]

[6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.]

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from Issuer or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

[9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to [Tender/Remarketing] Agent's DTC account.]

10. DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

11. Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.

BLOR 06-2013



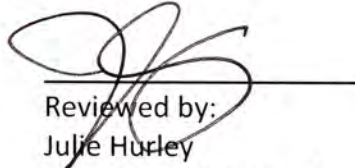
**POLICY REPORT**  
**Community Development Block Grant**  
**2024-25 Annual Action Plan**  
**April 23, 2024**

**PREPARED BY:**



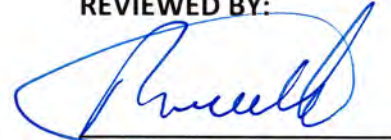
Prepared by:  
Julie McKeel  
Community Development  
Coordinator

**REVIEWED BY:**



Reviewed by:  
Julie Hurley  
Director of Planning &  
Community Development

**REVIEWED BY:**



Reviewed by:  
Patrick Kitchens  
Interim City Manager

**Discussion:**

As an entitlement community, Leavenworth is required by the Department of Housing and Urban Development (HUD) to submit an Annual Action Plan. The Annual Action Plan is formulated using an electronic planning tool, provided by HUD, and reflects the corresponding 5 year Consolidated Plan. The 2024-25 Annual Action Plan is the third year of the City's 2022-26 Consolidated Plan and has a grant period of July 1, 2024 to June 30, 2025.

The entitlement award figure for the 2024 grant year has yet to be announced, therefore, the 2023 grant year award, \$340,093, is being used as a projected figure. Any difference in actual award will result in a proportionate increase or decrease from the estimated funding levels to match actual allocation amounts. Distribution in funding to CDBG programs is reflective of recent years. On April 8, 2024, CDAB approved the 2024 Annual Action Plan in its draft form and to be updated once HUD has announced the entitlement award figure.

CDAB held two open public meetings to solicit community input on February 12, 2024 and April 8, 2024. No public comments were received. The needs in the community will continue to be monitored with the statistics received from our public service agencies, requests for Community Development Block Grant program funds for low to moderate income, and by the staff in Community Development.

The proposed 2024-25 Annual Action Plan can be viewed at:

<https://www.leavenworthks.org/cd/page/community-development-block-grant-emergency-solutions-grant>  
Scroll to the bottom of the page and open the PDF file entitled, **2024 Annual Action Plan**

**Final Copy:**

Certifications to be signed by Mayor Martin and/or the City Manager will be added to the plan before electronic submission to HUD. Printed copies will be distributed to the Leavenworth Public Library and in the Leavenworth City Community Development Department, as well as, uploaded to the City's website.

**Recommended Action:**

Motion to adopt the attached resolution adopting and authorizing the submission of the 2024-2025 Annual Action Plan to HUD.

**RESOLUTION NO. B-2368**

**A RESOLUTION AUTHORIZING AND ADOPTING THE 2024-2025 ANNUAL ACTION PLAN OF THE CITY OF LEAVENWORTH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

**WHEREAS**, the Community Development Advisory Board (CDAB) held public hearings on February 12, 2024 and April 8, 2024 to receive input from citizens and agencies having interest in the Community Development Block Grant program; and

**WHEREAS**, the CDAB recommends approval of the 2024-2025 Annual Action Plan to and by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, AS FOLLOWS:**

**Section 1.** The Annual Action Plan for July 1, 2024 through June 30, 2025 is hereby adopted as presented.

**Section 2.** The City has met the requirements for citizen participation in preparation of this plan and has allowed the maximum feasible opportunity for persons or agencies to identify needs and present concepts to help meet those needs through the CDBG program.

**Section 3.** The City has reviewed its housing and non-housing needs in preparation of this document. This document is not in conflict with any provisions of the Five-year Action Plan prepared for the operation and administration of public housing programs in Leavenworth.

**Section 4.** The City has consulted with representatives of area agencies in the preparation of this document, for the purpose of furthering the objectives of the CDBG program.

**Section 5.** The City is taking all necessary steps to analyze and take appropriate action to further fair housing goals as outlined in the regional Fair Housing Assessment.

**Section 6.** This resolution shall take effect from and after its passage as provided by law.

**ADOPTED THIS** 23rd day of April 2024.

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

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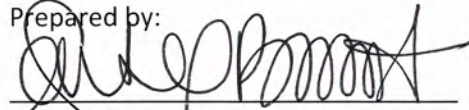
ATTEST:

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

**POLICY REPORT  
RESOLUTION B-2369  
TO AUTHORIZE SERVING COMPLIMENTARY (FREE) ALCOHOLIC LIQUOR  
LEAVENWORTH MAIN STREET PROGRAM ALIVE AFTER FIVE EVENTS**

**APRIL 23, 2024**

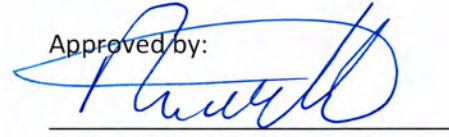
Prepared by:



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Sarah Bodensteiner, CMC  
City Clerk

Approved by:



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Patrick Kitchens  
Interim City Manager

**ISSUE:**

To consider an updated resolution to authorize serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the “Alive After Five Events” to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2024 through December 31, 2024.

