



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

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, MAY 19, 2026 5:00 P.M.

Welcome to your City Commission Study Session
Please turn off or silence all cell phones during the meeting
Meetings are available for viewing on YouTube

STUDY SESSION:

1. 300 Santa Fe Affordable Housing Project Letter of Support (pg. 02)
2. Discussion of Proposed Resolution and Timeline Regarding Employee Organizations (pg. 14)
3. 2027-2031 Capital Improvements Program (CIP) Presentation and Discussion (pg. 24)

Staff Report
300 Santa Fe Affordable Housing Project Letter of Support
May 19, 2026

Prepared By:



Scott Peterson
City Manager

ISSUE:

Consider consensus to provide a Letter of Support for the Prime Company's affordable housing project at 300 Santa Fe Street (Helmer's Building) to receive KCATA TOCD START Bonds.

BACKGROUND:

To support the Prime Company's efforts to redevelop the historic Helmer's Building at 300 Santa Fe into 115 affordable housing units, the City approved a July 2025 Resolution of Support, a \$15 million Non-Binding IRB Resolution of Intent and a \$40,000 Fee Waiver Letter. Those items were designed to bolster the Prime Company's application for federal and state Low Income Housing Tax Credits (LIHTCs) to fill their project funding gap. The IRBs do not cost the City any money and the fee waiver of \$40,000 was mostly from City administrative costs. In 2025, the Prime Company's applications for tax credits scored well in the Kansas Housing Resources Corporation (KHRC)'s criteria but not enough to merit funding that year. The State of Kansas has since discontinued the state portion of the LIHTCs that would have helped this project overcome a financial hurdle.

The Prime Company was in conversations with City staff seeking alternatives for an \$8 million financing gap in order to complete the \$30 million investment. Staff reviewed available options under Kansas law and initially did not find an option for an incentive large enough to overcome the loss of state LIHTCs. During that time, the Prime Company became aware of an incentive offered to a Wyandotte County project through the Kansas City Area Transportation Authority (KCATA). City staff were notified and worked with the Prime Company and KCATA to learn more. Through its federal mandate, KCATA has the ability to utilize an economic development tool called START through its Transportation Oriented Community Development (TOCD) Program that provides a property tax exemption for projects that support the extension of KCATA public transportation systems. The Prime Company proposed meeting KCATA requirements through the addition of a new transportation bus for the Leavenworth RidelV micro transit system. The project supports program goals of growing the regional transportation system and providing needed housing that supports transportation connectedness.

The Prime Company submitted their application for KCATA TOCD's START program and received initial approval at the KCATA Board meeting on April 22, 2026, including Leavenworth County Commissioner and regional KCATA representative Mike Stieben. The KCATA Board is scheduled for a second and final review of the application during its May 27 Board meeting. City staff provided a general letter of support for the project given that it had received the stated level of previous Commission support and it met zoning requirements. However, staff were unable to demonstrate support for the property tax exemption proposed – totaling millions from the City, County and USD 453 for up to 30 years. Staff

requested the Prime Company provide an informational presentation, along with KCATA, for consensus on a letter.

RECOMMENDATION:

With consensus, the Letter of Support would assist the Prime Company's efforts to redevelop the historic Helmer's Building into an affordable housing project through the KCATA TOCD START program.

ATTACHMENTS:

Letter of Support (KCATA TOCD START Application)

Policy Report The Prime Company Affordable Housing Project (July 22, 2025)



May 19, 2026

Josh Adrian
Vice President, Development
The Prime Company
2021 Vanesta Pl – Suite A
Manhattan, KS 66503

Dear Mr. Adrian,

The City of Leavenworth appreciates your efforts to build 115 units of affordable housing at 300 Santa Fe Street and invest \$30 million into restoring a historic building.

We fully support The Prime Company's application to the Kansas City Area Transportation Authority for the TOCD START program's property tax exemption. As a show of support, the City waived \$40,000 in fees for the project and will provide \$15 million in Industrial Revenue Bonds (IRBs) for the tax exempt purchase of building materials.

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

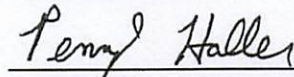
Respectfully,

Nancy Bauder
Mayor



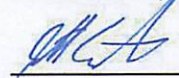
Policy Report
The Prime Company Affordable Housing Project
July 22, 2025

Prepared By:



Penny Holler
Assistant City Manager

Reviewed By:



Scott Peterson
City Manager

ISSUE:

Consider approving the Resolution of Support, the Non-Binding IRB Resolution of Intent and the Fee Waiver Letter for the affordable housing project by The Prime Company at 300 Santa Fe Street.

