



Welcome To Your City Commission Meeting - Please turn off or silence all cell phones during the commission meeting.
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight

Call to Order – Pledge of Allegiance Followed by Silent Meditation

Amended Agenda
Consideration of Uniform Rental Bid
Removed. (Item does not require
Commission Approval.)

PRESENTATIONS:

- 1. New Employee Welcome Ceremony (pg. 3)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

- 2. Minutes from May 22, 2018 Regular Meeting & June 5, 2018 Study Session **Action:** Motion (pg. 5)

Second Consideration Ordinance:

- 3. Second Consideration Ordinance No. 8076 Rescinding Special Use Permits **Action:** Roll Call Vote (pg. 11)
- 4. Second Consideration Ordinance No. 8077 Stormwater Program **Action:** Roll Call Vote (pg. 14)
- 5. Second Consideration Ordinance No. 8078 Appendix F, Schedule of Fees **Action:** Roll Call Vote (pg. 25)

NEW BUSINESS:

Citizen Participation: (i.e. Items not listed on the agenda or receipt of petitions- **Please state your name and address**)

General Items:

- 6. 2018 CMB License for Woody’s FoodMart, 700 Eisenhower Rd **Action:** Motion (pg. 41)
- 7. Wayfinding Signs **Action:** Motion (pg. 42)
- 8. Mayor’s Appointment – Convention & Tourism Committee **Action:** Motion (pg. 46)
- 9. 2018 General Obligation Bonds & Temporary Notes Proceedings (pg. 47)
 - a. Present Results of Bond and Notes Sale
 - b. Accept Proposals for Temporary Notes Sale, Series A2018 **Action:** Motion
 - c. Adopt Resolution B-2201 Issuance of A2018 Temporary Notes **Action:** Motion
 - d. Accept Proposals for the General Obligation Bonds, Series 2018-A **Action:** Motion
 - e. Adopt Resolution B-2202 General Obligation Bonds, Series 2018-A **Action:** Motion
 - f. Second Consideration Ordinance No. 8079 General Obligation Bonds, Series 2018-A **Action:** Roll Call Vote

First Consideration Ordinance:

- 10. First Consideration Ordinance Industrial Revenue Bonds Zeck Ford **Action:** Consensus (pg. 86)

Consent Agenda:

Claims for May 19, 2018 through June 8, 2018 in the amount of \$2,647,667.66; Net amount for Pay #11 effective May 25, 2018 in the amount of \$328,844.83(Including Police & Fire Pension of \$11,572.36) and Pay #12 effective June 8, 2018 in the amount of \$333,574.23 (No Police & Fire Pension). **Action:** Motion

Other Items:

Executive Session:

11. **Executive Session:** Preliminary discussion of the acquisition of real property exception per K.S.A. 75-4319(b)(6)

Action: Motion (pg. 102)

Adjourn: **Action:** Motion

POLICY REPORT 18-03

New Employee Welcome Ceremony

June 12, 2018

Prepared by:

Reviewed by:

Reviewed by:

for 
Erika Stajcar
HR Assistant


Lona Lanter
HR Director


Paul Kramer
City Manager

ISSUE: To welcome newly hired regular full time and part time City of Leavenworth employees.

BACKGROUND: The City has established a program of welcoming new employees to the City Team. As part of this program, each new employee is asked to attend a regular meeting of the Leavenworth City Commission. At the meeting, each employee will be introduced by the Mayor or the Mayor Pro Tem and will be presented with a City of Leavenworth pin. A brief background information of each employee listed below is attached.

EMPLOYEES TO BE WELCOMED:

Elijah Bagley
Robert Battista
Randall Rosenstangle
Wilson (Tanner) Park
David McKendrick
Joseph Kowalewski
Conner Debban
Thomas Urban
Staci Adams
Darrin Manna
Spencer Blew
Clinton Forbes
Howard Kings
Brendan Hannigan

Police Officer
Park Technician I
Mechanic
Police Officer
Storm Water Equipment Operator I
WPC Operator I
Pool Manager
PT Recycling Monitor
Office Clerk II
WPC Operator I
Firefighter
Firefighter
Help Desk Technician
Firefighter

Elijah Bagley – Elijah was hired on December 7, 2017, as a Police Officer. Elijah graduated from North Valleys High School in Nevada. He previously served in the United States Army and was last employed as a mechanic.

Robert Battista – Robert was hired on December 14, 2017, as a Park Tech I. Robert graduated from Blue Valley High School and Pinnacle Career Institute. He was formerly employed as a store manager.

Randall Rosenstangle – Randy was hired on January 25, 2018, as a Mechanic. Randy graduated from Trenton R-9 High School and Chillicothe Vo-Tech. He has many years of experience as an Automotive Technician.

Wilson (Tanner) Park – Tanner was hired on February 22, 2018, as a Police Officer. He graduated from North Kansas City High School and Park University. He was previously an accountant and served in the United States Navy.

David McKendrick – David was hired on February 22, 2018, as a Storm Water EO1. David graduated from Rock Springs High School in Wyoming. David was with Ensign Drilling in Denver and most recently was a mixer driver.

Joseph Kowalewski – Joe was hired on February 22, 2018, as a WPC Operator I. Joe graduated from Leavenworth High School. He worked for Heatron for ten years and most recently was a meter reader for Westar Energy.

Conner Debban – Conner was hired on March 8, 2018, as the Aquatics Manager. He graduated from Shenandoah High School and went on to earn his Bachelor's Degree in Community and Regional Planning from Iowa State University.

Thomas Urban – Tom was originally hired as a Temporary Custodian on November 29, 2017, and was selected for the regular, part-time position of Recycling Monitor on April 19, 2018. Tom graduated from Kimball High School in South Dakota. He retired from APA in 2017.

Staci Adams – Staci was hired on May 3, 2018, as Office Clerk II for the City Clerk's Office. She graduated from Northeast High School. Staci most recently worked as a Charge Off Specialist at Armed Forces Bank.

Darrin Manna – Darrin was hired on May 3, 2018, as a WPC Operator I. Darrin graduated from Ottawa High School. Darrin received a Master's Degree in Education from Rockhurst University. He was most recently employed as a truck driver.

Spencer Blew – Spencer was hired on May 17, 2018, as a Firefighter. He graduated from Lansing High School and attended KCKCC. He is a volunteer firefighter and a wrestling coach.

Clinton Forbes – Clinton was hired on May 17, 2018, as a Firefighter. He graduated from Pleasant Ridge High School and attended KCKCC. Clinton previously worked as a meat specialist at Hy-Vee.

Howard Kings – Howard was hired on May 17, 2018 as Help Desk Technician. He graduated from Lansing High School and Pittsburg State with a degree in Business Administration. He was previously employed with Marlow White.

Brendan Hannigan – Brendan was hired on May 31, 2018, as a Firefighter. He graduated from Lansing High School and also attended KCKCC and JCCC. Brendan previously worked for Leavenworth County Fire District as a Firefighter/EMT.



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Mark Preisinger, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Larry Dedeke and Myron J. (Mike) Griswold

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline, Police Chief Pat Kitchens, City Planner Julie Hurley, WPC Superintendent Chuck Staples, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary Collins and City Clerk Carla K. Williamson.

Mayor Mark Preisinger opened the meeting with the pledge of allegiance followed by silent meditation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Griswold moved to approve the minutes from the May 8, 2018 regular meeting as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8075 – Police Chief Pat Kitchens stated that there have been no changes to the ordinance since it was first introduced. Ordinance No. 8075 was presented for second consideration and a roll call vote.

Mayor Preisinger called the roll and Ordinance No. 8075 was unanimously approved 5-0.

NEW BUSINESS:

Citizen Participation: none

General Items:

Alliance Against Family Violence (AAFV) Request for Funding – City Manager Paul Kramer presented for consideration a request from the Alliance Against Family Violence for matching funds of \$50,000 from the City. The request was reviewed at the May 15, 2018 Study Session.

Commissioner Bauder moved to provide the City Manager authority to expend up to \$50,000 for the AAFV, provided the group has attained matching funds by September 30, 2018, and directs the City Manager to report to the City Commission when such funds are expended. Commissioner

Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Review of Property on Demolition List –1921 5th Avenue – City Planner Julie Hurley gave the following review of 1921 5th Avenue:

- Resolution B-2179 passed on October 10, 2017 listed 1921 5th Avenue on the demolition list as an unsafe or dangerous structure.
- Property Owner Douglas Neu provided a letter dated October 1, 2017 stating that he believed he could have all repairs completed in eight to ten months. The City Commission voted to review the property in 30 days.
- On November 14, 2017 the City Commission granted a 90 day extension
- On February 13, 2018 the City Commission reviewed the progress. Overgrown vegetation had been removed and new siding had been installed on the main level of the house. The City Commission approved an additional 90 day extension.
- As of May 22, 2018 the roof has been replaced; siding on the second story needs to be replaced and soffits/eaves need to be repaired/replaced/installed

Property owner Douglas Neu was present and addressed the Commission:

- Has taken longer than expected
- Plans to complete the work now that there is warmer weather
- Should take about 30 days to complete

Commissioner Dedeke moved to remove 1921 5th Avenue from the demolition list. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Mayor's Appointment: Mayor Preisinger moved to appoint Lisa Weakley to Grow Leavenworth County Development Corporation to a term ending May 31, 2020. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

2018-2019 City Commission Goals Changes – City Manager Paul Kramer reviewed changes presented by Mayor Preisinger and Commissioner Griswold since the adoption of the goals at the April 24, 2018 meeting. The new Goals document was presented for review and consideration.

Commissioner Griswold moved to approve the revised 2018-2019 City Commission Goals. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2200 3 Year Capital Lease Purchase Agreement – Vector Truck – City Manager Paul Kramer presented for consideration a three year capital lease agreement for the purchase of a 2018 VAC-CON tandem axle sewer cleaning truck in the amount of \$375,000. The lease purchase agreement will be with Leasing 2, Inc. with three annual payments of \$133,949.71 for a total amount not to exceed \$401,849.13. As a note, at the May 8, 2018 meeting there was a total price

stated to the Commission as \$397,750.53 however that amount was incorrect the total payments will be \$401,849.13.

Commissioner Bauder moved to adopt Resolution B-2200 and approve the Lease Purchase Agreement with Leasing 2 Inc. as presented. Commissioner Griswold seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Water Pollution Control (WPC) Settled Sewage Motor Project – Public Works Director Mike McDonald and WPC Superintendent Chuck Staples presented for consideration the bids for the Settled Sewage Motor Project. Staff recommends approval of the low bid from Douglas Pump Services in an amount not to exceed \$62,289.00. Bids were opened on May 9, 2018 and were as follows:

Vendor	Location	Bid
Douglas Pump Services	Overland Park KS	\$62,289.00
R/S Electric Motors	St. Joseph MO	\$69,088.50

Commissioner Bauder moved to approve the low bid from Douglas Pump Services at an amount not to exceed \$62,289.00. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Change Order No 1 Contract 2017-77; Three Mile Creek Bank Stabilization Project – City Manager Paul Kramer presented for consideration a change order in the amount of \$3,750.00 for a new total contract amount not to exceed \$28,182.50 for the inspection contract with SCS Engineers.

Commissioner Griswold moved to approve change order #1 in the amount of \$3,750.00 for a new total contract amount not to exceed \$28,182.50 with SCS Engineers. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance to Rescind Special Use Permits – City Clerk Carla Williamson presented for first consideration an ordinance to rescind special use permits.

The Special Use Permit for a day care at 1707 Limit has failed to pay the annual registration fee of \$25.00. Multiple notices were sent to the property owner. No *public* notice is required in order to administratively rescind Special Use Permits for failure to pay annual registration fees under the 2016 Development Regulations Article 2 Section 2.04(C).

The Special Use Permits listed below have requested to have their permits rescinded and have provided written notice of such request.

936 Osage Street	Child Care Center
932 Ottawa Street	Child Care Center
2304 S 17 th Street	Child Care Center

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

First Consideration Ordinance General Obligation Bonds, Series 2018-A – City Manager Paul Kramer presented for first consideration an ordinance authorizing the issuance of General Obligation Bonds Series 2018-A. General Obligation Series 2018-A will be issued and will provide funding to redeem and pay the Series A2017 Notes to permanently finance the costs of the General Improvements.

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

CONSENT AGENDA:

Commissioner Griswold moved to approve Claims for May 5, 2018 through May 18, 2018 in the amount of \$1,446,561.31; Net amount for Pay #10 effective May 11, 2018 in the amount of \$306,665.47 (No Police & Fire Pension). Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Adjourn:

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried and the meeting adjourned.

Time Meeting Adjourned 7:28 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



The City Commission met for a Special Meeting with the following members present: Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Larry Dedeke and Myron J. (Mike) Griswold. Absent: Mayor Mark Preisinger.

Others Present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Parks & Recreation Director Steve Grant, Finance Director Ruby Maline, Public Information Officer Melissa Bower and City Clerk Carla K. Williamson.

The Governing Body signed the consent for the special meeting written waiver notice.

Mayor Pro-Tem Wilson called for a motion to open the special meeting.

Commissioner Bauder moved to open a Special Meeting. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor Pro-Tem declared the motion carried 4-0.

Bids Contracts and Agreements:

Consider Thornton Street Design Contract – Public Works Director Mike McDonald presented for consideration a sole source design contract with Affinis Corporation for the design of Thornton Street Improvement Project. The contract includes public meetings that Affinis will facilitate. Kristen Leathers with Affinis Corporation was present and discussed the project. The project will improve Thornton Street from 10th Avenue to 5th Street. The design contract is in an amount not to exceed \$364,900.00.

Commissioner Bauder moved to approve the design contract submitted by Affinis Corporation for the Thornton Street Improvement Project 10th Avenue to 5th Street in an amount not to exceed \$364,900.00. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor Pro-Tem declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance – Stormwater Utility Ordinance – City Manager Paul Kramer presented for first consideration an ordinance to create a Stormwater Utility in the City of Leavenworth.

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

First Consideration Ordinance to Amend Appendix F, Schedule of Fees – City Manager Paul Kramer presented for first consideration an ordinance to amend Appendix F, Schedule of Fees of the Code of Ordinances to include the addition of fees associated with Chapter 103 Stormwater Utility Fees.

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

Commissioner Bauder asked about an incident at the Library and the ability of the Library Director to ban anyone from the Library. City Manager Kramer said that the Library Director has the ability and can contact the Police Department with options.

Commissioner Griswold discussed citizen concerns on improvement of roads within the City. He would like a Study Session to discuss roads.

Adjourn:

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor Pro-Tem declared the motion carried and the meeting adjourned.

Meeting adjourned at 8:11 p.m.

Minutes taken by City Clerk Carla K. Williamson

**POLICY REPORT
SECOND CONSIDERATION
ORDINANCE No. 8076
RESCINDING CERTAIN SPECIAL USE PERMITS**

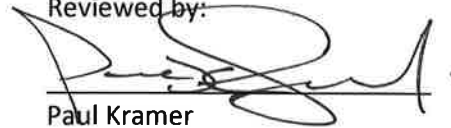
JUNE 12, 2018

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the May 22, 2018 City Commission meeting the City Commission reviewed and placed on first consideration;

**AN ORDINANCE TO DISCONTINUE OR RESCIND CERTAIN SPECIAL USE PERMITS IN
LEAVENWORTH KANSAS.**

There have been no changes since this item was placed on first consideration.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 8076.

ACTION:

Ordinance No. 8076 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8076

(Summary Published in the Leavenworth Times on June 15, 2018)

ORDINANCE NO. 8076

AN ORDINANCE TO DISCONTINUE OR RESCIND CERTAIN SPECIAL USE PERMITS IN LEAVENWORTH KANSAS

WHEREAS, under the Appendix E of the City of Leavenworth Code of Ordinances, 2016 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 my 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 administratively rescinded due to non-payment of the annual special use fee:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Herman & Sun Moore	1707 Limit Street	Child Care Center	7724	2/16/2007

Section 2. That the following special use permits are hereby rescinded by request of the property owner:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Annie N Schmalbeck	936 Osage Street	Child Care Center	8017	11/8/2016
Debbie Schmidt	932 Ottawa Street	Child Care Center	7532	7/9/2002
Edna M. Brantley	2304 S 17th Street	Child Care Center	7354	4/14/1998
Sue & Tim Moore	1626 Limit Street	Child Care Center	7478	12/12/2000

Section 3. 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 June 12, 2018.