**BACKGROUND:**

City Staff were contacted by Leavenworth Main Street regarding the previously approved Resolution for their Alive After Five Events, and advised that a revision to the Resolution wording was needed due to new interpretations at the State Alcohol Beverage Control Division. City Staff worked with the City Attorney to revise the Resolution as requested by Leavenworth Main Street, and also provided the draft document to the State to ensure it meets their interpretation, which they confirmed it does.

State statute K.S.A. 41-104 allows authorization to serve complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent. Leavenworth Main Street Program which is a non-profit 501(C)3 organization is sponsoring the “Alive After Five Events” to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2024 through December 31, 2024.

The Leavenworth Main Street Program would strictly control the activity. Should the City Commission agree with this request, the governing body must approve a resolution authorizing the event as required by Alcoholic Beverage Control Division Form ABC-865.

**ACTION:**

Approve Resolution B-2369 as presented.

**ATTACHMENT:**

- Resolution B-2369

## RESOLUTION B-2369

### **A RESOLUTION AUTHORIZING, TO THE EXTENT REQUIRED BY LAW, THE SERVICE OF ALCOHOLIC LIQUOR AND/OR CEREAL MALT BEVERAGES ASSOCIATED WITH THE “ALIVE AFTER FIVE” EVENTS SPONSORED BY LEAVENWORTH MAIN STREET PROGRAM, INC., A 501(c)(3) NON-PROFIT CHARITABLE ORGANIZATION.**

**WHEREAS**, Leavenworth Main Street Program, Inc. (“Main Street”), is a Kansas not-for-profit corporation organized and operated as a charitable organization as defined in K.S.A. 17-1760 and registered as a 501(c)(3) organization under Federal law;

**WHEREAS**, as part of its charitable and fundraising purposes, Main Street holds and sponsors certain “Alive After Five” events at various businesses with the City of Leavenworth, Kansas (the “City”), which events are open to the public and at which events Main Street or the businesses participating in such events may serve complimentary alcoholic liquor and/or cereal malt beverages;

**WHEREAS**, pursuant to K.S.A. 41-719(c)(2), the drinking or consumption of alcoholic liquor on private property is permitted without the need to obtain a license by a person occupying such property as an owner or lessee of an owner (which would include businesses participating in such Alive After Five events) and by the guests of such person (which would include persons attending such Alive After Five events), if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of applicable law takes place;

**WHEREAS**, pursuant to K.S.A. 41-104(a)(8), nothing in the Kansas liquor control act (K.S.A. 41-101 *et seq.*), the Kansas club and drinking establishment act (K.S.A. 41-2601 *et seq.*), or the Kansas cereal malt beverage act (K.S.A. 41-2701 *et seq.*) (collectively, the “Acts”), shall prevent the serving of complimentary alcoholic liquor or cereal malt beverages at fundraising activities of charitable organizations and as qualified pursuant to 26 U.S.C. § 501(c) (such as Main Street) without a license or temporary permit; and

**WHEREAS**, pursuant to K.S.A. 41-104(a)(9), nothing in the Acts shall prevent the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the Governing Body of the City and whereby the director of the alcoholic beverage control has been notified thereof no less than ten (10) days in advance.

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

**Section 1.** To the extent required by applicable law, including but not limited to K.S.A. 41-104, the City of Leavenworth, Kansas, hereby authorizes and approves the service, possession, and consumption of complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent at the “Alive After Five” events sponsored by Leavenworth Main Street Program, Inc., for the

purposes of promoting the arts, with such events to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2024, through December 31, 2024. Main Street shall be responsible for notifying the director of alcoholic beverage control of such events no less than ten (10) days in advance of such events and for complying with any and all other applicable laws, rules, and regulations related to such events, including but not limited to the Acts.

**Section 2.** To the extent required by applicable law, the City hereby authorizes and approves the service, drinking, and consumption of alcoholic liquor to the extent such “Alive After Five” events comply with other aspects of the Acts, including but not limited to K.S.A. 41-719(c)(2) and K.S.A. 41-104(a)(8), as amended. Main Street shall be responsible for complying with any and all other applicable laws, rules, and regulations related to such events, including but not limited to the Acts.

**Section 3.** That this resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the Governing Body this 23rd day of April, 2024.

**CITY OF LEAVENWORTH, KANSAS**

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

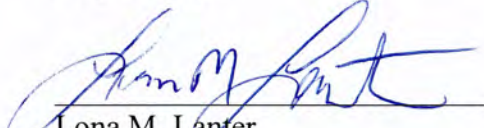
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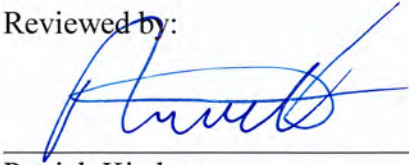
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT NO. PERS – 24-02**  
Executive Search Firm Services  
April 23, 2024

Prepared by:

  
Lona M. Lanter  
HR Director

Reviewed by:

  
Patrick Kitchens  
Interim City Manager

**ISSUE:** Review and approve the recommendation for use of an Executive Search Firm for the recruitment and selection of a City Manager. Upon selection, provide the Mayor with the authority to sign a contract.