BACKGROUND:

The Prime Company reached out to the City regarding their plans to redevelop 300 Santa Fe Street into 115 affordable housing units for a total labor and construction investment of \$30 million. The Prime Company demonstrated experience in affordable housing projects in California as well as a project under construction in Lawrence, Kansas. They plan to apply for tax credits through the Kansas Housing Resources Corporation (KHRC). That program utilizes scoring criteria to distribute Low Income Housing Tax Credits (LIHTC) to eligible projects. The Prime Company requested a letter of support from the City for their application. They also requested the City agree to waive certain development fees and authorize \$15 million in Industrial Revenue Bonds, items that are included in the LIHTC's scoring criteria. The IRBs allow project materials to be purchased exempt from sales tax. The City incurs no fees for that process and is under no financial obligation for those bonds.

Any request for City economic development incentives requires the consideration of whether or not the project could proceed without the requested incentives. Per the developer's financial calculations, the project will not be feasible without City and state/federal incentives. Conversion of existing properties often have challenges that are a financial hurdle for redevelopment without incentives.

The project also must support City economic development goals. The creation of new affordable housing falls within the City's Economic Development Policy under, "Housing developments for seniors and the disabled are of the highest priority. It is the City's intention to encourage development of housing for residents of all ages, abilities and incomes." The project's mix of one, two and three bedroom apartments will be available based upon income criteria that benefit all three housing categories.

It also falls under goals of the City's Comprehensive Plan to encourage infill redevelopment and maintain historic buildings. The property known as the Helmer's Building is a former manufacturing site on the historic registry. The building was rezoned to Residential Mixed Use in 2024 to allow for this conversion into multi-family housing.

RECOMMENDATION:

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

ATTACHMENTS:

Resolution of Support (LIHTC Application)

Non-Binding IRB Resolution of Intent

Fee Waiver Letter

Project Renderings

RESOLUTION B-2401

A RESOLUTION OF SUPPORT OF LOW INCOME HOUSING TAX CREDITS FOR THE PRIME COMPANY HOUSING DEVELOPMENT AT 300 SANTA FE STREET LEAVENWORTH KANSAS

WHEREAS, the City of Leavenworth, Kansas has been informed by Commonwealth Development Corporation that Low Income Housing Tax Credits (LIHTC) from the Kansas Housing Resources Corp. are necessary to move forward with a multifamily housing development at 300 Santa Fe Street in Leavenworth, Kansas; and

WHEREAS, this housing project contains approximately 115 units; and

WHEREAS, this project redevelops 300 Santa Fe Street, a building listed on the National Register of Historic Places; and

WHEREAS, the property will have the following amenities: community playground, dog park and outdoor sports courts; and

WHEREAS, the City of Leavenworth will provide fee waivers in the amount of \$40,000.

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

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

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

ADOPTED THIS 22nd day of July, 2025.

Holly Pittman, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

RESOLUTION NO. B-2402

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

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

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the “Act”), the Issuer is authorized to issue revenue bonds for such purposes, and it is hereby found and determined to be advisable and in the interest and for the welfare of the Issuer and its inhabitants that revenue bonds of the Issuer in a principal amount not to exceed \$15 million be authorized and issued, in one or more series, to provide funds to pay the costs of the acquiring, constructing, redeveloping and equipping of a Multifamily Housing facility (the “Project”) to be located at 300 Santa Fe Street and to be leased by the Issuer to The Prime Company, or its successors and assigns (the “Tenant”).

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

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

Section 2. **Authorization to Acquire Project; Intent to Issue Bonds.** The Issuer is hereby authorized to proceed with the acquiring, constructing, redevelopment and equipping of the Project and to issue its revenue bonds, in one or more series, in a principal amount not to exceed \$15 million (the “Bonds”) to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

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

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

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

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

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

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

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ADOPTED by the governing body of the City of Leavenworth, Kansas on July 22, 2025.

[SEAL]

Holly Pittman, Mayor

Attest:

Sarah Bodensteiner, CMC, City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on July 22, 2025, as the same appears of record in my office.