Mark Preisinger, Mayor

ATTEST:

Carla K. Williamson, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney

**POLICY REPORT
SECOND CONSIDERATION
ORDINANCE No. 8077
STORMWATER UTILITY**

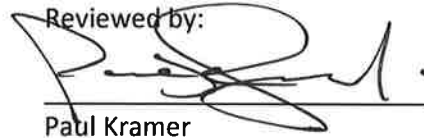
JUNE 12, 2018

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the June 5, 2018 City Commission Special Meeting the City Commission reviewed and placed on first consideration;

AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING A NEW CHAPTER 103 OF THE LEAVENWORTH CODE OF ORDINANCES, RELATING TO STORMWATER UTILITY.

There have been no changes since this item was placed on first consideration.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 8077.

ACTION:

Ordinance No. 8077 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8077

(Summary Publish in the Leavenworth Times on June 15, 2018)

ORDINANCE NO. 8077

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS,
ESTABLISHING A NEW CHAPTER 103 OF THE LEAVENWORTH
CODE OF ORDINANCES, RELATING TO STORMWATER UTILITY.**

WHEREAS, on February 13, 2018, the Governing Body approved Charter Ordinance No. 58, which became finally effective as of May 9, 2018, exempting the City from the provisions of the Kansas Water Pollution Act, K.S.A. 12-3101 *et seq.*, such that the City may have subsequently provided for the creation of a stormwater management program and a stormwater utility fee for the City of Leavenworth;

WHEREAS, the Governing Body wishes to create a stormwater utility for the City of Leavenworth, Kansas; and

WHEREAS, the Governing Body has determined that a new Chapter 103 should be established in the Leavenworth Code of Ordinances for such stormwater utility, management program, and fee.

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

Section 1. That a new Chapter 103 of the Leavenworth Code of Ordinances is hereby established to read as follows:

Chapter 103

STORMWATER MANAGEMENT

Article I. Stormwater Management Utility

Sec. 103-1. Definitions. In addition to the words, terms and phrases elsewhere defined in this Article, the following words, terms and phrases, as used in this Article, but only for the purposes of this Article, shall have the following meanings:

- (a) *Bonds* means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of stormwater management.
- (b) *Building Permit* means a permit issued by the Building Inspector/Code Administrator which permits construction on a structure.
- (c) *City* means the City of Leavenworth, Kansas.
- (d) *City Commission* means the governing body of the City.

- (e) *Costs of Capital Improvement* means costs incurred in providing capital improvements to the stormwater management system or any portion thereof including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the stormwater management system; professional services and studies connected thereto; principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments; studies related to the operation of the system; costs of the stormwater management service fee study, performed to establish stormwater management service fees for the stormwater utility and to determine other start-up costs of the stormwater utility; costs related to the National Pollutant Discharge Elimination System Permit study, application, negotiation and implementation, as mandated by federal and state laws and regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise, for the stormwater management system or for its protection; and costs associated with purchasing equipment, computers, furniture, etc., necessary for the operation of the system or the utility.
- (f) *Debt Service* means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, and (ii) any principal installments payable on the bonds during such fiscal year.
- (g) *Developed Property* means real property, other than undisturbed property, vacant property, or exempt property.
- (h) *Director* means the person appointed by the City Manager to be the Director of the City's Public Works Department or the Director's designee.
- (i) *Effective Date* means the date this ordinance is published in the official City newspaper and, pursuant hereto, takes effect.
- (j) *Exempt Property* means public right-of-way, public trails, public streets, public alleys, public sidewalks, and public lands and/or easements upon which the public stormwater management system is constructed and/or located.
- (k) *Fiscal Year* means a twelve (12)-month period commencing on the first day of January of any year.
- (l) *Multifamily Dwelling Unit* means an individual residential dwelling unit (whether an apartment, loft, condominium, duplex unit, or otherwise) which unit itself is not a single family residential property, but which unit may be located on or as part of single family residential property or nonresidential developed property. A multifamily dwelling unit may include, but need not be limited to, a Dwelling in Mixed-Use Structure, an

Attached Dwelling, an Elderly or Retirement Home Dwelling, a Live/Work Dwelling, a Multi-Family Dwelling, a Townhouse Dwelling, a Two-Family Dwelling, an Apartment, as such terms are defined or described in the City's Development Regulations, as adopted and amended from time to time.

- (m) *Nonresidential Developed Property* means developed property other than single family residential property or a multifamily dwelling unit (both as classified by the City), and includes commercial property and industrial property.
- (m) *Operating Budget* means the annual stormwater utility operating budget adopted by the City for the succeeding fiscal year.
- (o) *Operations and Maintenance* means, without limitation, the current expenses, paid or secured, for operation, maintenance and repair and minor replacement of the system, as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.
- (p) *Public Stormwater Management System* means all elements of the stormwater management system that have been officially dedicated to and accepted by the City.
- (q) *Single Family Residential Property* means developed property used for single family detached dwelling units. For purposes of this Article, if multiple single family detached dwelling units (including but not limited to mobile homes) are located on one parcel of single family residential property, then each such unit shall be treated as a separate single family residential property.
- (r) *Revenues* means all rates, fees, assessments, rentals, charges or other income received by the stormwater utility in connection with the management and operation of the stormwater management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with generally accepted accounting practices.
- (s) *Stormwater Management Service Fee* means a fee authorized by this Article, as set forth in a resolution or an ordinance adopted or amended by the City Commission, established to pay operation and maintenance, costs of capital improvements, debt service associated with the stormwater management system, and other costs included in the operating budget.
- (t) *Stormwater Rate* means a rate or fee structure for the stormwater management service fee, established by City Commission resolution or

ordinance, charged for each property within the City that established by this Article or by a City Commission resolution or ordinance to be subject to such stormwater rate. The stormwater rate may be established on a residential property, multifamily, nonresidential property, commercial, industrial, square footage, or other basis as the City Commission may determine.

- (u) *Stormwater Management System, Sewer System, or System* means storm sewers that exist on the Effective Date or that are hereafter established, and all appurtenances necessary in maintaining and operating the same, including, but not limited to the following, to the extent owned or controlled by the City: pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; arches; pipes; natural and manmade wetlands; channels; ditches and culverts; rivers, streams, and creeks; wet and dry bottom basins; and other flood control facilities and works for the collection, transportation, conveyance, pumping, treatment, control, management, and disposal of storm or surface water or pollutants originating from or carried by storm or surface water.
- (v) *Stormwater Utility or Utility* means the utility created by this Article to operate, maintain and improve the stormwater management system and for all other purposes, as set forth in this Article.
- (w) *Undisturbed Property or Vacant Property* means real property that has not been altered from its natural condition in a manner such that the entrance of water into the soil matrix is prevented or retarded, or real property that is not single family residential property or nonresidential developed property, a multifamily dwelling unit, or exempt property.

Sec. 103-2. Creation of a Stormwater Utility; Findings and Determinations.

(a) Pursuant to the provisions of K.S.A. 12-3101, *et seq.*, as chartered out of by the City pursuant to Charter Ordinance No. 58, the City's general home rule authority, nuisance abatement authority, police powers and all other authority, the Leavenworth City Commission does establish a stormwater utility and declares its intention to operate, construct, maintain, repair and replace the public stormwater management system and operate the stormwater utility.

(b) The City Commission finds, determines, and declares that the elements of the stormwater management system providing for the collection, conveyance, detention, retention, treatment and release of stormwater benefit and provide services to real property within the incorporated City limits. The benefits of the stormwater management system include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life

resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the storm and surface water system and their receiving waters; and appropriate balancing between development and preservation of the natural environment.

Sec. 103-3. Administration. The stormwater utility, under the supervision of the Director, shall have the power to:

- (a) administer the acquisition, design, construction, maintenance, operation, extension and replacement of the stormwater management system, including any real and personal property that is, will become a part of, or will protect the system;
- (b) administer and enforce this Article and all regulations, guidelines and procedures relating to the design, construction, maintenance, operation and alteration of the stormwater management system, including but not limited to, the flow rate, volume, quality and/or velocity of the stormwater conveyed thereby;
- (c) advise the City Commission on matters relating to the stormwater management system;
- (d) review plans concerning the creation, design, construction, extension and replacement of the stormwater management system and make recommendations to the City Commission;
- (e) make recommendations to the City Commission concerning the adoption of ordinances, resolutions, guidelines and regulations in furtherance of this Article and/or to protect and maintain water quality within the stormwater management system, in compliance with water quality standards established by state, county, regional and/or federal agencies, as now adopted or hereafter adopted or amended;
- (f) analyze the cost of services and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility at least once each year;
- (g) make recommendations to the City Commission concerning the cost of service and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility; and
- (h) administer programs established pursuant to this Article or pursuant to ordinances, resolutions, regulations or guidelines hereafter adopted by the City Commission that provide for credits and/or incentives which reduce stormwater management service fees imposed against properties.

Sec. 103-4. Operating Budget.

The City shall, as part of its annual budget process, adopt an operating budget for the stormwater utility for the next following fiscal year. The operating budget shall conform with State Budget Law, city policy and generally accepted accounting practices. The initial operating budget commences January 1, 2019, and ends December 31, 2019.

Sec. 103-5. Stormwater Management Service Fee.

- (a) *Service Fee Established.* Subject to the provisions of this Article, there is imposed on each and every single family residential property, nonresidential developed property, and multifamily dwelling unit, a stormwater management service fee. This stormwater management service fee shall be determined and set by the provisions of this Article in accordance with the stormwater rate. The amount of the fee shall be set out in Appendix F.
- (b) *Statement of Stormwater Rate.* The stormwater rate that is used to determine the stormwater management service fee for each single family residential property, nonresidential developed property, and multifamily dwelling unit shall be as established by ordinance or resolution heretofore adopted or hereafter adopted by the City Commission, and as thereafter amended by ordinance of the City Commission.
- (c) *Stormwater Management Service Fee for Single Family Residential Property.* The stormwater management service fee for single family residential property shall be determined by reference to the stormwater rate, as established by a City Commission resolution or ordinance. The Director shall update the database for residential developed properties on an annual basis. In the event of newly-constructed residential property, the charge for the stormwater management service fee attributable to that new single family residential property shall commence as of the first day of the calendar year after the date the building permit has been issued for that new single family residential property, regardless of whether a certificate of occupancy has been issued.
- (d) *Stormwater Management Service Fee for Nonresidential Developed Property.* The stormwater management service fee for nonresidential developed property shall be determined by reference to the stormwater rate, as established by a City Commission resolution or ordinance. The Director shall update the database for nonresidential developed properties on an annual basis. In the event of newly-constructed nonresidential property, the charge for the stormwater management service fee attributable to that new nonresidential developed property shall commence as of the first day of the calendar year after the date the building permit

has been issued for that new nonresidential developed property, regardless of whether a certificate of occupancy has been issued.

- (e) *Stormwater Management Service Fee for Multifamily Dwelling Units.* The stormwater management service fee for multifamily dwelling units shall be determined by reference to the stormwater rate, as established by a City Commission resolution or ordinance. The Director shall update the database for multifamily dwelling units on an annual basis. In the event of newly-constructed multifamily dwelling units, the charge for the stormwater management service fee attributable to those new multifamily dwelling units shall commence as of the first day of the calendar year after the date the building permit has been issued for those new multifamily dwelling units, regardless of whether a certificate of occupancy has been issued.

Notwithstanding the foregoing, the stormwater management fee shall not be imposed as any individual multifamily dwelling unit if, pursuant to the provisions of Section 103-6 below, the owner of such unit can establish that such multifamily dwelling unit has not been leased or occupied within the twelve (12) calendar months immediately preceding the date by which an appeal must be filed under Section 103-6.

- (f) *Stormwater Management Service Fee Calculation.* The Director shall initially, and from time to time, and with reference to the stormwater rate, determine the stormwater management service fee applicable to single family residential properties, nonresidential developed properties, and multifamily dwelling units within the City. To the extent the stormwater rate is established on a square footage basis (whether as to lot size, buildings, or both), the City shall have such square footage calculated to establish the stormwater management service fee. The Director shall make the initial calculations with respect to existing single family residential properties, nonresidential developed properties, and multifamily dwelling units and may from time to time change this calculation from the information and data deemed pertinent by the Director. With respect to property proposed to be nonresidential developed property, the applicant for development or redevelopment approval shall submit square footage calculations as to lot size and building/improvements size, in accordance with the City's building/plan submission requirements, as established from time to time.

Sec. 103-6. Appeal Procedure.

- (a) Owners of single family residential property, nonresidential developed property, or a multifamily dwelling unit with respect to which a stormwater management service fee has been imposed, who:

- (1) disagree with the manner by which the applicable stormwater management service fee was determined or calculated; or
- (2) who believe the stormwater management service fee should not be applied to such owner's multifamily dwelling unit on account of non-leasing or non-occupancy, as provided in Section 103-5(e) above;

may appeal the calculation or finding to the City. The owner/appellant must file a written notice of appeal with the City Clerk by no later than December 1 of the calendar year for which the stormwater management service fee is applicable. The appealing party shall provide information concerning the basis of the appeal, and any other information that the Director shall request to the appellant. The City Clerk will set an appeal date within seven (7) days after the date the timely and fully-completed appeal notice is filed with the City. The City Manager or his/her designee will provide a decision in writing on the appeal with seven (7) days after the scheduled appeal date.

- (b) In all instances, the burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the Director, from which the appeal is being taken, is erroneous.
- (c) The filing of a notice of appeal shall not stay the imposition, calculation or duty to pay the fee. The appellant shall pay the stormwater management service fee, as stated in the billing, to the Leavenworth County, Kansas, Treasurer. If the City determines that the appellant should not pay a fee, or should pay a fee amount less than the amount appealed from, the City shall issue a check to the appellant in the appropriate amount within ten (10) business days after the date of the applicable written decision, which in no event shall be more than the amount of the fee paid by the appellant as of the date the check is issued.
- (d) The decision of the City Manager or his/her designee shall be final.

Sec. 103-7. Stormwater Management Service Fee Collection.

- (a) The stormwater management service fee shall be billed by the Leavenworth County, Kansas, Clerk and collected by the Leavenworth County, Kansas, Treasurer. The stormwater management service fee shall be shown as a separate item on the County's annual ad valorem property tax statement, in accordance with the procedures established in an agreement, pursuant to K.S.A. 12-2908, between the City and the County, as hereby authorized. The payment of stormwater management service fee bills for any given property shall be the responsibility of the owner of the property that is provided service by the stormwater system.

- (b) Stormwater management fees shall be subject to interest and penalties for late payment, which interest and penalties shall be the same as that imposed for late payment of ad valorem property taxes collected by the County, and, as and to the extent permitted by applicable law, shall be assessed, shall constitute a lien and be collected by the County in the same manner as late charges are assessed and collected by the County for ad valorem property taxes, regardless of whether the stormwater management service fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

Sec. 103-8. Stormwater Utility.

Stormwater management service fees collected by the City shall be paid into a fund that is hereby created and shall be known as the "Stormwater Utility Fund." This revenue shall be used for the purpose of paying costs of capital improvements, administration of the stormwater utility, operation, maintenance and debt service of the stormwater management system, and to carry out all other lawful purposes of the utility. In addition, fund transfers from this fund to the Bond and Interest Fund may be made to pay debt service on bonds issued by the City to fund the City's stormwater management activities.

Sec. 103-9. Issuance of Sewer Revenue Bonds; Requirements.

- (a) Having chartered out of, and exempting the City from, the provisions of the Kansas Water Pollution Act, K.S.A. 12-3101, pursuant to Charter Ordinance No. 58, the City Commission shall have the power to use any unencumbered municipal revenues and/or to issue revenue bonds from time to time in its discretion, without an election, to finance the planning, altering, enlarging, extending, improving, constructing, and reconstructing the Stormwater Management System. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the City derived from or held in connection with its Sewer System or Sewer Systems; provided, however, that payment of these bonds, both as to principal and interest, may be further secured by a pledge of other unencumbered municipal revenues and/or of any loan, grant, or contribution from the federal government, the State of Kansas, other states, counties, cities, drainage districts, public bodies of the state, or any person.
- (b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this section are declared to be issued for an essential public purpose and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes as and in accord with the law of any applicable taxing jurisdiction.

- (c) Bonds issued under this section shall be authorized by ordinance or resolution of the City Commission and may be issued in one or more series and shall bear such date or dates, be payable on demand or mature at such time or times, bear interest at such rate or rates, not exceeding the maximum rate of interest prescribed by law (including K.S.A. 10-1009), be in such form, have such rank or priority, be executed in such manner, and have such other characteristics as may be provided by such ordinance or resolution.
- (d) Pending the issuance of revenue bonds authorized by this section, the City Commission may issue revenue anticipation bonds of the City for the purpose of providing interim financing for a project, such revenue anticipation bonds being payable from revenue bonds issued to provide permanent financing for activities authorized by this Article and the income, proceeds, revenues, and funds of the City derived from or held in connection with its Sewer System.

Sec. 103-10. Severability.