**BACKGROUND:** Staff prepared and distributed a RFP on March 29, 2024, with an extended proposal submission deadline of April 17, 2027. A total of six proposals were received and reviewed.

The proposals were reviewed and evaluated on the following criteria as identified in the RFP:

1. Demonstrated experience in recruiting executive-level positions for municipal government.
2. Qualifications and experience of the proposed team.
3. Approach to recruitment, including strategies for attracting diverse and highly qualified candidates. Ability of proposed approach to meet the needs of the City of Leavenworth.
4. Fee structure and cost-effectiveness.
5. References and past performance.
6. Time required to accomplish the requested services.

Based on the above evaluation criteria, the top two proposals were identified as Strategic Government Resources and CPS HR Consulting. The following items highlight the criteria differences and similarities between the top two firms:

- SGR has the most experience in recent, Kansas executive-level searches, followed by CPS.
- The approach to the search process followed by both firms are similar with the position profile, advertising campaign and recruitment process, followed by the interview and selection process.
- Both SGR and CPS provide in-depth background, reference and media search checks for up to five candidates as part of the process and both offer additional personal assessments for an additional cost if desired.
- The fee structure is similar for both firms, with SGR cost being slightly less than CPS with a payment schedule of 3 equal installments at the end of each phase were matched by both firms.
- Timeframe for completion of service were also similar with CPS providing a timeline of 14-16 weeks and SGR providing a 12-14 week timeline for completion.

Based upon the above reasons and the scope of services being offered within their proposal, staff has selected SGR to enter into an Agreement for executive search firm services. The Agreement would further clarify and outline the objectives, scope of work, services provided, process timelines and payment terms.

**STAFF RECOMMENDATION:** Staff recommends favorable consideration of entering into a contract with Strategic Government Resources (SGR) for Executive Search Firm services to fill the City Manager vacancy.

Staff would recommend providing the Mayor with the authority to sign a contract upon receipt of the complete Agreement.

**BUDGET IMPACT:** Approval of the Staff recommendation would result in a consulting fee not to exceed \$28,900. Additional advertising, personal assessment tools and candidate interview expenses are not included.

**POLICY REPORT NO. 24-22**

**CONSIDER AWARD OF CONSTRUCTION CONTRACT  
FOR THE MUNICIPAL SERVICE CENTER REMODEL**

**PROJECT: 01SC-2024-04**

**APRIL 23, 2024**

Prepared by:



Derek Burleson,  
Operations Superintendent

Reviewed by:



Brian Faust, P.E.  
Director of Public Works



Patrick Kitchens,  
Interim City Manager

**ISSUE:**

Consider approval of a construction contract with BKM for \$119,202 for a partial remodel of the Municipal Service Center.

**BACKGROUND:**

The Municipal Service Center is in need of several repairs and additional secure office spaces. The upgrades include removing five old outdated block cubicles and replacing with seven metal studs, insulated sheet-rocked offices with fire-rated doors, updated electrical, and updated media/computer cables and outlets. The construction includes finishing a large area of acoustical drop ceiling that was never completed in part of the office area. This will drastically cut down on wasted heat and air conditioning costs, along with noise pollution and odors coming from the garage area.

The front entrance will continue to be welcoming to citizens, but at the same time keep the administrative assistants safe and secure. There will be four entrance doors coming into the office area that will be access controlled.

The bids for the office remodel were opened on Wednesday, March 27, 2024 at 2:00 p.m. The low bid for both the center office remodel and painting of those offices was submitted by BKM. While BKM's bid for the acoustical ceiling finish was \$1,560 higher than the bid received from Besel's, there is a benefit of dealing with only one contractor and one contract for the entire project.

- BKM's total bid for the offices, paint and ceiling is \$119,202.
- Besel's total bid for the offices, paint and ceiling is \$195,733.

Bidder	Address (City/State)	Bathroom Remodel and Update	Center Offices	Paint Offices and office areas	Floor Repair and Refinishing	Acoustical Ceiling Finish
BKM	Leavenworth, KS	N/A	\$89,514.00	\$9,989.00	N/A	\$19,699.00
Besel's	Leavenworth, KS	N/A	\$103,872.00	\$73,722.00	\$110,762.00	\$18,139.00

No bids were received for the bathroom remodel and only one bid was received for the floor repair and refinishing. The cost for the floor is prohibitive and will be reevaluated at a later date.



**BUDGET IMPACT:**

The 2024 CIP includes funding in the amount of \$120,000 for the remodeling of the office area at the Municipal Service Center. The cost for the remodel (without the bathroom and floor) is \$119,202. The bathroom remodel and floor refinishing will be evaluated for a possible future project.

**STAFF RECOMMENDATION:**

Staff recommends that the City Commission approve the bid by BKM Construction for the remodel of the Municipal Service Center.

The City Commission can approve or reject this bid.

**ATTACHMENT:**

2024 CIP Sheet

**Capital Improvements Program  
2024 - 2028  
Public Works - Municipal Service Center Office Remodel**

**Purpose:**

This allocation provides funding to remodel the Service Center which has had little modification/repair since its operation in 1993. This project will build partition walls, add secure offices and secure building entrance with door camera and buzzer for security for employees. Additionally, the ceiling will be finished in the office area to control dust and increase heating/cooling efficiency.