DATED: July 22, 2025

Clerk

(Signature Page to Resolution)



July 22, 2025

Josh Adrian
Vice President, Development
The Prime Company
2021 Vanesta Pl – Suite A
Manhattan, KS 66503

Dear Mr. Adrian,

The City of Leavenworth appreciates your efforts to build 115 units of affordable housing at 300 Santa Fe Street.

We fully support The Prime Company's application to the Kansas Housing Resources Corporation for Low Income Housing Tax Credits. As a show of support, permit fees of \$40,000 will be waived for the project.

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

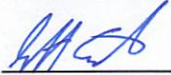
Respectfully,

Scott Peterson
City Manager



Staff Report
Discussion of Proposed Resolution and Timeline Regarding Employee Organizations
May 19, 2026

Prepared By:



Scott Peterson
City Manager

ISSUE:

The City Commission has instructed staff with developing a labor relations and discussion process to be used with employee groups that are looking to officially organize with the City. Specifically, the City Commission identified the City of Lawrence’s resolution-based model as the prototype they would like staff to adapt to Leavenworth’s needs for adoption. The need for this process originated with a request by members of the Leavenworth Fire Department to join International Association of Fire Fighters (IAFF) Local 64, the designated employee organization for the Kansas City, KS Fire Department.

BACKGROUND:

The State of Kansas has a set of statutes for public entities that govern the administration of employee organizations called the Public Employer Employee Relations Act (PEERA). PEERA is an optional statute that allows public entities such as the City of Leavenworth to adopt its regulations for discussion with, and management of, organized employee groups, such as fire employee organizations. Most municipalities and counties that have formally recognized employee labor groups or employee organizations in the state of KS have done so by adopting PEERA. Adopting PEERA would require the City of Leavenworth to enact ordinances by which the City would be bound to follow.

However, in 1979 the City of Lawrence, KS, began its formal relationships with certain employee organizations via a series of adopted resolutions, forgoing the PEERA process entirely. Lawrence has used this model ever since and has expanded it to include a maximum of six total employee organizations, including their fire department. I recently met with a staff attorney for the City of Lawrence who is heavily involved in the discussion process with their employee organizations. He walked me through their process and provided me a list of pros and cons of their model that he thought would be helpful to consider in developing our own process. I have provided that list, which by no means represents an exhaustive list of the experience of the entire organization of Lawrence, below:

Pros	Cons
Allows the City to adopt its own set of rules unique to its needs	Requires more administrative work than the PEERA process
Has shown to drive up wages city-wide, not just among the employee organizations	Required Lawrence to hire additional staff to manage the labor discussion process, including full-time attorneys

City leadership often extended city-wide employee benefits preemptively to avoid complicated discussions	Even under three-year memorandum of understandings, Lawrence effectively still must negotiate wages and benefits every single year to meet the demands of the economy and job market.
Final decision and approval lies with the City Commission	Requires over a dozen meetings annually between the City's negotiating team and each employee group.
Decreased the number of vacant positions in affected departments	Opens the door for political implications and outside involvement in elections
Overall, Lawrence staff still believed their model to be preferable to adopting PEERA	Grievance procedure takes significantly more time for employees governed by an employee organization vs those that are not.

Lawrence's discussion cycle for all of its employee organizations operates on a timeline from April 1 to July 1 each year. If the City and the organization can't come to an agreement, then they end up at "impasse". Lawrence effectively goes into impasse every year with its employee organizations because they are not meeting specific budget deadlines. In order to end the impasse, they must hire an independent fact finder to mediate the discussions. The Kansas Department of Labor has a list of approved fact finders that they will provide to the City upon request. City staff has confirmed with the Kansas Department of Labor that, at least with the current administration, there will be no conflict with the state for not adopting PEERA. The Department of Labor also confirmed that, even if the City does not adopt PEERA, they would still be willing to provide independent fact finders upon request.

Even with the City of Lawrence's resolutions as a model to start from, Lawrence has had several decades of discussion cycles to refine their process and agreements; Leavenworth will be starting from scratch. There are a number of decisions that will need to be made by the City prior to officially entering into discussions with an employee organization. As such, staff recommends that the City immediately establish a Preparation Group, to consist of the City Manager, Fire Chief, Human Resources Director, and one City Commissioner to review and make determinations of the following:

1. The City's definitions of "Manager", "Supervisor", "Confidential Employee", and "Professional".
2. Designate recommendations for which particular employee classifications will be included in employee organizations.
3. Gather and review current wage scales and pay policies and practices, staffing and hours policies and practices, fringe benefits policies and practices, and other policies and practices concerning working conditions for the department employees who will be in the employee organization.
4. Review the Local 64 memorandum of understanding with the Unified Government and the current local 1596 memorandum of understanding with the City of Lawrence and identify key comparisons from them to the City of Leavenworth's policies and practices.
5. Review existing memoranda of understanding between other governing bodies, fire departments, employee organizations, etc. as needed.
6. Identify other City representatives to be included in future conversations or discussions with employee organizations.
7. Refine any other definitions or policy conflicts that may arise during the Preparation Group's

DRAFT RESOLUTION

With the above information in mind, staff and the City Attorneys have drafted a proposed resolution that will establish the City's process for discussion with employee organizations. This resolution merely adopts the City's process for discussion with the employee organizations, and does not formally recognize any such organizations. That recognition, and any changes to pay scale, benefits, etc., will be established with future resolutions. The above issues presented to the Preparation Group will need to be answered prior to adoption of the resolution. Once the resolution is formally adopted by the City Commission, the City will be able to proceed with discussion with employee organizations.

PROPOSED TIMELINE

As previously mentioned, Leavenworth will be creating the process from scratch that it will be using to negotiate with all of its employee organizations. This is a time-consuming process, but it will lay a very important groundwork by which the City will operate and negotiate moving forward. The City of Lawrence conducts this process annually, and it takes them months. It can be reasonably assumed that since this is Leavenworth's first discussion process it will take much longer than that. The City needs to be prepared to be realistic about the time this complete process will take. Assuming immediate establishment of the Preparation Group, staff will seek to work as efficiently as possible under the estimated time frame:

May 2026-September 2026: Preparation Group meets and resolves the key questions provided above.

October 2026: City Commission adopts final resolution establishing City policy regarding employee organizations, and instructs staff on which employee groups may elect an employee organization to hold discussions with the City.

October 2026-Summer 2027: Discussions may proceed with the identified employee organizations. In the City of Lawrence, this process takes months, even with established processes and decades of refinement of the agreements.

Late Summer 2027: Formal adoption and recognition of identified employee organizations.

Again, since this is the City of Leavenworth's first formal attempt at this process, these are just estimates. If any particular step moves more quickly than anticipated, the City will proceed with the next step as needed.

RECOMMENDATION:

With consensus, City Staff would proceed immediately with establishment of a Preparation Group, and proceed with identifying and answering the key questions/issues listed above. Staff will also proceed under the proposed timeline, making adjustments as needed/warranted.

ATTACHMENTS:

Draft Resolution Setting Forth the Policy of the City of Leavenworth, KS, With Regard to Employee Organizations.

RESOLUTION NO. B-XXXX

A RESOLUTION SETTING FORTH THE POLICY OF THE CITY OF LEAVENWORTH, KANSAS, WITH REGARD TO EMPLOYEE ORGANIZATIONS.

WHEREAS, it is the policy of the Governing Body of the City of Leavenworth, Kansas, not to come under the provisions of K.S.A. § 75-4321 *et seq.*, known as the Kansas Public Employer-Employee Relations Act; and

WHEREAS, the Governing Body of the City of Leavenworth, Kansas, fully subscribes to the precept of Home Rule as delineated in Article 12, Section 5 of the Kansas Constitution, in that employee relations are most suitably conducted at the local level; and

WHEREAS, the Governing Body of the City of Leavenworth, Kansas, does not intend to voluntarily recognize any employee union, group or organization as the representative of its members for purposes of discussions with the City without a secret ballot election by those members consistent with this Resolution; and

WHEREAS, the City desires to permit collective discussions with an Employee Organization (defined below) relating to Working Conditions (defined below) under the terms and conditions stated within this Resolution;

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

SECTION I. Definitions. For the purpose of this Resolution, and unless otherwise defined elsewhere in this Resolution, the following definitions shall apply:

- a. **"City"** means the City of Leavenworth, Kansas, a municipal corporation.
- b. **"Classification"** means a formally titled collection of duties and responsibilities that distinctly describes the work of Employees.
- c. **"Designated Discussions Representative of the City"** means the City Manager, those members of the administrative staff of the City as the City Manager may assign, and any outside professional consultants or legal counsel that the City Manager may hire and assign. At least one City Employee is required to participate in discussions.
- d. **"Discussions"** mean communications between the Designated Discussions Representative(s) of the City and representatives of the Recognized Employee Organization for the purpose of exchanging proposals and attempting to reach agreement on language for a Memorandum of Understanding concerning wages, Fringe Benefits and Working Conditions to be ratified by the Employee Group and approved by the City Commission.
- e. **"Employee" or "Employees"** means a person (or persons) working in the service of the City, holding a Classification in a regular, full-time position, and not being a Supervisory Employee, Management Employee, Professional Employee, or Confidential Employee.
 1. **"Supervisory Employee"** means any individual who through use of independent judgment normally performs different work from the Supervisory Employee's

subordinates, having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other Employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action.