In the event that any portion or section of this Article is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this Article, which shall remain in full force and effect.

Section 2. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the 12th day of June, 2018.

Mark Preisinger, Mayor

{SEAL}


ATTEST:

Carla K. Williamson CMC, City Clerk


**POLICY REPORT
SECOND CONSIDERATION
ORDINANCE No. 8078
AMENDING APPENDIX F, SCHEDULE OF FEES**

JUNE 12, 2018

Prepared by:


Carla K. Williamson, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

BACKGROUND:

At the June 5, 2018 City Commission Special Meeting the City Commission reviewed and placed on first consideration;

**AN ORDINANCE AMENDING THE SCHEDULE OF FEES WITHIN THE CORPORATE LIMITS
OF THE CITY OF LEAVENWORTH, KANSAS AND INCORPORATING BY REFERENCE THE
APPENDIX F SCHEDULE OF FEES OF THE CODE OF ORDINANCES, DATED JUNE 12, 2018,
FOR THE CITY OF LEAVENWORTH.**

There have been no changes since this item was placed on first consideration.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 8078.

ACTION:

Ordinance No. 8078 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8078 and attached Appendix F, Schedule of Fees

(Summary Publish in the Leavenworth Times on June 15, 2018)

ORDINANCE NO. 8078

AN ORDINANCE AMENDING THE SCHEDULE OF FEES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS AND INCORPORATING BY REFERENCE THE APPENDIX F SCHEDULE OF FEES OF THE CODE OF ORDINANCES, DATED JUNE 12, 2018, FOR THE CITY OF LEAVENWORTH.

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

Section 1. That the attached Appendix F is hereby incorporated by reference for the purpose of regulating fees charged to the public within the corporate limits of the City of Leavenworth, Kansas, that certain fee schedule known as the “Appendix F Schedule of Fees” prepared, save and except such sections, parts or portions as are hereinafter omitted, deleted, notified or changed, adopted by Ordinance No. 8078. The Appendix F Schedule of Fees shall be attached to Ordinance No. 8078, incorporated by reference in the Code of Ordinances, filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in force and effect from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the 12th day of June 2018.

{SEAL}

Mark Preisinger, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
2	ADMINISTRATION				
	(a) Public Information Requests:				
2		Open Public Records		First 5 pages & includes 1/2 hour staff labor	\$5.00
2		Open Public Records		\$0.25 each additional page after first 5 pages	\$0.25
2		Open Public Records		Staff labor cost per hour after first 1/2 hour	\$20.00
2		Video/DVD Reproduction		Copy of DVD, tape or video	\$5.00
2		Video/DVD Reproduction		Staff cost per hour after first 1/2 hour	\$20.00
2		Maps and drawings		Standard map paper 34"x44"	\$6.00
2		Maps and drawings		Standard plotter sheet 34"x44"	\$10.00
2		Maps and drawings		Mylar map sheet or paper plotter with contours or orthophotos 34" x 44"	\$20.00
2		Maps and drawings		Mylar plotter sheet 34" x 44"	\$30.00
2		Public Improvement Inspection Fee		Construction of sanitary sewer, street, storm sewer or other public improvement; 6% fee of actual construction costs approved by Public Works Director	
2		Floodplain		Determination cost	\$125.00
2		Police Department Photo/Video/DVD Copies		Copies of photographs, video and DVD	\$15.00
2		Police Department Record Checks			\$15.00
2		Police Department Money Escorts			\$10.00
2		Police Department Fingerprinting			\$15.00
2		Police Department Uniformed Off Duty		Per hour charge for uniformed off duty officer	\$35.00
2		Police Department Bomb Calls		Other agencies will be assessed at full cost	
2		Postage		Reimburse exact amount of postage	
2	351	Rental Registration	One Time Fee	One time only fee per owner	\$20.00
10	ALCOHOLIC BEVERAGES				
10	51	Cereal Malt Beverage Retailer's License	Jan 1 - Dec 31	Consumption on premises per business	\$200.00
10	51	Cereal Malt Beverage Retailer's License	Jan 1 - Dec 31	Not for consumption on premises per business	\$50.00
10	51	CMB Stamp Tax	Jan 1 - Dec 31	Stamp tax fee submitted to State of Kansas annually	\$25.00
10	93	Alcoholic Liquor Temporary Permit	Per Day	Need zoning form completed for State	\$25.00
10	101	(a) Any licensee holding a license for any of the purposes hereafter mentioned issued by the state director of alcoholic beverage control and within the corporate limits of the city shall pay an annual occupation license tax to the city as follows:			
10	101	Alcoholic Liquor Retailers	1 yr from Issue Date	Alcoholic liquor including beer containing more than 3.2 percent of alcohol by weight for consumption off the premises (sales in the original package only)	\$300.00
10	101	Alcohol and Spirit Manufacturer	1 yr from Issue Date		\$2,500.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	1-100 barrel daily capacity or any part thereof	\$200.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	100-150 barrel daily capacity	\$400.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	150-200 barrel daily capacity	\$700.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	200-300 barrel daily capacity	\$1,000.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	300-400 barrel daily capacity	\$1,300.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	400-500 barrel daily capacity	\$1,400.00
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	500 or more barrel daily capacity	\$1,600.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee	
10	101	Beer Manufacturer (regardless of alcohol content)	1 yr from Issue Date	Provided that the words "daily capacity" as used herein shall mean the average barrel production for the previous 12 months of manufacturing operation; provided further that if no such basis for comparison exists, the manufacturing licenses shall pay in advance for the first year's operation of tax.	\$1,000.00	
10	101	Beer Distributor	1 yr from Issue Date	First and each additional distributing place of business operated in the city by the same licensee and wholesaling and jobbing beer and cereal malt beverage	\$1,000.00	
10	101	Microbrewery or Farm Winery	1 yr from Issue Date		\$250.00	
10	101	Wine Manufacturer	1 yr from Issue Date		\$500.00	
10	101	Wine or Spirit Distributor	1 yr from Issue Date	First and each additional distributing place of business operated in the city by the same licensee and wholesaling and jobbing alcoholic liquors, except beer	\$1,000.00	
10	101	Nonbeverage User Class 1	1 yr from Issue Date	100 gallons (not to exceed)	\$10.00	
10	101	Nonbeverage User Class 2	1 yr from Issue Date	1,000 gallons (not to exceed)	\$50.00	
10	101	Nonbeverage User Class 3	1 yr from Issue Date	5,000 gallons (not to exceed)	\$100.00	
10	101	Nonbeverage User Class 4	1 yr from Issue Date	10,000 gallons (not to exceed)	\$200.00	
10	101	Nonbeverage User Class 5	1 yr from Issue Date	10,000 gallons (in excess)	\$500.00	
The tax shall be paid before business is begun under an original state license and within ten days after the renewal of a state license.						
10	142	Private Club Class A	1 yr from Issue Date	Must have State Paperwork	\$250.00	
10	142	Private Club Class B	1 yr from Issue Date	Must have State Paperwork	\$250.00	
10	181	Caterer	1 yr from Issue Date	Must have State Paperwork	\$250.00	
10	221	Drinking Establishment	1 yr from Issue Date	Must have State Paperwork	\$250.00	
14	AMUSEMENTS AND ENTERTAINMENTS					
14	27	Automatic Music/Amusement Services	Mar 1 - Feb 28	Every person engaged in the business of operating an automatic music device for profit or gain, whether as a single business or in conjunction with other businesses. Fee is per device, per year and paid by the owner of the device.	\$40.00	
14	112	Carnival, Circus, Streetshow Day	Per Day	Initial fee per day	\$260.00	
14	112	Carnival, Circus, Streetshow Day Renew	Daily - Renewal	Renewal fee per day	\$200.00	
14	112	Carnival, Circus, Streetshow Week	Per Week	Initial fee per week	\$1,465.00	
14	112	Carnival, Circus, Streetshow Week Renew	Week - Renewal	Renewal fee per week	\$1,150.00	
14	112	Carnival, Circus, Streetshow (City Sanctioned)	Day	Fee per day	\$200.00	
14	112	Carnival, Circus, Streetshow (City Sanctioned)	Week	Fee per week	\$1,150.00	
14	112	Petting Zoo (Definition: Domestic animals to include dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits and other like animals used and maintained in confinement.)				
14	126	Petting Zoo 1-25 animals	Per Day	1-25 Animals	\$25.00	
14	126	Petting Zoo 26-50 animals	Per Day	25 or more Animals	\$50.00	
14	126	Petting Zoo	Per Event	Refundable cash bond to guarantee clean up	\$250.00	
14	126	Per event: To guarantee site clean up, a \$1,000.00 refundable cash bond if event is held on private property, \$5,000.00 if event is held on City property. Certificate of insurance minimum of \$500,000.00 with City of Leavenworth, Kansas named as additional insured.				
14	204	Professional Wrestling Matches	Per Event	Application for license fee	\$100.00	
18	ANIMALS					
18	6	Animal Surrender fee		Owner relinquishment/Surrender accompanied with vaccination papers and medical records	\$20.00	

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
18	7	Adoption Service Fee		Adoptive owner shall pay all required fees, including any medical care costs incurred during impoundment per the current city contracted costs.	Cumulated costs incurred
18	12	Dead Animal		Remove of dead animal	\$20.00
18	12	Dead Animal		Cremation of dead animal charged \$10 plus the current contract price of cremation per pound.	\$10.00 Plus current contact price per
18	23	Deer Hunting	Sep 1 - Jan 31	Permit fee issued per hunter	\$20.00
18	45	Dog and Cat Violations of Sections 18-43 and 18-44 shall be as follows:			
18	45	Penalty		First offense	\$35.00
18	45	Penalty		Second offense	\$100.00
18	45	Penalty		Third offense	\$150.00
18	45	Penalty		Habitual violator; animal at-large. It shall be a separate municipal offense for any person to receive four or more citations for violation of section 18-43 within a 24 month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this section shall be fined a minimum of \$100.00 and a maximum of \$500.00 for each habitual violator citation. The municipal judge shall have no authority to suspend the minimum fine or any portion thereof. A person cited for violation of this section shall be required to appear in municipal court. It shall be a defense to an alleged violation of this section for the defendant to have been adjudged not guilty, or the charge dismissed, of section 18-43 for a specific citation issued under section 18-43.	
18	46	Impoundment Charges - Dogs Running At-Large		Confinement fee	\$20.00
18	46	Impoundment Charges - Dogs Running At-Large		Plus, per day confinement	\$10.00
18	50	Residential Kennel Permit	Jan 1 - Dec 31	Permit Fee	\$30.00
18	64	Dog License - Altered	Apr 1 - Mar 31	Registration Fee	\$10.00
18	64	Dog License - Unaltered	Apr 1 - Mar 31	Registration Fee	\$20.00
18	64	Dog License - Late	After March 31	Registration Late Fee	\$10.00
18	67	Dog Tag (Duplicate)		Duplicate Tag Fee	\$1.00
18	68	Dangerous Dog	Apr 1 - Mar 31	Registration Fee	\$50.00
18	92	Impoundment Fee - Livestock and Domestic Fowl	Pickup	Pickup Fee	\$20.00
18	92	Impoundment Fee - Livestock and Domestic Fowl	Per Day	Per day of confinement or actual cost whichever is greater	\$10.00
18		Animal control contracts shall be renewed annually at current service fee rates.			
22	BUILDING AND BUILDING REGULATIONS				
22	66	Building Code		Adopted Uniform Building Code, 2006 Edition	
		Building Code adopted permit fees:			
22	67	\$1 to \$500 Total Valuation		\$24.00	
22	67	\$501 to \$2,000 Total Valuation		\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, to and include \$2,000	
22	67	\$2,001 to \$40,000 Total Valuation		\$69 for first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000	