Source	Comments	Year	Requested	Projected
Sales Tax		2024	\$ 120,000	\$ 120,000
		2025	-	-
		2026	-	-
		2027	-	-
		2028	-	-
			<u>\$ 120,000</u>	<u>\$ 120,000</u>

Uses	Comments	Year	Requested	Projected
Building upgrade	Remodel 4 cubicle to 2 offices	2024	\$ 120,000	\$ 120,000
		2025	-	-
		2026	-	-
		2027	-	-
		2028	-	-
			<u>\$ 120,000</u>	<u>\$ 120,000</u>



Conceptual drawing of the MSC interior redesign.

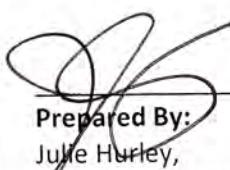
**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2024-09 REZ  
707 PAWNEE STREET**

**APRIL 23<sup>RD</sup>, 2024**

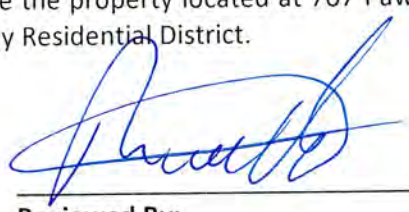
**SUBJECT:**

Place on first consideration an ordinance to rezone the property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.

**Prepared By:**

  
Julie Hurley,  
Director of Planning and  
Community Development

**Reviewed By:**

  
Patrick Kitchens,  
Interim City Manager

**ANALYSIS:**

The owner and applicant, Chris Pena, is requesting a rezoning of their property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .08 acre in size and is occupied by a single family home. The owner is requesting the rezoning in order to bring the property into conformance with development standards for a single-family home. The existing single-family home was previously damaged by fire and was repaired. The home as it exists is considered legal nonconforming, and no action is required by the City of Leavenworth in order for the property to continue to function as it is. The owner is intending to sell the property, and current lending and insurance standards frequently require that a property be in conformance with applicable local development standards, which has led the owner to opt to apply for a rezoning in order to make the property conforming with current standards. No additions or new construction is planned at this time.

**CONDITIONS OF DETERMINATION**

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

*The subject property is .08 acre in size and is part of an established single-family neighborhood. The property lies just to the west of 7<sup>th</sup> Street, which functions as a commercial corridor with a variety of commercial and office uses.*

- b) The zoning and use of properties nearby;

*The property directly adjacent to the east is zoned OBD, Office Business District, and is occupied by a single-family home. The property to the south is zoned OBD, and is occupied by a single-family home. The property to the west is zoned R1-6, High Density Single Family Residential District, and is occupied by a single-family home. The property to the north is zoned GBD, General Business District, and is occupied by the Dog and Cat Clinic.*

- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property is occupied by a single family home and has been identified as appropriate for single-family uses on the Future Land Use map.*
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;  
*The proposed rezoning should have no detrimental effect upon surrounding properties. There is no proposed change to the existing use of the property, and it will continue to function as a single-family home.*
- e) The length of time the subject property has remained vacant as zoned;  
*The subject property is not vacant.*
- f) The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;  
*The proposed rezoning will have a neutral effect on the economic development, public health, safety, and welfare of the City, as there is no proposed change in the use of the property, and no new construction proposed.*
- g) The recommendations of permanent or professional staff;  
*Staff recommends approval of the rezoning request.*
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;  
*The area is identified as appropriate for single-family residential uses on the Comprehensive Land Use Plan.*
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.  
*No other factors*

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received one question regarding the status of the property from a notified property owner, but no concerns or comments.

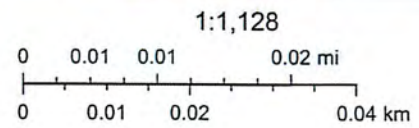
The Planning Commission took action on this item at their April 1, 2024 meeting and voted 5-0 to recommend approval of the Rezoning request.

**REZONING ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the request to rezone the property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Deny the request to rezone the property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Remand the request to rezone the property located at 707 Pawnee Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District to the Planning Commission for further consideration.