2. **“Confidential Employee”** means any individual whose unrestricted access to confidential personnel files or other information concerning the administrative operations of the City, or whose functional responsibilities or knowledge in connection with the issues involved in the Discussions would make such individual’s membership in the same Employee Organization incompatible with the individual’s official duties.
3. **“Professional Employee”** means any individual: (1) whose work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involves the consistent exercise of discretion and judgment; requires knowledge of an advanced type in a field of science or learning customarily acquired by prolonged study in an institution of higher learning; or (2) who has completed courses of prolonged study as described in paragraph (1) of this subsection, and is performing related work under the supervision of a professional person in order to qualify as a Professional Employee, or (3) attorneys at law or any other person registered as a qualified professional by a board of registration or other public body established for such purposes under the laws of the State of Kansas.
4. **“Management Employee”** means a person appointed with major administrative and management responsibilities.
- e. **“Employee Group”** means a separate and distinct collection of classifications and titles with a common purpose designated by the City in Section II below for possible representation by an Employee Organization.
- f. **“Employee Organization”** means any organization that includes Employees of the City or an identifiable group of Employees that has, as one of its primary purposes, representation of Employees in Discussions with the Designated Bargaining Representative of the City relating to wages, Fringe Benefits, and Working Conditions.
- g. **“Fact Finding”** means investigation by an appointed fact finder over proposals by the Parties that are at impasse with the fact finder submitting a report to the parties describing the issues involved; the report shall contain recommendations for settlement and may be made public.
- h. **“Fringe Benefit”** means any other form of compensation other than direct wages.
- i. **“Impasse”** means the state that exists when neither party can make positive movement toward the resolution of an issue.
- j. **“Job Action”** or **“Strike”** mean any action taken for the purpose of coercing a change in wages, Fringe Benefits, or Working Conditions through refusal, in concerted action with others, to report to duty or to willfully be absent from work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment.

- k. **“Memorandum of Understanding”** means the written document setting forth the language agreed to by the Parties, ratified by the Employee Group and approved by the City Commission or after Impasse approved by the City Commission.
- l. **“Parties”** means the City of Leavenworth, Kansas, and the Recognized Employee Organization.
- m. **“Proposal”** means the resolution of an issue a party seeks and finds acceptable.
- n. **“Recognized Employee Organization”** means an Employee Organization that has been formally certified as representing the Employees in an Employee Group pursuant to Section IV of this Resolution. A Recognized Employee Organization may be represented by appointed Employees from the represented Employee Group, officers, business agents, consultants and legal counsel. At least one City Employee from the represented Employee Group is required to participate in discussions.
- o. **“Working Conditions”** means those conditions of employment that can reasonably be changed through good faith discussion, but are not management rights nor fixed by ordinance, statute, or Constitution.

SECTION II. Employee Group. For purposes of this Resolution, the separate and distinct Employee Group that can be represented by an Employee Organization includes only the following classifications and titles: [Fire Fighters]. Classifications and titles in the Fire Department excluded from this Employee Group are the following: _____. Those Employees designated as Management Employees, Supervisory Employees, Confidential Employees, or Professional Employees may not be represented by any Employee Organization.

SECTION III. Discussions. The City Commission shall permit group Discussions between its Designated Discussions Representative and representative(s) of any Recognized Employee Organization of the Employee Group identified in Section II. Apart from these Discussions, an individual Employee may exercise the right to speak to or consult with members of the City Commission, the City Manager or City staff on any subject without fear of reprisal.