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
22	67	\$40,001 to \$100,000 Total Valuation		\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000	
22	67	\$100,001 to \$500,000 Total Valuation		\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000	
22	67	\$500,001 to \$1,000,000 Total Valuation		\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	
22	67	\$1,000,001 to \$5,000,000 Total Valuation		\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000	
22	67	\$5,000,001 Total Valuation and Over		\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof	
22	67	Other inspections and fees:			
22	67	a) Inspections outside of normal business hours	Per Hour ²	Minimum charge: two hours	\$47.00
22	67	b) Reinspection fees	Per Hour ²	Assessed under provisions of Section 305	\$47.00
22	67	c) Inspections - no fee specifically indicated	Per Hour ²	Minimum charge: one-half hour	\$47.00
22	67	d) Plan Review Fee		65% of permit fee	
22	94	Appeals to the Board of Appeals		Application fee	\$50.00
22	118	Grading Permit Fees			
22	118	Amending Appendix Section 3310.3, Table No. A-33-B, of the Uniform Building Code to read as follows:			
22	118	a) Grading Permit Fees ¹		100 cubic yards or less: \$37.00	
22	118	b) Grading Permit Fees ¹		101 to 1,000 cubic yards: \$37 for the first 100 cubic yards plus \$17.50 for each additional 100 cubic yards or fraction thereof.	
22	118	c) Grading Permit Fees ¹		1,001 to 10,000 cubic yards: \$194.50 for the first 1,000 cubic yards, plus \$14.50 for each additional 1,000 cubic yards or fraction thereof.	
22	118	d) Grading Permit Fees ¹		10,001 to 100,000 cubic yards: \$325.00 for the first 10,000 cubic yards, plus \$66.00 for each additional 10,000 cubic yards or fraction thereof.	
22	118	e) Grading Permit Fees ¹		100,001 cubic yards or more: \$919.00 for the first 100,000 cubic yards, plus \$36.50 for each additional 10,000 cubic yards or fraction thereof.	
22	118	Notes: ¹ The fee for a grading permit authorizing additional work so that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.			
22	118	² Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.			
22	186	Electrical Code		Adopted National Electrical Code, Edition 2006	
22	199	Electrical Code schedule of fees:			
22	199	Electrical		a) 60 ampere service	\$15.00
22	199	Electrical		b) 100 ampere service	\$18.00
22	199	Electrical		c) 150 ampere service	\$20.00
22	199	Electrical		d) 200 ampere service	\$23.00
22	199	Electrical		e) 400 ampere service	\$25.00
22	199	Electrical		f) 600 ampere service	\$28.00
22	199	Electrical		g) 800 ampere service	\$30.00
22	199	Electrical		h) Over 800 ampere service	\$50.00
22	199	Electrical		i) Each electrical outlet	\$0.20
22	199	Electrical		j) Each motor 1 hp or less	\$2.00
22	199	Electrical		k) Each motor 1 hp to and including 5 hp	\$3.00
22	199	Electrical		l) Each motor rated above 5 hp including 10 hp	\$5.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
22	199	Electrical		m) Each motor rated above 10 hp including 20 hp	\$8.00
22	199	Electrical		n) Each motor rated above 20 hp	\$9.00
22	199	Electrical		o) Each outdoor electric sign	\$5.00
22	199	Electrical		p) Furnace, range, dryer, hot water tank, window air conditioner	\$2.00
22	199	Electrical		q) Transformer, hair dryer, commercial cooking vats, electric heating units, and similar equipment, up to and including 2 KVA	\$3.00
22	199	Electrical		r) Above 2 KVA and including 10 KVA \$3.00 + \$1.00 per KVA	
22	199	Electrical		s) Above 10 KVA and including 50 KVA \$11.00 + \$0.55 per KVA	
22	199	Electrical		t) Above 50 KVA \$33.00 + \$0.20 per KVA	
22	199	Electrical		u) Air Conditioner other than window units: To be charged from their motor horsepower rating above.	
22	199	Electrical		v) Installation for carnival, circus, road show, and similar installation	\$100.00
22	199	Electrical		w) For issuing each permit	\$24.00
22	199	Electrical		x) Refrigerated display case, each section	\$5.00
22	301	Electrical Trade Examination		Electrical trade examination sponsorship fee*	\$35.00
22	303	Electrical Contractor	Jan 1 - Dec 31	Electrical contractor certificate of qualification	\$200.00
22	303	Electrical Contractor	Jan 1 - Dec 31	Renewal of electrical contractor's license	\$200.00
22	304	Residential Landlord Electrician	Jan 1 - Dec 31	Application & Yearly fee	\$35.00
22	305	Master Electrician	Jan 1 - Dec 31	Master electrician license	\$35.00
22	305	Master Electrician (renewal)	Jan 1 - Dec 31	Master electrician license renewal	\$35.00
22	306	Maintenance Electrician	Jan 1 - Dec 31	Maintenance electrician examination and license fee	\$35.00
22	307	Journeyman Electrician	Jan 1 - Dec 31	Journey electrician license	\$35.00
22	307	Journeyman Electrician (renewal)	Jan 1 - Dec 31	Journey electrician license renewal	\$35.00
22	308	Apprentice electrician license	Jan 1 - Dec 31	Apprentice electrician license	\$15.00
22	351	Plumbing Code		Adopted Uniform Plumbing Code, Edition 2006	
22	351	Plumbing Code schedule of fees:			
22	351	Plumbing		a) For issuing each permit	\$24.00
22	351	Plumbing		b) For issuing each supplement permit	\$10.00
22	351	Plumbing		c) For each plumbing fixture on one trap or a set of fixtures on one trap, including water, drainage piping and backflow protection thereof	\$7.00
22	351	Plumbing		d) For each building sewer and each trailer park sewer	\$15.00
22	351	Plumbing		e) Rainwater systems, per drain (inside building)	\$7.00
22	351	Plumbing		f) For each cesspool	\$25.00
22	351	Plumbing		g) For each private sewage disposal system	\$40.00
22	351	Plumbing		h) For each water heater and/or vent	\$7.00
22	351	Plumbing		i) For each gas piping system of one to five outlets	\$5.00
22	351	Plumbing		j) For each additional gas piping system outlet, per outlet	\$1.00
22	351	Plumbing		k) For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	\$7.00
22	351	Plumbing		l) For each installation, alteration or repair of water piping and/or water treating equipment	\$7.00
22	351	Plumbing		m) For each repair or alteration of drainage or vent piping, each fixture	\$7.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
22	351	Plumbing		n) For each lawn sprinkler system on any one meter, including backflow protection devices therefore	\$7.00
22	351	Plumbing		o) For vacuum atmospheric-type vacuum breakers not included in items listed above:	
22	351	Plumbing		1) One to five	\$5.00
22	351	Plumbing		2) Over five, each	\$1.00
22	351	Plumbing		p) For each backflow protective device other than atmospheric-type vacuum breakers:	
22	351	Plumbing		1) Two inch diameter and smaller	\$7.00
22	351	Plumbing		2) Over two inch diameter	\$15.00
22	351	Plumbing		q) Perc test	\$200.00
22	351	Plumbing		r) Septic inspection	\$50.00
22	380	Certificate of Qualification or Registration			
22	380	Plumbing Contractor	Jan 1 - Dec 31	Application and yearly fee	\$200.00
22	380	Master Plumber	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	380	Journeyman	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	380	Apprentice Plumber	Jan 1 - Dec 31	Application and yearly fee	\$15.00
22	380	Gas Contractor	Jan 1 - Dec 31	Application and yearly fee	\$200.00
22	380	Master Gas Fitter	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	380	Journeyman Gas Fitter	Jan 1 - Dec 31	Application and yearly fee	\$15.00
22	380	Plumbing Trade Examination		Sponsorship fee *	\$35.00
22	380	Residential Landlord Plumbing	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	380	Examination Fee		Applicant shall pay actual fees charged by testing agencies.	
22	421	Gas Fitting and Piping Code		Adopted Uniform Plumbing Code, Edition 2006	
22	421	Gas Contractor	Jan 1 - Dec 31	Application and yearly fee	\$200.00
22	421	Master Gas Fitter	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	421	Journeyman Gas Fitter	Jan 1 - Dec 31	Application and yearly fee	\$15.00
22	466	Mechanical Code		Adopted Uniform Mechanical Code 2006 Edition	
22	466	Condensing Unit Only		Permit fee	\$10.00
22	466	Mechanical Permit Fees - shall be as follows:			
22	466	Mechanical		a) For issuing each permit	\$24.00
22	466	Mechanical		b) For issuing each supplemental permit	\$10.00
22	466	Mechanical		c) For the installation or relocation of each forced-air or gravity type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h	\$15.00
22	466	Mechanical		d) For the installation or relocation of each forced-air or gravity type furnace or burner, including ducts and vents attached to such appliance, over 100,000 Btu/h	\$18.00
22	466	Mechanical		e) For the installation or relocation of each floor furnace, including vent	\$15.00
22	466	Mechanical		f) For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater	\$15.00
22	466	Mechanical		g) For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$8.00
22	466	Mechanical		h) For the repair of, alteration of, or addition to each heating appliance refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this Code.	\$14.00
22	466	Mechanical		i) For the installation or relocation of each boiler or compressor to and including three (3) hp, or each absorption system to and including 100,000 Btu/h	\$15.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
22	466	Mechanical		j) For the installation or relocation of each boiler or compressor over three (3) hp to and including 15 hp, or each absorption system over 100,000 and including 100,000 Btu/h	\$27.00
22	466	Mechanical		k) For the installation or relocation of each boiler or compressor over 15 hp to and including 30 hp, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h	\$38.00
22	466	Mechanical		l) For the installation or relocation of each boiler or compressor over 30 hp to and including 50 hp, or each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h	\$56.00
22	466	Mechanical		m) For the installation or relocation of each boiler or refrigeration compressor over 50 hp, or each absorption system over 1,750,000 Btu/h	\$93.00
22	466	Mechanical		n) For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$11.00
22	466	Mechanical		Note: This fee shall not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.	
22	466	Mechanical		o) For each air handling unit over 10,000 cfm	\$18.00
22	466	Mechanical		p) For each evaporative cooler other than portable type	\$11.00
22	466	Mechanical		q) For each ventilation fan connected to a single duct	\$8.00
22	466	Mechanical		r) For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$11.00
22	466	Mechanical		s) For the installation of each hood which is served by a mechanical exhaust, including the ducts for each hood	\$11.00
22	466	Mechanical		t) For the installation or relocation of each domestic type incinerator	\$18.00
22	466	Mechanical		u) For the installation or relocation of each commercial or industrial type incinerator	\$15.00
22	466	Mechanical		v) For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$11.00
22	491	Mechanical Licensing			
22	491	Mechanical Contractor	Jan 1- Dec 31	Application and yearly fee	\$200.00
22	491	Mechanical Apprentice	Jan 1- Dec 31	Application and yearly fee	\$15.00
22	491	Mechanical Trade Examination	Jan 1- Dec 31	Sponsorship fee *	\$35.00
22	491	Residential Landlord Mechanical	Jan 1 - Dec 31	Application and yearly fee	\$35.00
22	491	Examination Fee		Applicant shall pay actual fees charged by testing agencies.	
22	494	Fireplace Installer	Jan 1- Dec 31	Application and yearly fee	\$200.00
22	494	Examination		Applicant shall pay actual fees charged by testing agencies.	
22		Note: All licenses shall be renewed on a yearly basis and shall expire on December 31 of the year the license is issued.			
22		* Applicant shall pay actual fees charged by testing agencies.			
22	634	Moving of Structures	Per Move	Permit fee	\$250.00
22	669	Mover's License	Per Week	Building mover permit fee	\$60.00
22	669	Mover's License	Per Year	Building mover permit fee	\$150.00
22	709	Dangerous Structures Administrative Fee		Administrative fee for abatement of dangerous structure	\$100.00
22	709	Dangerous Structures Demolition Permit		Sheds and structures of 120 square feet or less	\$10.00
22	709	Dangerous Structures Demolition Permit		Garages or structures of 121 square feet to 900 square feet	\$15.00
22	709	Dangerous Structures Demolition Permit		Houses and single structures over 900 square feet	\$50.00
22	709	Dangerous Structures Demolition Permit		Multifamily, commercial and industrial structures regardless of the number of buildings on the site to be demolished	\$150.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
22	753	Fence Permit		Fence Permit fee	\$20.00
22	795	Industrial Maintenance License		Application fee	\$200.00
22	796	Industrial Maintenance License		Renewal Fee	\$200.00
26	BUSINESSES				
26	26	Special Use Permit Annual License	Mar 1 - Feb 28	Annual license fee for approved special use permits	\$25.00
26	92	Massage Establishments, Bathhouses, Modeling Studios, Tattoo Establishments and Body Painting Studios:			
26	92	Business Permit	Jan 1 - Dec 31	Initial Fee	\$350.00
26	92	Business Permit Renewal	Jan 1 - Dec 31	Renewal Fee	\$175.00
26	107	Employee Permit	Jan 1 - Dec 31	Employee Fee	\$50.00
26	187	Auction License	Daily	New goods public auctions	\$30.00
26	187	Auctioneer License	Daily	Auctioneers, other than those conducting new goods public auctions	\$30.00
26	187	Auctioneer License	Mar 1 - Feb 28	Auctioneers, other than those conducting new goods public auctions	\$150.00
26	211	Bill Posters, Distributors and Painters	Daily	Per Person	\$10.00
26	211	Bill Posters, Distributors and Painters	Weekly	Per Person	\$40.00
26	211	Bill Posters, Distributors and Painters	Monthly	Per Person	\$100.00
26	211	Bill Posters, Distributors and Painters	Mar 1 - Feb 28	Per Person Annual	\$250.00
26	266	Adult Entertainment Businesses:			
26	266	Adult entertainment business license	Annual	Business license	\$650.00
26	266	Adult entertainment manager's license	Annual	Manager's license	\$65.00
26	266	Adult entertainer's license	Annual	Entertainer's license	\$26.00
26	266	Adult entertainment service license	Annual	Service license	\$26.00
42	EMERGENCY SERVICES				
42	Article II	Alarm Systems - alarm user permits required; rate approval; alarm companies licenses; fees for false alarm response:			
42	39	Alarm User	Jul 1 - Jun 30	Annual permit fee	\$15.00
42	39	Alarm User	Jul 1 - Jun 30	Late permit fee (initial or renewal)	\$35.00
42	39	Alarm User		Revoked permit reinstatement fee	\$150.00
42	39	Alarm Company	Jul 1 - Jun 30	Annual permit fee	\$150.00
42	39	Alarm Company	Jul 1 - Jun 30	Late permit fee	\$185.00
42	39	Alarm Company	Jul 1 - Jun 30	Late installment notification fee	\$25.00
42	40	Alarm Response	Per Event	Response fee for alarms without permits	\$150.00
42	40	False Alarm Response Fees	Within last 12 mos.	1-6 false alarms	No Fee
42	40	False Alarm Response Fees	Within last 12 mos.	7-12 false alarms	\$65.00
42	40	False Alarm Response Fees	Within last 12 mos.	Over 12 false alarms	\$325.00
42	40	False Alarm Response Fees	Within last 12 mos.	Alarm permit revoked	\$325.00
42	40	Alarm Monitoring Fee	Monthly	Monthly permit fee	\$30.00
42	40	Alarm Monitoring Fee	Jul 1 - Jun 30	Annual permit fee	\$325.00
42	94	Ambulance Service	Annual	Annual permit fee per ambulance service	\$30.00
42	94	Ambulance Service	Annual	Annual permit fee per ambulance vehicle	\$5.00
42	94	Ambulance Service	Annual	Annual permit fee per ambulance driver and attendant	\$15.00
46	ENVIRONMENT				
46	79	Loudspeakers, sound amplifiers permit	Per Event	Permit fee	\$5.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee	
46	183	Excavations Permit Fee	Per Event	Permit fee	\$25.00	
46	231	Oil and Gas Well Drilling		Initial permit fee	\$725.00	
46	231	Oil and Gas Well Drilling		Renewal permit fee	\$375.00	
46	231	Oil and Gas Well Drilling		Transfer permit fee	\$100.00	
46	266	Regulated Land Distrubance activity less the 1 acre		No fee if less than one (1) acre	\$0.00	
46	266	Utility Companies/Contractors working for a utility Company with an annual Land Disturbance Permit		Must be working for a utility company with an annual Land Distrubance Permit	\$0.00	
46	267	Regulated Land Distrubance activity 1-5 acres	Per Event	Permit Fee	\$150.00	
46	267	Regulated Land Distrubance activity more than 5 acres	Per Event	Permit Fee	\$250.00	
46	267	One (1) Single family residence		No fee if one (1) single family residence	\$0.00	
46	267	Two (2) to Five (5) single family residences	Per Event	Permit Fee	\$150.00	
46	267	More than Five (5) single family residences	Per Event	Permit Fee	\$250.00	
46	267	Failure to Obatain the Land Distrubance Permit prior to the timetable outlined in Chapter 46 will result in these late fees				
46	267	First Offense Regulated land distrubance activity of less than 1 acre or 1 single family residence		Pay permit fee of \$150.00 and administrative fees	\$150.00 Plus Admin fees	
46	267	Second and follwing offenses		Fees shall be doubled plus administrative fees	Double fee plus Admin fees	
46	267	Fees for all other Categories		Fees shall be doubled plus administrative fees	Double fee plus Admin fees	
46	267	Surety Requirements for Land Distrubance				
46	267	Regulated Land Distrubance activity less the 1 acre		No Surety required if less than one (1) acre	\$0.00	
46	267	Regulated Land Distrubance activity 1-5 acres	Per Event	Surety Required	\$5,000.00	
46	267	Regulated Land Distrubance activity more than 5 acres	Per Event	Surety Required	\$10,000.00	
46	267	One (1) Single family residence	Per Event	Surety Required	\$2,500.00	
46	267	Two (2) to Five (5) single family residences	Per Event	Surety Required	\$5,000.00	
46	267	More than Five (5) single family residences	Per Event	Surety Required	\$10,000.00	
46	267	Utility Companies/Contractors working for a utility Company with an annual Land Disturbance Permit		Must be working for a utility company with an annual Land Distrubance Permit	\$5,000.00	
46	267	Failure to Obatain the Land Distrubance Permit prior to the timetable outlined in Chapter 46 will result in the appliant being required to submit the following Surety				
46	267	First Offense Regulated land distrubance activity of less than 1 acre or 1 single family residence			\$5,000.00	
46	267	Second and follwing offenses		Surety Shall be doubled		