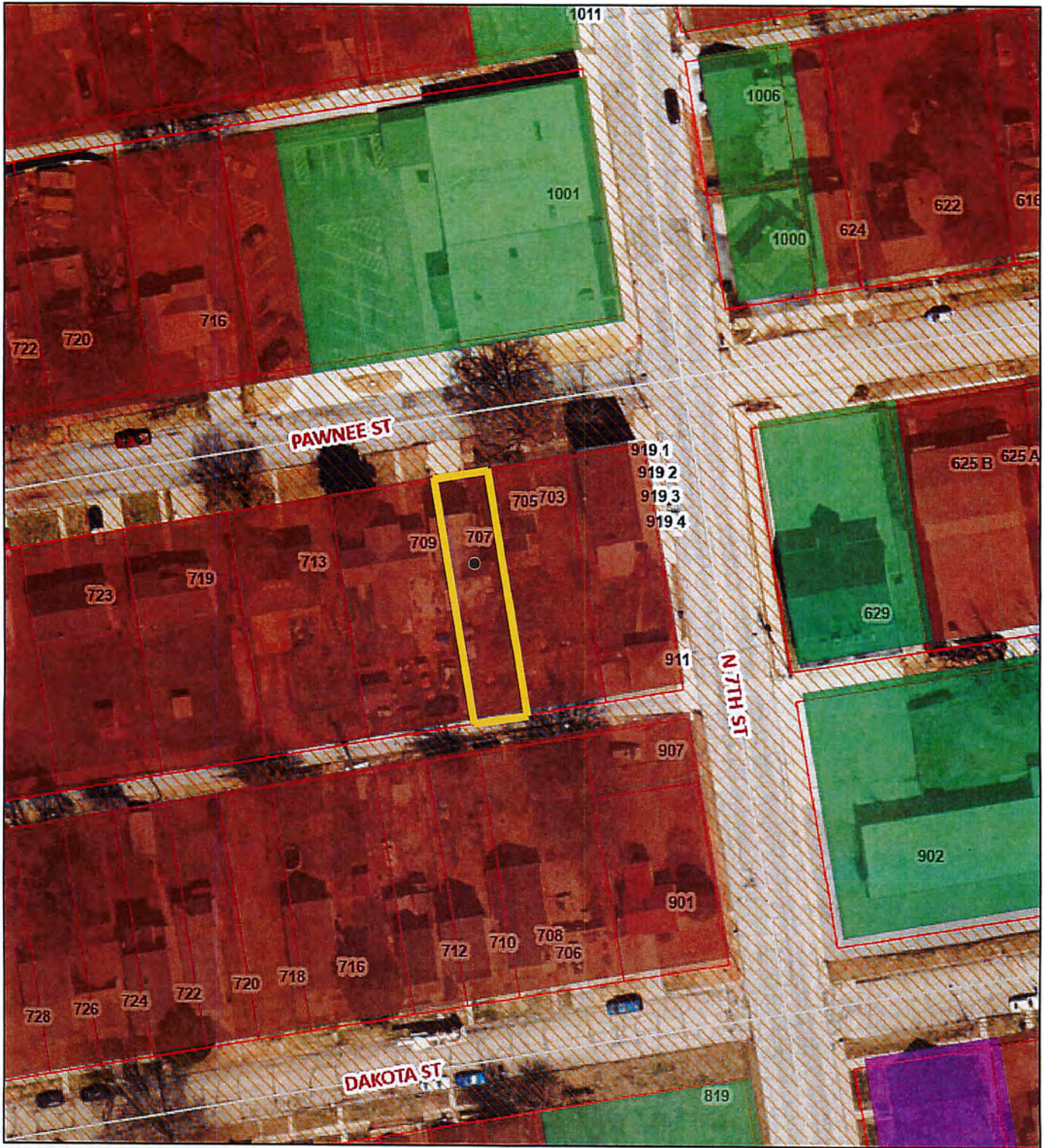


3/28/2024, 10:39:32 AM



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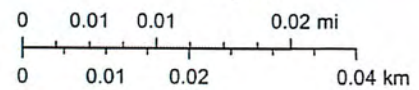
# 2024-09-REZ Future Land Use



3/28/2024, 10:40:40 AM

1:1,128

- Override 1
- Future Land Use (Comp Plan 2030)
- Commercial
- Public/Semi-Public
- Single-Family
- Parcels\_Current
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

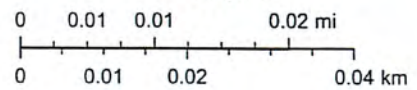
# 2024-09-REZ Zoning



3/28/2024, 10:41:51 AM

1:1,128

- Override 1
- Parcels\_Current
- Zoning\_CURRENT
- Address (Points)
- GBD
- OBD
- R1-6
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-09 REZ

Application #	<u>14942</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>2/2/24</u>
Received By	
Hearing Date	<u>4/1/24</u>
Publication Date	<u>3/7/24</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	<u>707 Pawnee ST Leavenworth KS 66048</u>		
Rezoning:	Present classification of: <u>OBD</u>	district to: <u>R1-6</u>	
Legal Description:	<b>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</b>		
Real Estate PID #	<u>052-077-26-0-14-09-004.00-0</u>	Historic District:	

I/We, Chris A. Pena being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	<u>Chris Anthony Pena</u>		
Address:	<u>707 Pawnee ST Leavenworth KS 66048</u>		
Contact No.:	<u>(801) 6882637</u>	Email:	<u>penareinaldo@hotmail.com</u>
Signature of Owner(s):			

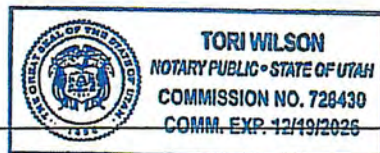
**NOTE:** All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of Utah )  
County of Salt Lake ), SS

Signed or attested before me on February 2, 2024 by Chris Anthony Pena  
(date) (name(s) of person(s))

Notary Public: Tori Wilson My Appointment Expires: 12/19/2026

(SEAL)





If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

The Property use is for a single family home use and is part of a small single family homes around

Briefly describe the intended use and character of the property: The intended use of this property is to provide the opportunity for one family to live in AND because we rebuild it we can present a style and the certainness of the high quality of the house

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: Because it was a single family home that was damaged and we rebuilt it to the codes and city ordinances.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: I believe that this proposal will NOT be detrimental to the public because it was all ready a house that we just fix and rebuild to the highest standard so people can live there.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: No

Check List:	
<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Full legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input type="checkbox"/>	Supporting documentation (see General Instructions)

February 1<sup>st</sup>, 2024

From: Chris A. Pena

To: City of Leavenworth

Hello, my name is Chris Pena. I am a young entrepreneur that has aspiring dream to make something out of himself.

I want to thank you for the opportunity in allowing us to have the chance to talk with you. Regarding the situation at hand, I want to give you a background on the plan we had in going into this. We had bought a property that had some repairs that needed to be attended to. Some of which were a partially burnt roof, and renovation of interior. With these, at the beginning of the stage we had a plan to just do a basic renovation that wouldn't have exceeded over 50,000 dollars.

As time was progressing and repairs were taking place, we had restructured our plan, going from a basic repair to then wanting to completely renovate the entire property, to make it the most high-quality property that can be created. We didn't just do this for the positive of the house, but also for the positive and value of the community. That was our thought process in the restructuring of the plan. Furthermore, it wasn't in our knowledge that we had to apply for a rezoning of the property, due to the expenses that had increased based on the new plan we had set. It was a mistake on our end to not have this knowledge.

After all the work was done to the house, we have had multiple people offer to buy the house. We had moved forward with one of the offers, the person was ready to do the closing of the house on the 12th of February. Then we stumbled upon an issue. That being, the bank had found that the house was in a commercial zone, this making them have restrictions to lending the funds to the buyer. Your decision will not only help us, but also the buyer. As the bank is putting the lend on hold until we resolve this zoning issue.

We ask you for some leniency with us and forgive us for not fully understanding the zoning of properties. We have definitely learned from this.

Sincerely,



Chris Pena

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

**ORDINANCE NO. XXXX**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 707 PAWNEE STREET FROM OFFICE BUSINESS DISTRICT (OBD) 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 1st day of April 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 7<sup>th</sup> day of March 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 707 Pawnee Street, Leavenworth Kansas from Office Business District (OBD) 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 Office Business District (OBD) to High Density Single Family Residential District (R1-6).

Lot 43, Block 102, DAY & MACAULAY'S SUBDIVISION in the City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 707 Pawnee 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 \_\_\_\_ day of \_\_\_\_\_, 2024.

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

{Seal}

ATTEST:

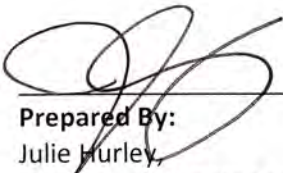
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2023-33-SUP  
4100 S. 4<sup>th</sup> STREET**

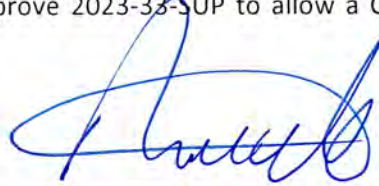
**APRIL 23<sup>RD</sup>, 2024**

**SUBJECT:**

Place on first consideration an ordinance to approve 2023-33-SUP to allow a College or University in the R1-9 zoning district.



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



**Reviewed By:**  
Patrick Kitchens,  
Interim City Manager

**NATURE OF REQUEST**

The applicant, University of Saint Mary, is requesting a Special Use Permit to allow a College or University in the R1-9 zoning district, located at 4100 S. 4<sup>th</sup> Street. The property is occupied by the University of Saint Mary, which was established on the site in 1923. College or University uses are allowed in the R1-9 district with approval of a Special Use Permit. The University is currently intending to construct a new dormitory facility on the existing campus.

The University is considered an existing nonconforming use, as there is no existing Special Use Permit. Any new construction or expansion of existing facilities associated with the University requires the approval of a Special Use Permit. Per section 1.05 the adopted Development Regulations:

*Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.*

Section 1.05 of the Development Regulations also states in regards to nonconforming uses:

*Any nonconforming use shall not be physically extended, expanded, or enlarged.*

Since the time of adoption of the original Subdivision Regulations of the City of Leavenworth in 1966, there have been multiple structures added on the University of Saint Mary campus without the applicant being required to apply for a Special Use Permit. This is likely an oversight, due to the long-standing tenure of the University on the site. Approval of a Special Use Permit will bring the property into conformance with regards to land use and allow for future university-related construction on the property without the need for additional Special Use permits.

Pending approval of the Special Use Permit, all applicable building permits shall be reviewed and approved.