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
46	267	Fees for all other Categories		Surety Shall be doubled	
50	FIRE PREVENTION AND PROTECTION				
50	31	Fire Department Fees:			
50	31	Hazmat Response		Charged the full cost of the response	
50	31	Underground Storage Tank		Inspection (remove and install)	\$75.00
50	31	Propane Tank		Inspection	\$75.00
54	HEALTH AND SANITATION				
54	74	Nuisance Assessment Fee		Assessment of city costs of abatement	\$100.00
54	75	Nuisance Penalty		First offense minimum fine	\$100.00
54	75	Nuisance Penalty		Second offense minimum fine	\$250.00
54	75	Nuisance Penalty		Third offense minimum fine	\$500.00
54	75	Nuisance Penalty		Fourth and subsequent offenses minimum fine or by imprisonment, not to exceed 6 months, or by both such fine and imprisonment.	\$500.00
54	FOOD				
54	133	Health Permit	Jan 1 - Dec 31	Annual permit fee	\$100.00
54	134	Food Handler	Lifetime	Must attend food handler class	\$10.00
54	134	Food Handler		Duplicate Food Handler Card	\$1.00
54	156	Temporary Food Service Permit	Per Event	Issued per special event for a period of no more then three (3) consecutive days	\$10.00
54	156	Inspection of Temporary Food Vendor	Per Event	Inspection of any temporary food vendor without a state license	\$25.00
54	166	Mobile Food Vendor	Mar 1 - Feb 28	Annual permit fee	\$60.00
54	177	Ice Cream Vendor	Mar 1 - Feb 28	Annual permit fee	\$60.00
54	PRIVIES, CESSPOOLS AND SEPTIC TANKS				
54	190	Privies, Cesspools and Septic Tanks		Installation of septic tanks permit fee	\$10.00
54	TEMPORARY SEWAGE LAGOONS				
54	234	Temporary Sewage Lagoons		Installation permit fee	\$25.00
66	MANUFACTURED HOMES AND TRAILERS				
66	79	Travel Trailer Park	Per Year	Per each block of 100 travel trailer spaces or fraction thereof, per year	\$25.00
66	79	Travel Trailer Park	Per Year	Maximum, per year	\$250.00
66	79	Travel Trailer Park		Plus, per travel trailer space occupied for a period aggregating more than 30 days, per 3 month period	\$1.50
66	142	Mobile Home Park		Rezoning application	\$350.00
66	145	Mobile Home Park		Construction of a mobile home park per lot fee	\$2.00
66	145	Mobile Home Park		Construction of a mobile home park minimum fee	\$10.00
66	174	Mobile Home Park	Per Month, Payable Quarterly	For each mobile home park: per lot occupied by an inhabited mobile home (residence or domicile of one or more persons) for a period aggregating more than 20 days each month.	\$15.00
66	174	Mobile Home Park	Annual	For each mobile home park: per lot occupied by an inhabited mobile home (residence or domicile of one or more persons) for a period aggregating more than 20 days each month. Annual inspection fees, per lot.	\$10.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
66	176	Mobile Home Park	Transfer	Transfer of license per mobile home lot	\$5.00
78	PEDDLERS AND SOLICITORS				
78	1	Peddler: Any person, whether a resident of the city or not, traveling from house to house or street to street for the purpose of selling or soliciting for the sale of any goods, wares, merchandise or services other than agricultural products produced or processed in this state and who is not required to obtain a license and pay a fee under any other provision of the Code of Ordinances.			
78	1	Transient Merchant, Itinerant Merchant or Itinerant Vendor: (See definition) and who is not required to obtain a license and pay a fee under any other provision of the Code of Ordinances.			
78	6	Peddler	Per Day	Daily permit fee	\$50.00
78	6	Peddler	Per Week	Weekly permit fee	\$250.00
		Provided, that the above fees shall not apply to commercial travelers commonly called "drummers" who take orders from retail merchants or manufacturers.			
78	6	Transient Merchant, Itinerant Merchant or Itinerant Vendor	Per Day	Permit not to exceed 5 days; no more than two licenses may be issued in a calendar year.	\$50.00
90	SECONDHAND GOODS				
90	41	Garage Sale Permit	Per Garage Sale	One (1) garage sale per quarter (1st quarter January through March, 2nd quarter April through June, 3rd quarter July through September, and 4th quarter October through December) for a total of four (4) per year.	\$5.00
90	65	Pawnbrokers	Annually	See state law reference K.S.A. 16-701 et.seq.	\$25.00
90	65	Precious Metal Dealers	Annually	See state law reference K.S.A. 16-701 et.seq.	\$25.00
90	86	Junk Dealers, Junkyards, Auto Storage Yards	Jan 1 - Dec 31	Licensing Fee	\$150.00
98	SOLID WASTE				
98	Article II	Collection and Disposal		Car	\$2.00
98	Article II	Collection and Disposal		Pick-up Truck	\$5.00
98	Article II	Collection and Disposal		Single axle dump/flat bed	\$15.00
98	Article II	Collection and Disposal		Tandem axle dump high side bed	\$25.00
98	Article II	Collection and Disposal		Truck with chipper box	\$25.00
98	Article II	Collection and Disposal		Added fee for trailer 8 feet or less	\$5.00
98	Article II	Collection and Disposal		Added fee for trailer 9 feet to 16 feet	\$10.00
98	Article II	Collection and Disposal		Added fee for trailers over 16 feet (each additional foot over 16 feet)	\$1.00
98	Article II	Collection and Disposal		Added fee for modified trailers or beds with walls that exceed 4 feet in height	\$5.00
98	Article II	Minor Collection and Disposal		Minor special refuse pick-up for inactive residential homes up to three cubic yards (3cy), being approximately three feet wide, three feet tall and nine feet long	\$100.00
98	Article II	Major Collection and Disposal		Major special refuse pick-up for inactive residential homes in excess of three cubic yards (3cy), or requiring the use of mechanized loading equipment such as a loader or grapple truck.	\$250.00
98	58	Collector's License	Per Year	Per vehicle	\$100.00
102	STREETS, SIDEWALKS AND OTHER PUBLIC PLACES				
102	3	Encumbering Streets Permit	Per Event	Property improvements permit	\$90.00
102	38	Use Permit Fee	3 days	Per sale not to exceed three consecutive days	\$15.00
102	38	Use Permit Fee	3 Months	Sale for a three month period	\$40.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
102	38	Use Permit Fee	12 Months	Sale for a 12 month period	\$100.00
102	38	Banner (4th Street between Shawnee & Delaware)	Per Hanging	Banner hanging over 4th Street	\$25.00
102		Sidewalk Construction and Repair		Construction and repair permit fee	\$15.00
102	38	Special Events	Per Occurrence	Permit fee	\$25.00
102	255	Curb Cuts and Driveway Construction	Per Occurrence	Permit fee	\$15.00
102	312	Excavations	Per Occurrence	Permit fee	\$10.00
102		Street Sweeping	Per Hour	Street sweeping, private property	\$55.00
102		Alley Paving		Alley paving will be charged the cost of asphalt, chip & seal	
102		Fill old wells	Per Occurrence	Fee	\$100.00
103	STORMWATER MANAGEMENT				
103	5	Single Family Residential Property	Annual Fee	All Single Family Residences	\$84.00
103	5	Multifamily Dwelling Unit	Annual Fee	All Multifamily Dwellings (fee per unit)	\$84.00
	Commercial Property (calculated on the total square foot of the footprint of all buildings on the property)				
103	5	Commercial Property 1,500 sqft or less	Annual Fee	Commercial property with foot print of buildings 1,500 sqft or less	\$162.50
103	5	Commercial Property 1,501 - 4,500 sqft	Annual Fee	Commercial property with foot print of buildings 1,501 - 4,500 sqft	\$337.50
103	5	Commercial Property 4,501 - 10,000 sqft	Annual Fee	Commercial property with foot print of buildings 4,501 - 10,000 sqft	\$512.50
103	5	Commercial Property 10,001 - 20,000 sqft	Annual Fee	Commercial property with foot print of buildings 10,001 - 20,000 sqft	\$675.00
103	5	Commercial Property 20,001 - 50,000 sqft	Annual Fee	Commercial property with foot print of buildings 20,001 - 50,000 sqft	\$1,200.00
103	5	Commercial Property 50,001 - 100,000 sqft	Annual Fee	Commercial property with foot print of buildings 50,001 - 100,000 sqft	\$2,075.00
103	5	Commercial Property 100,001 - 200,000 sqft	Annual Fee	Commercial property with foot print of buildings 100,001 - 200,000 sqft	\$2,600.00
103	5	Commercial Property over 200,000 sqft	Annual Fee	Commercial property with foot print of buildings over 200,000 sqft	\$3,125.00
	Industrial Property (calculated on the total square foot of the footprint of all buildings on the property)				
103	5	Industrial Property 4,500 sqft or less	Annual Fee	Industrial property with foot print of buildings 4,500 sqft or less	\$337.50
103	5	Industrial Property 4,501 - 10,000 sqft	Annual Fee	Industrial property with foot print of buildings 4,501 - 10,000 sqft	\$512.50
103	5	Industrial Property 10,001 - 20,000 sqft	Annual Fee	Industrial property with foot print of buildings 10,001 - 20,000 sqft	\$675.00
103	5	Industrial Property 20,001 - 50,000 sqft	Annual Fee	Industrial property with foot print of buildings 20,001 - 50,000 sqft	\$1,200.00
103	5	Industrial Property 50,001 - 100,000 sqft	Annual Fee	Industrial property with foot print of buildings 50,001 - 100,000 sqft	\$2,075.00
103	5	Industrial Property 100,001 - 200,000 sqft	Annual Fee	Industrial property with foot print of buildings 100,001 - 200,000 sqft	\$2,600.00
103	5	Industrial Property over 200,000 sqft	Annual Fee	Industrial property with foot print of buildings over 200,000 sqft	\$3,125.00
106	TENT SHOWS AND MEETINGS				
106	38	Tent Show and Meeting	Per Occurrence	Permit fee	\$40.00
110	TRAFFIC AND VEHICLES				
110	131-142	Permit Parking	Monthly	Permit parking fee	\$20.00
110	131-142	Permit Parking		Permit parking fee after the 15th of the month for balance of the month	\$10.00
110	161-167	Loading Zone Permit	Annual	Loading zone permit fee	\$100.00
114	UTILITIES				
114	38	Meters - Inspection		Application for inspection fee	\$1.00
114	39	Meters - Payment of fees		Company fee for use of inaccurate meter	\$2.00
114	111	Sewers Connections Inspection		Sewer connection within a benefit district	\$5.00
114	171	Auxiliary Facilities		Deposit for excavations	\$100.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
114	183	Auxiliary Facilities Permit		Approval of application; fee: permit fee for auxiliary utility facility	\$2.00
118	VEGETATION				
118	39	Tree Trimmer or Tree Surgeon	Per Year	License Fee	\$50.00
122	VEHICLES FOR HIRE				
122	49	Taxicabs		Inspection of each vehicle	\$1.00
122	52	Taxicab Owner	Jan 1 - Dec 31	Fee for owner of taxicab business, per year, per vehicle	\$100.00
122	53	Taxicab Owner - Duplicate		Fee for duplicate owner's license	\$15.00
122	55	Taxicab Owner Transfer	Jan 1 - Dec 31	Transfer of taxicab owner's license	\$15.00
122	69	Taxicab Driver	Jan 1 - Dec 31	Fee for taxicab driver's license	\$35.00
122	70	Taxicab Driver - Duplicate		Fee for duplicate driver's license	\$15.00
122	116	Limousine Service		Inspection fee for each vehicle and title prerequisite to issuance	\$1.00
122	117	Limousine Driver	Jan 1 - Dec 31	Annual license fee	\$35.00
122	117	Limousine Owner	Jan 1 - Dec 31	Annual license fee	\$100.00

City Code Chapter	Applicable Section	Description	Effective Timeline	Requirements	Fee
Appendix B	VACATING STREETS, ALLEYS AND EASEMENTS				
		Petition	Per Occurrence	Vacation of public rights-of-way	\$250.00
Appendix E	ZONING ORDINANCE				
	21	Board of Zoning Appeals:			
		a) Appeal		Fee for appeal	\$350.00
		b) Variance		Fee for variance	\$350.00
		c) Exception		Fee for exception	\$350.00
		Amendments			
	21	General provisions, subsection (f) fees:			
		(a) R1-25 Single family residential district			\$350.00
		(b) R1-9 Single family residential district			\$350.00
		(c) R1-6 Single family residential district			\$350.00
		(d) R4-16 high density one four family residential district			\$350.00
		(e) R-MF multiple family residential district			\$350.00
		(f) MP mobile/manufactured home park district			\$350.00
		(g) OBD office business district			\$350.00
		(h) NBD neighborhood business district			\$350.00
		(i) CBD central business district			\$350.00
		(j) GBD general business district			\$350.00
		(k) I-1 light industrial district			\$350.00
		(l) I-2 heavy industrial district			\$350.00
		(m) PUD planned unit development district			\$350.00
		(n) Special use permit			\$350.00
	21	Filing Fees and Charges			
		(a) Schedule of fee:			
		(1) Subdivision		For first five lots, plus \$10.00 per lot over five lots	\$350.00
		(2) Exceptions			\$75.00
		(3) Appeal		Appeal to the governing body	\$75.00
		(4) Recording		Recording fees	\$20.00
		(5) Preservation Major Certificate Review		Review fee	\$200.00
		(6) Property Analysis Determination		Analysis and determination fee (i.e. zoning, special assessments, liens, sheriff sale)	\$25.00
		(b) Additional costs for recording documents, publications, writs & engineering may be required. Costs will be billed to the applicant.			
		Sign Erector	Jan 1 - Dec 31	Any person engaged in the business of sign or billboard fabrication, erection or installation	\$150.00
		Sign Permits, Fees, Inspections and Licensing		Permanent signs 50 square feet or less	\$50.00
		Sign Permits, Fees, Inspections and Licensing		Permanent signs greater than 50 square feet but less than 100 square feet	\$75.00
		Sign Permits, Fees, Inspections and Licensing		Permanent Signs greater than 100 square feet	\$100.00
		Sign Permits, Fees, Inspections and Licensing		Temporary signs: per 60 days	\$50.00

**POLICY REPORT
2018 CEREAL MALT BEVERAGE LICENSE**

June 12, 2018

Prepared by:



Beverly Wilson
Receivable/License Coordinator

Reviewed by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Request for 2018 Cereal Malt Beverage License by AZLE Enterprises, LLC dba Woody's Foodmart, LLC, 700 Eisenhower Rd., Leavenworth, Kansas. This location already has a Cereal Malt Beverage license, however due to an organization restructure; a new Cereal Malt Beverage license is required.

BACKGROUND:

The application has been approved by the Police Department and Sanitation Department for the following applicant:

AZLE Enterprises, LLC

dba Woody's Foodmart LLC

700 Eisenhower Rd.

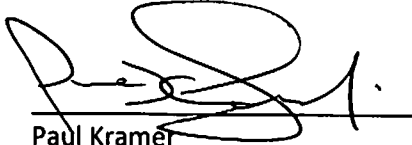
Off Premise

ACTION:

Motion to approve the 2018 off premise Cereal Malt Beverage License for AZLE Enterprises, LLC dba Woody's Foodmart, LLC, 700 Eisenhower Rd., Leavenworth, Kansas.

Policy Report
Wayfinding Sign Project
June 12, 2018

Prepared by:

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

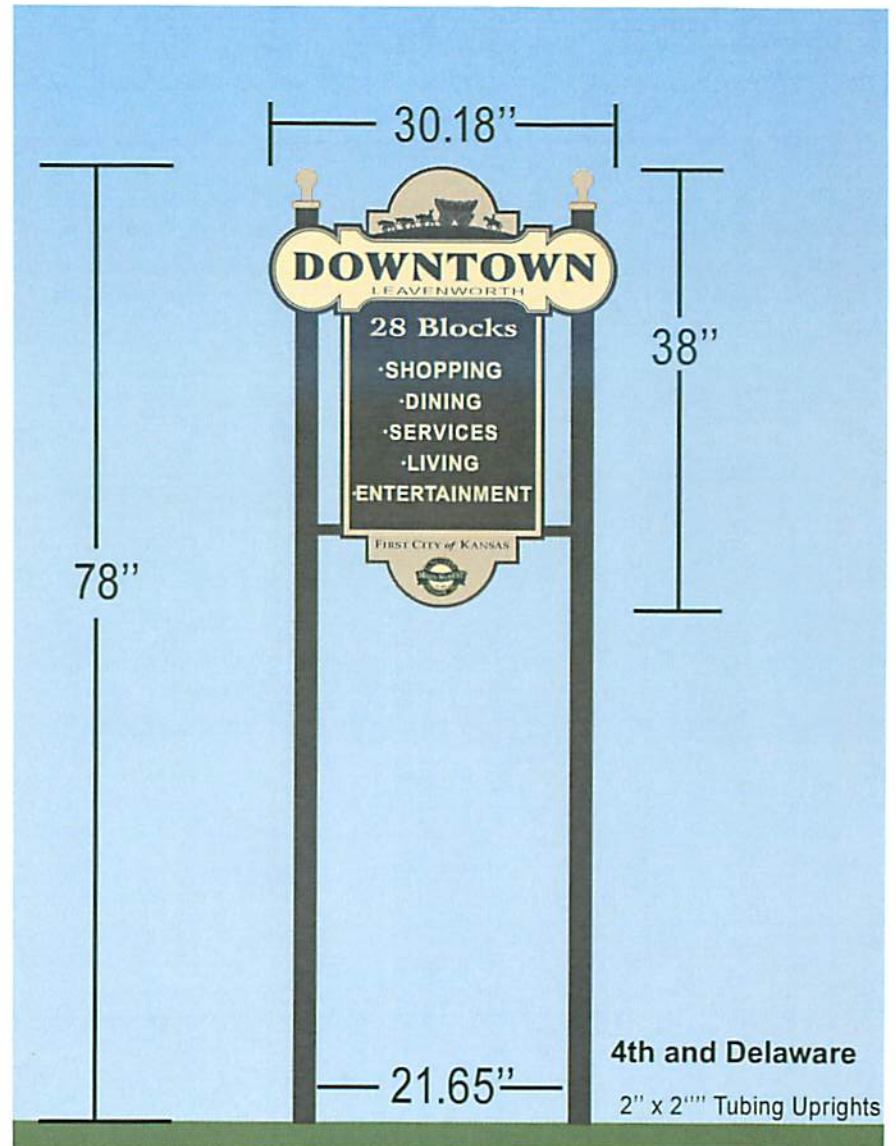
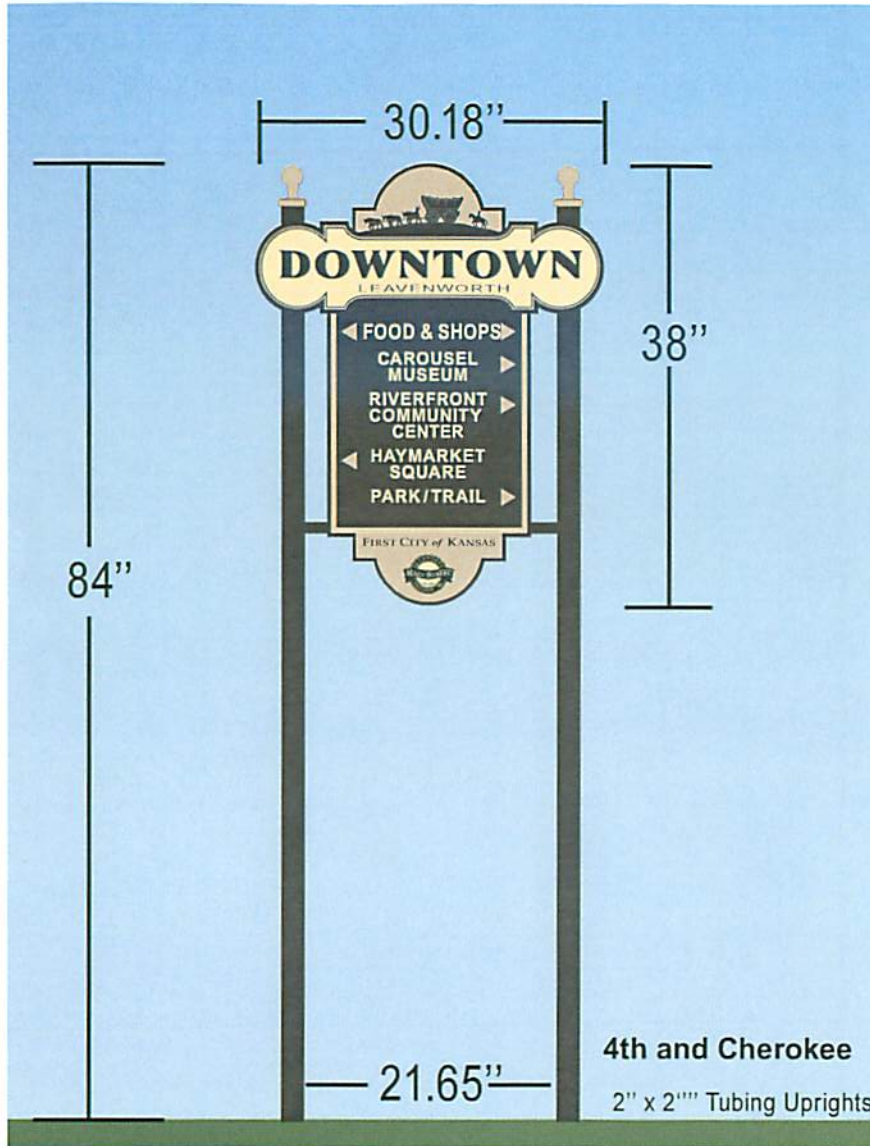
Paul Kramer
City Manager

Issue:

The Main Street Organization is working with the City on installing a system of wayfinding signs in and around the downtown. Staff has worked on the locations of proposed signs, and will continue to work through that process with Main Street, property owners and other stakeholders. The lone remaining item for Commission consideration is final selection of the color scheme, as well as any other final review the Commission wishes to make regarding design, font, message, etc.