## **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*This property has functioned as a University since the 1923, providing a beneficial service to the economic development of the City by attracting a large number of students to the community, as well as functioning as one of the largest employers in the area.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff does not feel that the use will cause any substantial injury to the value of other property in the neighborhood, as there is no change in the use of the property.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*The use of the property will remain unchanged. The proposed new dormitory facility which precipitated the Special Use Permit request will be internal to the existing campus and will not adversely impact any neighboring properties..*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their April 1, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

### **ACTION/OPTIONS:**

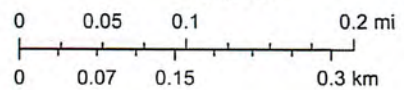
- Place an ordinance on first consideration to approve the Special Use Permit request to allow a college or university in the R1-9 zoning district.
- Deny the Special Use Permit request to allow college or university in the R1-9 zoning district.
- Remand the Special Use Permit request to allow a college or university in the R1-9 zoning district to the Planning Commission for further consideration.

2023-33-SUP



3/28/2024, 10:30:29 AM

1:9,028



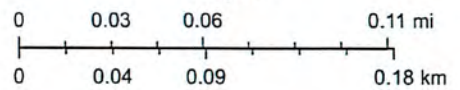
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# 2023-33-SUP Location of New Dorm



3/28/2024, 10:33:55 AM

1:4,514



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



PRELIMINARY  
 NOT FOR  
 CONSTRUCTION  
 RECORDING  
 OR  
 PERMITS  
 IMPLEMENTATION  
 9/26/2023 10:21:16 AM

**ACI**  
**BOLAND**  
**ARCHITECTS**

1100 E. 12th Street  
 Leavenworth, KS 66048  
 Phone: 785.853.1234  
 Fax: 785.853.1235  
 Website: www.aciboland.com

**CIVIL CONSULTANT**  
 1100 E. 12th Street  
 Leavenworth, KS 66048  
 Phone: 785.853.1234  
 Fax: 785.853.1235  
 Website: www.aciboland.com

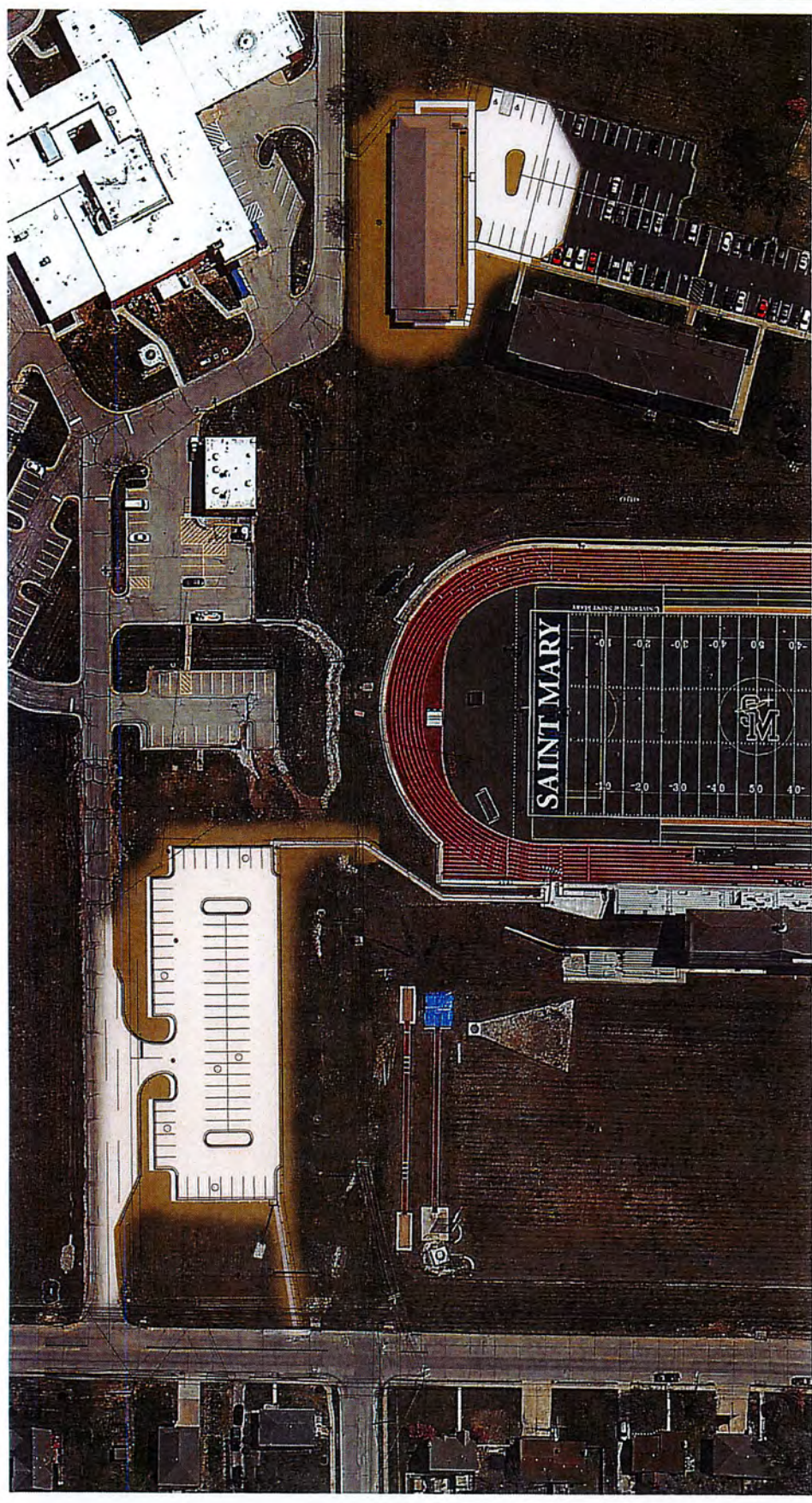
**MEP CONSULTANT**  
 1100 E. 12th Street  
 Leavenworth, KS 66048  
 Phone: 785.853.1234  
 Fax: 785.853.1235  
 Website: www.aciboland.com