ATTACHMENTS:

- Three color options submitted by Main Street.



326 Choctaw, Leavenworth, KS 66048
Phone 913-651-5432 Fax 913-651-5435

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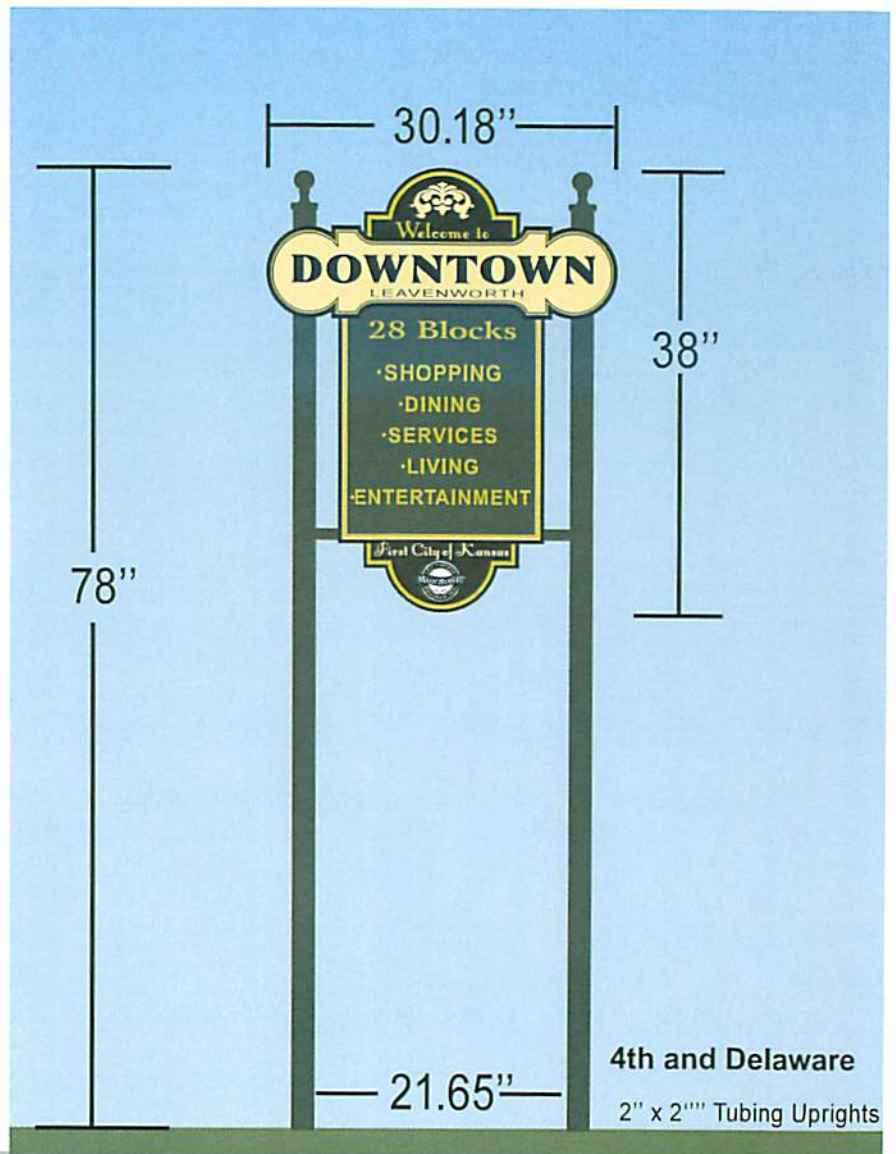
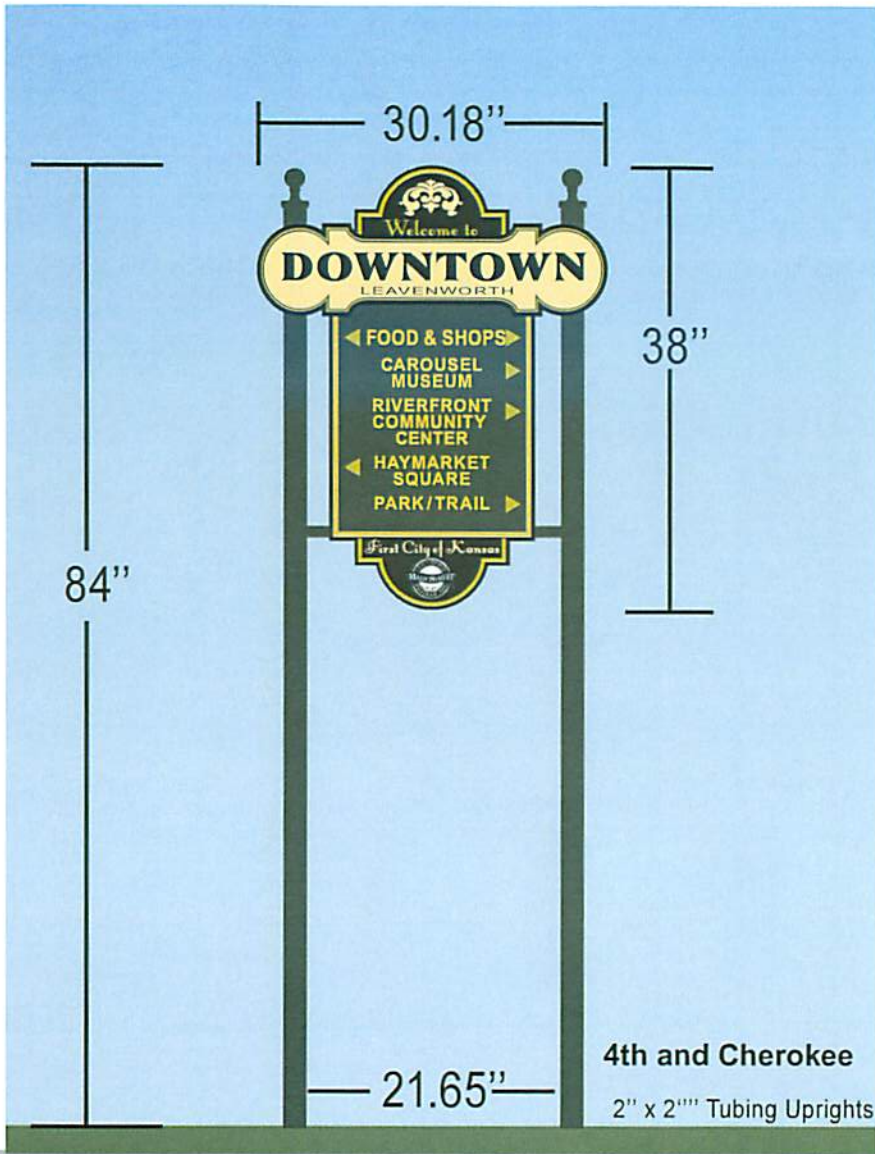
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DATE 01/03/18

DESIGNER Ann Hoins

ann@youngsigncompany.com

**Leavenworth Main Street Program
& City of Leavenworth**



326 Choctaw, Leavenworth, KS 66048
Phone 913-651-5432 Fax 913-651-5435

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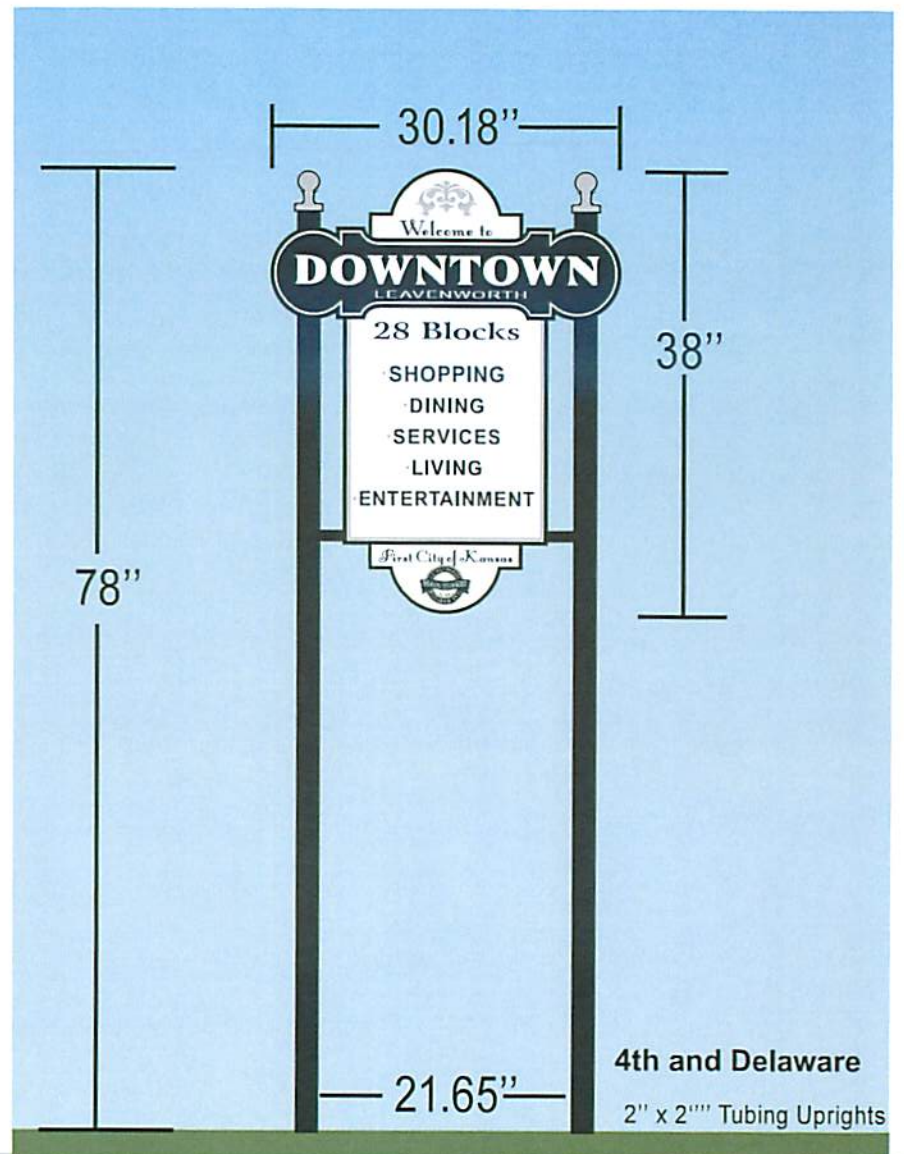
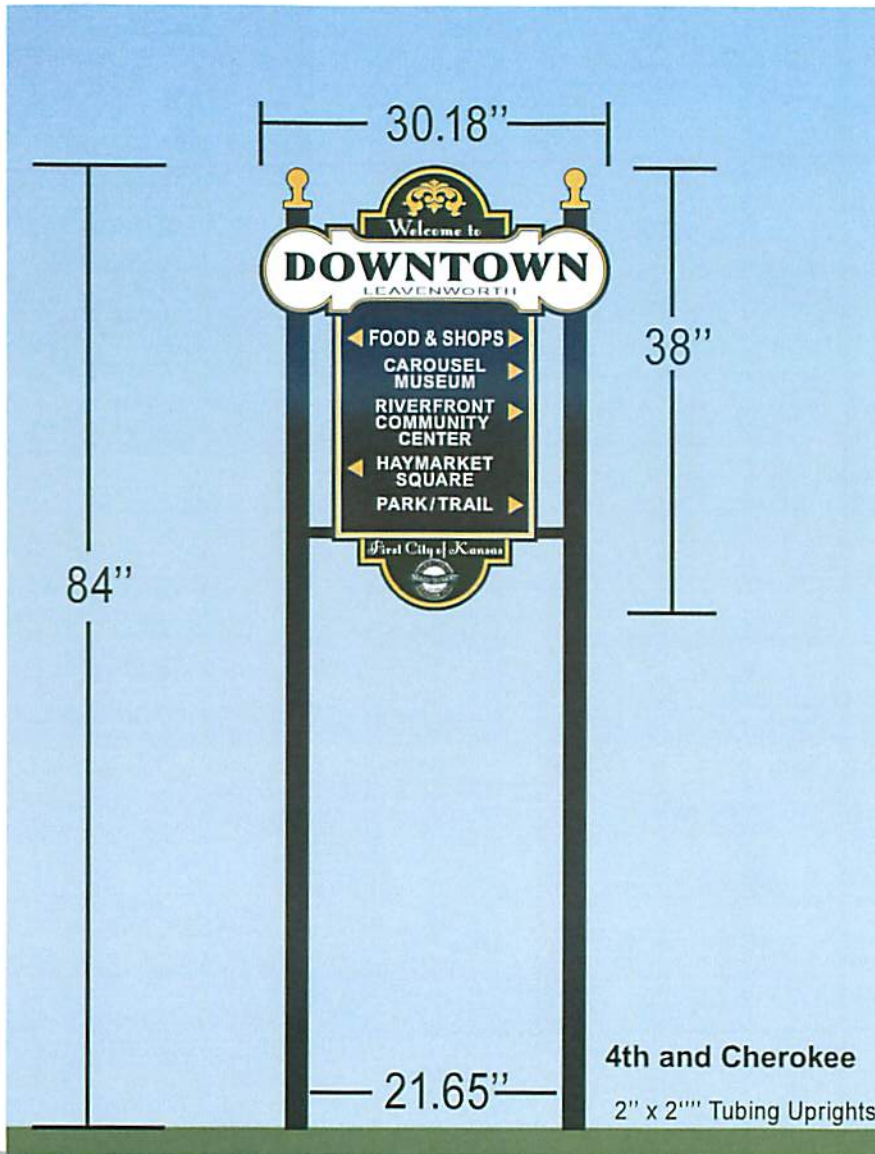
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DATE 01/03/18

DESIGNER Ann Hoins

ann@youngsigncompany.com

Leavenworth Main Street Program
& City of Leavenworth

CITY OF LEAVENWORTH

TO: CITY COMMISSIONERS
FROM: MARK PREISINGER, MAYOR
SUBJECT: CITY APPOINTMENTS
DATE: JUNE 12, 2018

I move to recommend the following appointments:


Convention & Tourism Committee:

- Appoint Deanne Montgomery to an unexpired term ending January 31, 2021

**POLICY REPORT
BOND AND NOTES PROCEEDINGS
TEMPORARY NOTES, SERIES A2018
GENERAL OBLIGATION BONDS SERIES 2018-A
RESOLUTION B-2201, RESOLUTION B-2202 AND ORDINANCE 8079**

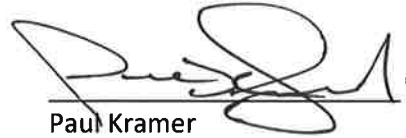
JUNE 12, 2018

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider proceedings for the Temporary Notes, Series A2018 and the General Obligation Bonds, Series 2018-A. The bond and note sale will be on Tuesday, June 12, 2018. Resolutions B-2201 and B-2202 and Ordinance 8079 attached are drafts and will be finalized after the bond and note sale on Tuesday, June 12, 2018. The results and final documents will be presented to the City Commission at the meeting on the evening of June 12, 2018.

General Obligation Bonds, Series 2018-A sold and issued in the amount of \$1,440,000 for the purpose of providing funds to permanently finance the cost of improvements, including redeeming and paying the A2017 Temporary Notes.

Temporary Notes, Series A2018 sold and issued in the principal amount of \$3,460,000 to temporarily finance the 2018 General Improvements (Pavement Management); improvements to a portion of New Lawrence Road; and the Riverfront Community Center (RFCC) Stone Replacement Project until after the project is complete.

ACTION REQUIRED:

- | | |
|--|-------------------------------|
| A. Accept Proposals for Temporary Notes, Series A2018 | ACTION: Motion |
| B. Adopt Resolution B-2201 Issuance of Temporary Notes, Series A2018 | ACTION: Motion |
| C. Accept Proposals for the General Obligation Bonds, Series 2018-A | ACTION: Motion |
| D. Adopt Resolution B-2202 Issuance of General Obligation Bonds, Series 2018-A | ACTION: Motion |
| E. Second Consideration Ordinance No. 8079 General Obligation Bonds, Series 2018-A | ACTION: Roll Call Vote |

ATTACHMENTS:

- Draft Resolutions B-2201, B-2202
- Draft Ordinance No. 8079

ORDINANCE NO. 8079

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,440,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2018-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

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

WHEREAS, the City pursuant to Resolution No. B-2161 of the City, adopted on February 14, 2017, has authorized the construction of certain general improvements in the estimated amount of \$1,787,284 (the “Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$1,370,000 Temporary Notes, Series A2017, dated June 29, 2017, (the “Series A2017 Notes”) pursuant to Resolution No. B-2171 (the “Series A2017 Note Resolution”) adopted June 13, 2017, in accordance with the requirements of Charter Ordinance No. 56 of the City to temporarily finance the costs of the Improvements, which Series A2017 Notes will be redeemed and paid on July 1, 2018, from proceeds of the Bonds authorized herein; and

WHEREAS, all legal requirements pertaining to the Projects have been complied with and the total cost thereof, including bond issuance costs, is \$1,448,165.05 (the “Project Cost”) to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$1,440,000.00 with the balance of such Project Cost payable from bond premium; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2018-A, in the aggregate principal amount of One Million Four Hundred Forty Thousand Dollars (\$1,440,000) for the purpose of providing funds to permanently finance the costs of the Improvements, including redeeming and paying the Series A2017 Notes in the principal amount of \$1,370,000 together with accrued interest payable thereon on July 1, 2018, and paying the costs of issuing the Bonds; and

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

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

Section 1. That for the purpose of providing funds to permanently finance the costs of the Improvements, including redeeming and paying the Series A2017 Notes in the principal amount of \$1,370,000 together with accrued interest payable thereon on July 1, 2018, and paying the costs of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2018-A, of the City in the aggregate principal amount of One Million Four Hundred Forty Thousand Dollars (\$1,440,000) (the "Bonds") as provided by Charter Ordinance No. 56 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 effect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

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

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

Passed by the Governing Body and approved by the Mayor this 12th day of June, 2018.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Mark Preisinger, Mayor

ATTEST:

Carla K. Williamson, City Clerk

RESOLUTION NO. B-2201

**A RESOLUTION AUTHORIZING AND DIRECTING THE
ISSUANCE OF TEMPORARY NOTES, SERIES A2018 OF
THE CITY OF LEAVENWORTH, KANSAS, IN THE
AGGREGATE PRINCIPAL AMOUNT OF \$3,460,000 FOR
THE PURPOSE OF PROVIDING FUNDS TO PAY THE
COSTS OF CERTAIN IMPROVEMENT PROJECTS IN
THE CITY.**

WHEREAS, the governing body of the **City of Leavenworth, Leavenworth County, Kansas**, (the “City”) has in accordance with the requirements of law and Resolution No. B-2187 of the City adopted February 13, 2018, heretofore authorized the construction of certain general improvements together with all things necessary and incidental thereto in the City the maximum estimated amount of \$1,818,504.00 (the “General Improvements”) under the authority of Charter Ordinance No. 56 of the City; and

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

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

WHEREAS, the City has no funds to finance the costs incurred by the City in providing the General Improvements, the RFCC Stone Replacement Project and the New Lawrence Road Project (collectively referred to as the “Improvements”) until Bonds are issued by the City for such purposes; and

WHEREAS, it is necessary for the City to provide funds to meet the City’s obligations incurred in connection with the Improvements prior to the completion of the Improvements and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to the provisions of K.S.A. 10-123, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, that for the purpose of providing funds to pay the costs of making the Improvements until Bonds can be issued therefore, the governing body of the City be, and it is hereby, authorized to issue its Temporary Notes, Series A2018, in the aggregate principal amount of Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) (the "Notes"). The Notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, (along with its successors and assigns, the "Securities Depository") to which payments of principal on the Notes will be made by the Treasurer of the State of Kansas, Topeka, Kansas, (the "Note Registrar" and "Paying Agent") in lawful money of the United States of America upon presentation of the Notes for payment and cancellation. Individual purchases of Notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in Notes purchased. It is anticipated that during the term of the Notes, the Securities Depository will make book-entry transfers among those financial institutions (the "Participants") for whom it effects book entry transfers and pledges of securities deposited with it from time to time and receive and transmit payment of principal of and interest on the Notes to the Participants until and unless the Note Registrar authenticates and delivers Replacement Notes to the beneficial owners as described in subsection (b). The Notes shall be dated June 28, 2018, shall become due in the amounts on the Stated Maturities (subject to redemption and payment prior to their Stated Maturities as provided herein), and shall bear interest at the rates per annum as follows:

<u>MATURITY</u> <u>DATE</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
June 1, 2019	\$190,000	_____%
December 1, 2019	1,570,000	____
June 1, 2020	215,000	____
December 1, 2020	215,000	____
June 1, 2021	220,000	____
December 1, 2021	225,000	____
June 1, 2022	825,000	____

The Notes shall bear interest at the above specified rates (computed on the basis of a 360-day year of twelve 30-day months) and shall be payable in lawful money of the United States of America semiannually on June 1 and December 1 of each year commencing June 1, 2019, (the "Interest Payment Dates") until the principal of the Notes has been paid or at redemption prior to maturity, by check or draft of the City to the registered owners thereof appearing on the books of the Note Registrar as of the 15th day of the month next preceding such interest payment date (the "Record Dates").

(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 Notes being issued to any registered owner of any of the Notes ("Registered Owner") other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, or (2) if the

Note Registrar receives written notice from Participants having interests in not less than 50% of the Notes as are outstanding and unpaid, 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 Notes being issued to any Registered Owner other than Cede & Co. is no longer in the best interests of the beneficial owners of the Notes, then the Note Registrar shall notify the Registered Owners of such determination or such notice and of the availability of certificates to beneficial owners requesting the same, and the Note Registrar shall register in the name of and authenticate and deliver replacement Notes to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustment as it may find necessary or appropriate as to accrued interest; provided, that in the case of a determination under (1)(A) or (1)(B) of this subsection (b), the City may after consultation with the Note Registrar select a successor securities depository in accordance with subsection (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 Note. Upon the issuance of any replacement Notes (“Replacement Notes”), 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 Note Registrar, to the extent applicable with respect to such Replacement Notes. If the Securities Depository resigns and the City is unable to locate a qualified successor of the Securities Depository in accordance with subsection (c) hereof, then the Note Registrar shall authenticate and cause delivery of Replacement Notes to the beneficial owners thereof, as provided herein. The Note registrar may rely on information from the Securities Depository and its Participants as to the names of the beneficial owners of the Notes. The cost of printing, registration, authentication and delivery of Replacement Notes 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 Note Registrar receives written evidence satisfactory to it 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 Note Registrar upon its receipt of any of the Notes for cancellation shall cause the delivery of such Notes to the successor Securities Depository in appropriate denominations and form as provided herein.

(d) The execution and delivery of the Representation Letter to the Depository Trust Company, New York, New York, by the Mayor in the form attached hereto as Exhibit A 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 the owners (both the Registered Owner and beneficial owners) of the Notes and payments of the principal of and interest on the Notes. The principal amount of the Notes shall not exceed the lesser of the amount of Bonds to be issued to permanently finance the costs of making the Improvements or the estimate of the

cost of making the Improvements as prepared by the project engineer and approved by the governing body of the City.

BE IT FURTHER RESOLVED that the City may call the Notes for redemption and payment prior to maturity in whole or in part, (selection of the Notes to be redeemed to be determined by the City) at any time on or after March 1, 2019, at the redemption price (the “Redemption Price”) of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the date of such redemption (the “Redemption Date”).

Notes shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. When less than all of the Notes are to be redeemed and paid prior to their stated maturity, such Notes shall be redeemed in such manner as the City shall determine. Notes of less than a full stated maturity shall be selected by the Note Registrar in \$5,000 units of principal amount in such equitable manner as the Note Registrar may determine. In the case of a partial redemption of Notes by lot when Notes 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 Note 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 Note is selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner or the Registered Owner’s duly authorized agent shall forthwith present and surrender such Note to the Note 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 Registered Owner thereof, for a new Note or Notes of the aggregate principal amount of the unredeemed portion of the principal amount of such Note. If the Registered Owner of any such Note fails to present such Note to the Paying Agent for payment and exchange as aforesaid, such Note shall, nevertheless, become due and payable on the redemption date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

Unless waived by any Registered Owner of Notes to be redeemed, if the City shall call any Notes for redemption and payment prior to the stated maturity thereof, the City shall give written notice of its intention to call and pay said Notes to the Note Registrar, and the Underwriter. In addition, the City shall in accordance with the requirements of K.S.A. 10-129, as amended, cause the Note Registrar to give written notice of redemption to the Registered Owners of said Notes. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

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 Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Note 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 Notes are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent. The failure of

any Registered 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 Notes or portions of Notes that are to be redeemed on such Redemption Date. Official notice of redemption having been given as aforesaid, the Notes or portions of Notes 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 Issuer defaults in the payment of the Redemption Price) such Notes or portion of Notes shall cease to bear interest.

In addition to the foregoing notice, 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 and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Note.

BE IT FURTHER RESOLVED that the Notes shall contain recitals and be in the form as prescribed by law. The Notes shall in addition to all other requirements be subject to the terms and conditions of the agreement entitled “Agreement Between Issuer and Agent” by and between the City and the Treasurer of the State of Kansas.

BE IT FURTHER RESOLVED that the Notes shall be executed by the facsimile or manual signature of the Mayor and City Clerk or Deputy City Clerk and the seal of the City shall be printed or affixed thereon and, after such execution and the registration of the Notes by the City Clerk and the State Treasurer, Topeka, Kansas, hereby designated as both the City’s Note Registrar and Paying Agent in connection with the Notes, they shall be countersigned by the City Clerk or Deputy City Clerk and delivered to the purchaser thereof upon receipt of the purchase price thereof, said purchase price to be not less than the principal amount thereof plus accrued interest. The proceeds of the Notes shall be placed in the City Treasury and applied solely to pay the costs of the Improvements and the costs of issuing the Notes.

BE IT FURTHER RESOLVED that the Notes shall be issued and sold to, _____, _____, _____, accordance with both the Note Bid Form (the “Note Bid Form”) between such purchaser and the City, the execution of which Note Bid Form is hereby authorized, and the terms and conditions of this Resolution.

BE IT FURTHER RESOLVED that the City covenants and agrees that no part of the proceeds of the Notes or other proceeds shall be used, at any time, directly or indirectly in a manner which if such use had been reasonably anticipated on the date of the issuance of the Notes would have caused the Notes to be or become “Arbitrage Bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the Regulations of the Treasury Department thereunder proposed or in effect at the time of such use applicable to obligations issued on the date of issuance of the Notes.

BE IT FURTHER RESOLVED that the Notes are designated as “qualified tax-exempt obligations” for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

BE IT FURTHER RESOLVED that the City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate attached to the Final Certificate of the City included in the transcript of proceedings regarding the Notes. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default of the City’s obligations either under this Resolution or in connection with the Notes; provided, however, any owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

BE IT FURTHER RESOLVED that the form of the Preliminary Official Statement and the Official Statement, both of which will be dated as of the date set forth thereon, all in the form presented at the meeting at which this Resolution is adopted, are hereby approved, ratified and confirmed, and the execution, circulation and distribution thereof are thereby approved, ratified and confirmed for and on behalf of the City in substantially the form presented at this meeting.

BE IT FURTHER RESOLVED that the authorization of the Improvements is hereby ratified and affirmed.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after its passage and approval.

IT IS SO RESOLVED.

PASSED and approved this 12th day of June, 2018.

CITY OF LEAVENWORTH, KANSAS

ATTEST:

Mark Preisinger, Mayor

Carla K. Williamson, City Clerk

(SEAL)

EXHIBIT A
(BLANKET ISSUER LETTER OF REPRESENTATION)

RESOLUTION NO. B-2202

OF

CITY OF LEAVENWORTH, KANSAS

PASSED

JUNE 12, 2018

\$1,440,000
GENERAL OBLIGATION BONDS
SERIES 2018-A

RESOLUTION

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Exhibit A: Form of Certificated Bond
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RESOLUTION NO. B-2202

A RESOLUTION AUTHORIZING THE ISSUANCE AND DELIVERY OF \$1,440,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2018-A, OF THE CITY OF LEAVENWORTH, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PERMANENTLY FINANCE CERTAIN GENERAL IMPROVEMENTS TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO; AND PRESCRIBING THE FORM AND DETAILS OF SAID BONDS, ALL PURSUANT TO CHARTER ORDINANCE NO. 56 OF THE CITY, 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. 8079 passed and approved June 12, 2018, (the "Ordinance") authorized the issuance of its General Obligation Bonds, Series 2018-A, in the aggregate principal amount of \$1,440,000 (the "Bonds") under the authority of Charter Ordinance No. 56 and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended, for the purpose of providing funds to redeem and pay the City's Temporary Notes, Series A2017, (the "Series A2017 Notes") in the principal amount of \$1,370,000 together with accrued interest payable thereon on July 1, 2018, to permanently finance the costs of the City's 2017 general improvements (the "Project") and paying the costs 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.

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

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:

"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 2018-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 June 28, 2018.

"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, 2019.

"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.

"Moody's" means Moody's Investor's Service, Inc., New York, New York.

"Ordinance" means Ordinance No. 8079 passed and approved June 12, 2018, 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 2018-A, created herein within the City's Bond and Interest Fund.

"Project" means the General Improvements being permanently financed with proceeds of the Bonds.

"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, plus accrued interest to the date of delivery.

"Purchaser" means _____, _____, _____, the original purchaser of the Bonds.

"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.

"Series A2017 Notes" means the City's Temporary Notes, Series A2017, being redeemed and paid with proceeds of the Bonds on July 1, 2018.

"Standard & Poor's" means Standard & Poor's Ratings Group, a Division of McGraw Hill, Inc., New York, New York.

"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.

"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 2018-A, of the City in the aggregate principal amount of \$1,440,000 for the purpose of providing funds to permanently finance the costs of the Project and pay the costs of issuing the Bonds, all in accordance with Charter Ordinance No. 56 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended.

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 June 28, 2018, 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

<u>MATURITY</u> <u>(SEPTEMBER 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2019	\$120,000	____%
2020	130,000	____
2021	135,000	____
2022	140,000	____
2023	140,000	____
2024	145,000	____
2025	150,000	____
2026	155,000	____
2027	160,000	____
2028	165,000	____

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 therefor 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 or Mayor Pro Tem, 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 or Mayor Pro Tem 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 May 31, 2018, 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 there under as it has with respect to its actions under this Resolution.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption by City. At the option of the City, the Bonds or portions thereof maturing on September 1, 2024, and thereafter may be called for redemption and payment prior to their Stated Maturity on September 1, 2023, 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.

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 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. 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"; and
- (b) In the City's Bond and Interest Fund, the Principal and Interest Account for the City of Leavenworth, Kansas, General Obligation Bonds, Series 2018-A (the "Principal and Interest Account").