**STRUCTURAL CONSULTANT**  
 1100 E. 12th Street  
 Leavenworth, KS 66048  
 Phone: 785.853.1234  
 Fax: 785.853.1235  
 Website: www.aciboland.com

University of St. Mary - Dormitory  
 4100 4th St, Lot 4  
 Leavenworth, Ks, 66048

Project No. 23-001  
 Date: 9/26/2023  
 Scale: 1/8" = 1'-0"

**A110**  
 ELECTRICAL SITE PLAN



A1 SITE PLAN  
 1/8" = 1'-0"



**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO.: 2023-33 SUP

Application No.	14398
Fee (non-refundable)	\$350.00
Filing Date	10/3/23
Received By	Pd online
Hearing Date	12/4/23
Publication Date	11/9/23

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Student Dormitory and remote parking lot.

in accordance with the attached site plan on the following described property:

Subject Property:	University of Saint Mary / St. John's Medical Plaza - Lot 4 <u>4100 S. 4th St. / 10000 Hughes</u>		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:	Dorm: 052-101-0-40-03-001.00-0 Parking: 052-101-12-0-10-03-004.05-0		
Zoning:	R1-9 <del>1-9-99</del>	Historic District:	

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	Sisters of Charity of Leavenworth		
Owner Address:	4200 S 4TH ST, Leavenworth, KS 66048-5054		
Contact No.	<u>913-758-6102</u>	Email:	<u>steale@stmary.edu</u>
Signature of Owner(s):	<u>Wylene Steele SCC</u> <u>Eileen Hughes SCL</u>		

State of KS  
County of Leavenworth (SEAL)



Signed or attested before me on: Oct. 2, 2023  
Notary Public: Janet M. Seber  
My Appointment Expires: 4-30-24

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	
Email:	

**NOTE:** All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)

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

**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW A COLLEGE OR UNIVERSITY USE IN A MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT LOCATED AT 4100 SOUTH 4<sup>TH</sup> STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under the 2016 Development Regulations of the City of Leavenworth, Kansas, as amended, the Governing Body of the City of Leavenworth, Kansas was given the power to locate special uses in each zoning district by ordinance; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Leavenworth, Kansas held a public hearing on the 1st day of April 2024 in the Commission Chambers, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set out as was published in the Leavenworth Times newspaper; and mailed to all property owners within 200 feet of the said property on the 8th day of March 2024.

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request for a College or University use in the Medium Density Single Family Residential Zoning District, located at 4100 South 4<sup>th</sup> Street, Leavenworth, Kansas.

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

**Section 1.** That a special use permit be issued for a College or University use in the Medium Density Single Family Residential Zoning District on the following described property:

Tract of land in the Southeast Quarter of Section 12, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 13, 2024, more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence North 01 degrees 47'23" West for a distance of 2653.38 feet along the West line of said Southeast Quarter to the Northwest corner of said Southeast Quarter; thence North 87 degrees 28' 39" East for a distance of 1926.32 feet along the South line of ST. JOHN'S MEDICAL PLAZA SUBDIVISION, said line also along the established North line of said Southeast Quarter, to the Westerly right of way of U.S. Highway 7-73 as it exists today; thence South 16 degrees 50'19" East for a distance of 169.57 feet along said right of way; thence South 28 degrees 30'10" East for a distance of 40.00 feet along said right of way; thence South 48 degrees 50'22" East for a distance of 101.20 feet along said right of way; thence South 28 degrees 41'20" East for a distance of 956.39 feet along said right of way; thence along a curve to the right having a radius of 894.93 feet and an arc length of 425.29 feet along said right of way, being subtended by a chord bearing South 15 degrees 04'29" East and a chord distance of 421.30 feet; thence South 01 degrees 27'37" East for a distance of 313.30 feet along said right of way; thence South 37 degrees 13'39" West for a distance of 120.30 feet; thence South 01 degrees 38'52" East for a distance of 32.00 feet; thence South 38 degrees 11'31" East for a distance of 117.20 feet along said right of way; thence South 01 degrees 27'43" East for a distance of 571.50 feet along said right of way to the

South line of said Southeast Quarter; thence South 87 degrees 16' 36" West for a distance of 2580.77 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 146.92 acres, more or less, including road right of way. And more commonly referred to as 4100 S. 4<sup>th</sup> Street, Leavenworth, Kansas; And, All of Lot 4, ST. JOHN'S MEDICAL PLAZA, a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas, according to the recorded plat thereof; And more commonly referred to as 3639 Hughes Rd., Leavenworth, Kansas.

**Section 2.** That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

Passed by the Leavenworth City Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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