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.

- (a) Proceeds of the Bonds in the amount of \$ _____, upon issuance and delivery thereof, shall be deposited in the Project Account; and
- (b) Proceeds of the Bonds in the amount of \$ _____, upon issuance and delivery thereof, shall be deposited with the Treasurer of the State of Kansas for the redemption and payment of the Series A2017 Notes on July 1, 2018.

Section 503. Withdrawals from the Project Account. The Treasurer shall make withdrawals from the Project Account solely for the purpose of permanently financing the costs of the Project, including the allocable portion of 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 completion of the Project, 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. 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 507. 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 effect 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. 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 803. 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 of 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 or Mayor Pro Tem 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.

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PASSED by the governing body of the City on June 12, 2018.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Mark Preisinger, Mayor

ATTEST:

Carla K. Williamson, 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 June 12, 2018, 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: June 12, 2018.

Carla K. Williamson, 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.

No. R- _____

\$ _____

**UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF LEAVENWORTH
CITY OF LEAVENWORTH
GENERAL OBLIGATION BOND
SERIES 2018-A**

Rate of Interest: _____ Maturity Date: September 1, 20__ Dated Date: June 28, 2018 CUSIP _____

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, 2019, 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. 8079 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, Charter Ordinance No. 56 of the City and all amendments thereof, acts supplemental thereto, the Ordinance, Resolution No. B-2202 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 maturing in the years 2024 and thereafter may be called for redemption and payment prior to maturity on September 1, 2023, 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.

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 Ordinance, 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 or facsimile signatures with its corporate seal to be affixed or imprinted hereon, all as of the 28th day of June, 2018.

CITY OF LEAVENWORTH, KANSAS

(manual or facsimile)

Mayor

ATTEST: (manual or facsimile)
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the City of Leavenworth, Kansas, General Obligation Bonds, Series 2018-A described in the within mentioned Ordinance.

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 June 28, 2018.

WITNESS my hand and official seal.

(manual or facsimile)
City Clerk

(SEAL)

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JAKE LATURNER, 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.

JAKE LATURNER
TREASURER OF THE STATE OF KANSAS

(SEAL)

By _____
State Treasurer

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)

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS
ZECK FORD PROJECT**


Carla K. Williamson, CMC City Clerk

JUNE 12, 2018


Paul Kramer, City Manager

ISSUE:

First Consideration for:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2018 (ZECK FORD PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR ZECK BROTHERS DEVELOPMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

BACKGROUND:

- At the October 4, 2016 Study Session the City Commission reviewed a request by Zeck Brothers Development LLC to use Industrial Revenue Bonds. The City Commission provided a consensus to consider a non-binding resolution of intent to issue federally taxable Industrial Revenue Bonds.
- At the October 11, 2016 Regular Meeting the City Commission adopted and approved Resolution B-2150; a *“Resolution expressing the intent of the City of Leavenworth to issue its federally taxable Industrial Revenue Bonds in the maximum principal amount of \$9,000,000 to both finance various improvements benefitting Zeck Brothers Development, LLC and promote, stimulate and develop the economic welfare of both the City and the State of Kansas.”*
- On October 18, 2016 the City Clerk requested a Project Exemption Certificate (PEC) from the Kansas Department of Revenue for use by Zeck Ford for their project. The PEC allowed Zeck Ford to exempt purchases of items purchased for the construction of the project from sales tax.
- As required by law, a Public Notice was published on June 7, 2018 in the Leavenworth Times providing notice of the issuance of the Industrial Revenue Bonds.

ACTION:

Consensus by the Governing Body to place on first consideration.

ATTACHMENTS:

- Resolution B-2150
- Draft Ordinance
- Copy of Public Notice

RESOLUTION NO. B-2150

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF LEAVENWORTH, KANSAS, TO ISSUE ITS FEDERALLY TAXABLE INDUSTRIAL REVENUE BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,000,000 TO BOTH FINANCE VARIOUS IMPROVEMENTS BENEFITING ZECK BROTHERS DEVELOPMENT, LLC, AND PROMOTE, STIMULATE AND DEVELOP THE ECONOMIC WELFARE OF BOTH THE CITY AND THE STATE OF KANSAS.

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

WHEREAS, Zeck Brothers Development, LLC, a Kansas limited liability company, (the "Applicant") has requested that the City issue its federally taxable industrial revenue bonds in one or more separate series in the maximum amount of Nine Million Dollars (\$9,000,000) (the "Bonds") to finance the cost of acquiring certain real property and acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling certain commercial facilities and improvements thereon to benefit the Applicant's automobile dealership, Zeck Ford located generally at 4501 S. 4th Street, Leavenworth, Kansas (the "Project"); and

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

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

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

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

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

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

Section 2. That the Bonds in the maximum principal amount of \$9,000,000 be issued by the City in one or more separate series to finance the Project to be leased to the Applicant pursuant to and in accordance with the Act.

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

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

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

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

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

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

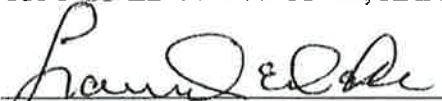
Section 8. That the issuance of the Bonds by the City shall, in addition to all other requirements of the City, be subject to any limitations imposed upon the City by either federal or Kansas law, including any regulations, rulings or executive orders which might appertain thereto.

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

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

ADOPTED AND APPROVED THIS 11th day of October, 2016.

CITY OF LEAVENWORTH, KANSAS


Harry Dedeke, Mayor

ATTEST:


Carla K. Williamson, City Clerk

[SEAL]



ACKNOWLEDGEMENT AND ACCEPTANCE

The provisions of this resolution are hereby acknowledged and accepted as the declaration of the official intent of Zeck Brothers Development, LLC, a Kansas limited liability company.

Dated this 11th day of October, 2016.

ZECK BROTHERS DEVELOPMENT, LLC

By  _____
Derek Zeck, Owner/Vice President

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2018 (ZECK FORD PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR ZECK BROTHERS DEVELOPMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

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

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

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds, Series 2018 (Zeck Ford Project), in an aggregate principal amount not to exceed \$9,000,000 (the “Bonds”) for the purpose of (a) acquiring, constructing and equipping a commercial facility for Zeck Brothers Development, LLC, a Kansas limited liability company (the “Company”), and (b) paying certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

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

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

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

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

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

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

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

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$9,000,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at an interest rate not to exceed 3.00% per annum, and shall mature not later than the year 2020, and shall have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

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

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

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

(d) Bond Purchase Agreement.

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

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

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

PASSED by the Governing Body of the City of Leavenworth, Kansas this _____ day of _____, 2018.

CITY OF LEAVENWORTH, KANSAS

Mark Preisinger, Mayor

(Seal)

ATTEST:

Carla K. Williamson, City Clerk

[SUMMARY ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *The Leavenworth Times* ON _____, 2018)

SUMMARY OF ORDINANCE NO. _____

On _____, 2018, the governing body of the City of Leavenworth, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2018 (ZECK FORD PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR ZECK BROTHERS DEVELOPMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The bonds approved by the Ordinance are being issued in an aggregate principal amount not to exceed \$9,000,000 for the purpose of acquiring, constructing, improving and equipping a commercial facility located approximately at 4501 South 4th Street, Leavenworth, Kansas and paying certain costs of issuance of the bonds. The bonds shall be limited obligations of the City of Leavenworth, Kansas payable from lease payments to be made by Zeck Brothers Development, LLC, in amounts sufficient to pay the principal of and interest on the bonds. The bonds and interest thereon shall not be deemed to constitute a debt or liability of the City of Leavenworth, the State of Kansas (the "State") or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City of Leavenworth, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the bonds shall not, directly, indirectly or contingently, obligate the City of Leavenworth, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 North 5th Street. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [_____].

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

DATED: _____, 2018.

David Waters, City Attorney

PUBLIC NOTICE

NOTICE is hereby given, pursuant to K.S.A. 12-1744e, as amended, that the City of Leavenworth, Kansas, (the "City") intends to enter into a lease agreement with Zeck Brothers Development, LLC, a Kansas limited liability company, (the "Company") for the use of certain facilities to be purchased with the proceeds of industrial revenue bonds to be issued pursuant to K.S.A. 12-1740 et seq., as amended, as authorized by an ordinance of the City. A copy of the Resolution of Intent of the Governing Body of the City to enter into such lease agreement with the Company is on file in the office of the City Clerk and is available for public inspection during normal business hours.

DATED this 5th day of June, 2018.



Carla K. Williamson
Carla K. Williamson, City Clerk

(To be published one time in the official city newspaper.)

SUMMARY OF INDUSTRIAL REVENUE BONDS

PREPARED BY KATIE LOGAN, LATHROP & GAGE LLP

FOR LEAVENWORTH CITY COMMISSION

October 4, 2016

- Authorizing legislation:

K.S.A. 12-1740 *et seq.*, the IRB Act.

Purposes include:

to encourage and assist in the location of new business and industry in the state and the expansion, relocation or retention of existing business, industry and health development.

to promote the economic stability of the state by providing greater employment opportunities, diversification of industry and improved physical and mental health, thus promoting the general welfare of the citizens of the state

- Property Tax Abatement:

IRBs issued in connection with projects which do NOT also involve Tax Increment Financing which captures ad valorem property taxes may include an abatement of some or all of the ad valorem property taxes for up to 10 years. No property tax abatement is available for the Zeck project.

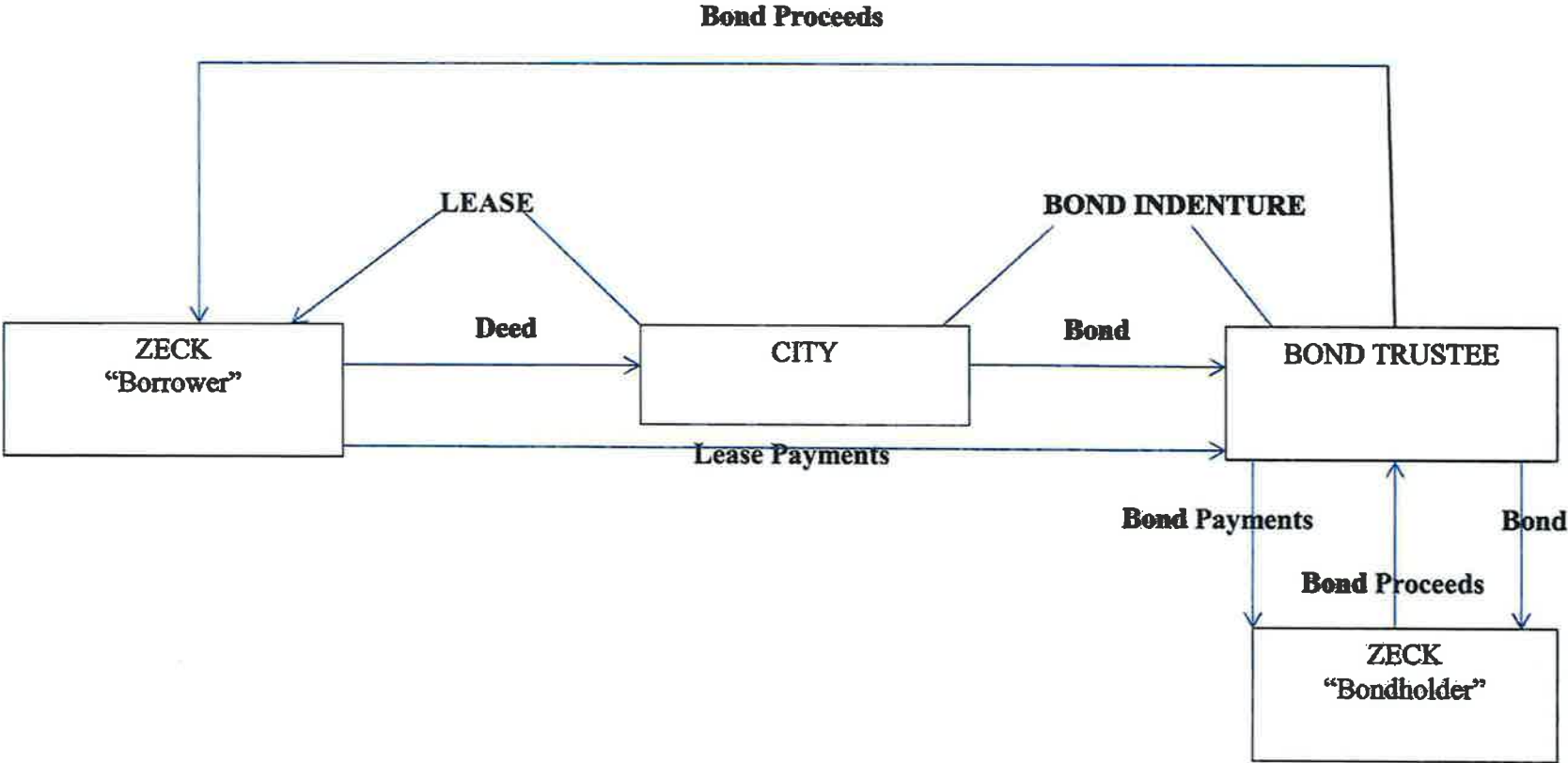
- Sales Tax Exemption:

Material used in the construction of a project financed with IRBs may be exempt from sales taxes.

- Procedure for sales tax only IRBs.
 - The Developer will purchase the bonds.
 - The Developer files an application with the City requesting IRB financing and enters into a funding agreement which provides that the Developer is responsible for all costs, including legal and bond counsel costs incurred by the City.
 - City adopts a nonbinding resolution of intent to issue bonds, which allows the Developer to use the City's sales tax exemption certificate to purchase materials. The Developer is required to sign an agreement with Kansas Department of Revenue in which it agrees to pay sales tax on materials if the IRBs are not issued.
 - City engages its bond counsel to prepare the IRB documents.
 - K.S.A. 12-1744e requires publication of notice of intent to issue IRBs and enter into a lease with a retailer.
 - City issues bonds [pursuant to a "bond ordinance" and other related bond documents] which are "purchased" by the Developer and which only the Developer may own. The bonds are NOT general obligations of the City and are NOT backed by the City's full faith and credit. They are payable solely from the rents paid by the Developer, in its capacity as "borrower" to itself, in its capacity as "bondholder".
 - The "proceeds" of the bonds are used by the Developer to construct and equip a facility. Since the Developer is both the "borrower" and the "bondholder" in this structure, the expenses incurred by the Developer are considered "proceeds" which are then endorsed by the Bond Trustee annually as draw down "proceeds" of the bonds.
 - A Bond Trustee approved by both the City and the Developer handles the ongoing administrative duties of the IRB, keeping track of "proceeds" and outstanding principal.
 - Simultaneously with the issuance of the bonds, the Developer conveys title to the property and the facility to the City, which then immediately leases it back to the Developer, who for all intents as purposes functions as owner of the property. The City has no obligation for taxes, insurance, maintenance or other items related to ownership of the Property. The

Developer indemnifies the City from any and all third party claims and is required to add the City as an additional insured on its insurance.

- The City assigns its interest in the lease to the Bond Trustee.
 - The Developer is obligated to make lease payments to the Bond Trustee in the amount of the principal and interest payments on the bonds, which the Bond Trustee then passes on to the bondholder. In the structure contemplated by Zeck, where Zeck is both the “borrower” and the “bondholder”, Zeck may offset its obligation to make “lease payments” with its right to receive the corresponding bond payments, so that no actual cash payment by Zeck (to itself) is required.
 - These IRB’s typically have a short maturity 24 – 36 months, and after the construction period is concluded, the Developer is required to exercise its option to buy the property for a nominal amount and cancel the bonds. This collapses the bond structure, the City deeds the property back to Zeck.
- Costs. All costs are paid by the Developer. At the outset most cities will require the Developer to enter into a funding agreement with the City pursuant to which the Developer agrees to pay these expenses – some of which are dependent upon the bonds being issued, but some of which will also be incurred in any event.
 - City's commonly charge application fees and some cities charge an “origination fee” as well, which must be used for economic development purposes by the city.
 - City may charge annual administrative fees
 - Special counsel to the City fees
 - Bond Counsel's fee
 - State's fees
 - Trustee's fee
 - Title costs
 - Developer's Counsel's fee



**EXECUTIVE SESSION
PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY**

JUNE 12, 2018

CITY COMMISSION ACTION:

Motion:

Move to recess into executive session to discuss the acquisition of real property pursuant to the *preliminary discussion of the acquisition of real property* exception per K.S.A. 75-4319 (b) (6). The open meeting to resume in the City Commission Chambers at _____ by the clock in the City Commission Chambers. City Manager Paul Kramer, Assistant City Manager Taylor Tedder, City Attorney David Waters, and Mike Reilly are requested to be present during the Executive Session.