SECTION IV. Representation Election. Any Employee Organization that desires to demonstrate the representative authority to act on behalf of the Employee Group identified in Section II above may establish such representational status in the following manner:

1. The Employee Organization shall present to the City Clerk a petition signed by at least thirty percent (30%) of the full time, regular Employees in the Employee Group for which the Employee Organization requests designation as such Employee Group’s representative. Such petition shall name the Employee Organization seeking representation and shall further identify the chief representative and up to two (2) associate representatives of such Employee Organization.
2. Upon receipt of such a petition, the City Clerk shall check all signatures against the roster of full time, regular Employees in the Employee Group identified in the certification petition as of the date that the petition is filed and declare such petition either sufficient or insufficient.
3. Upon declaration of sufficiency by the City Clerk, the City Clerk shall set the day(s), time(s) and polling places for an election by Employees in the identified Employee Group. In

making these decisions, the City Clerk will seek input from the City Manager and a representative of the Employee Organization.

4. Elections by secret ballot shall be held at times and places convenient to the Employees within the Employee Group that is identified in the petition.
5. The City Clerk shall be responsible for conducting the election; placing the question on the ballot offering the Employee a choice between each of the qualifying Employee Organizations and no representative.
6. The City Clerk shall tabulate the ballots and certify the results of the election.
7. Any disputed issues concerning the election shall be determined by the City Clerk.
8. To win the right to represent the identified Employee Group an Employee Organization must receive the votes of more than fifty percent (50%) of eligible voters.
9. Employees seeking to decertify the designation of an Employee Organization previously certified as the representative of an Employee Group may do so by filing a petition for decertification following the same procedures as a petition for certification. Decertification elections shall follow the same procedures as certification elections.
10. The Parties shall commence discussions for a Memorandum of Understanding at a mutually convenient time, but no later than sixty (60) days after the Employee Organization has been certified as described in this Section IV. Recognition achieved after April 15 shall result in the deferral of discussions relating to those wages and/or Fringe Benefits and/or Working Conditions that have a budgetary impact until April 15 of the following year. Discussions relating to those Working Conditions that do not have a budgetary impact need not be deferred.
11. A petition to certify or decertify an Employee Organization shall not be filed within one (1) year after the holding of an election pursuant to the procedures of this Section IV. A petition to certify or decertify an Employee Organization shall be dismissed if such petition is filed between the dates of the adoption of a new Memorandum of Understanding and the termination date of such Memorandum of Understanding, except that a petition to certify or decertify an Employee Organization may be filed no sooner than ninety (90) days and no later than sixty (60) days before the termination date of a Memorandum of Understanding.

SECTION V. Scope of Discussion. Upon certification by the City Clerk that an Employee Organization has received sufficient votes to obtain certification pursuant to Section IV, such Employee Organization shall be declared the sole representative of the identified Employee Group and shall enter into discussions with the City's Designated Bargaining Representative in the manner set forth by this Resolution. However, the following topics are considered management rights and are not subject to discussion. Management may:

- a. Direct the work of its Employees.
- b. Hire, promote, transfer, assign and retain Employees.
- c. Reprimand, suspend and/or discharge Employees for proper cause.

- d. Maintain the efficiency of governmental operations.
- e. Relieve Employees from duty for lack of funds or lack of work.
- f. Determine the methods, means, materials, assignments, and personnel by which City operations are to be conducted.
- g. Take any actions necessary to carry out the mission of the City.
- h. Initiate, prepare, certify, and administer its budget, and,
- i. Exercise all powers and duties granted to the City by law.

SECTION VI. Discussion Procedures.

A. Generally. No later than sixty (60) days after the City Clerk has certified the Employee Organization as the representative of the Employee Group for discussions of an initial Memorandum of Understanding, or no later than April 15 for discussions of a subsequent Memorandum of Understanding, the Recognized Employee Organization shall submit a letter of request to conduct discussions with the City toward the resolution of issues concerning wages and/or Fringe Benefits and/or Working Conditions to the City Clerk. The letter shall contain a specific list of issues and Proposals to address and resolve those issues. Failure to submit the letter in accordance with the above shall result in the forfeiture of discussions for that year. Discussions shall then commence no later than ninety (90) days after the City Clerk has certified the Employee Organization for discussions of an initial Memorandum of Understanding or no later than May 1 for a subsequent Memorandum of Understanding. Discussions shall be held at reasonable and convenient times and places. These Discussions will be open to the public if the Parties mutually agree. All Proposals shall be reduced to writing and exchanged between the Parties.

B. Impasse.

1. If the Parties have failed to resolve, remove, or agree to an issue of discussion by one hundred eighty (180) days after the City Clerk has certified the Employee Organization for Discussions of an initial Memorandum of Understanding or by July 1 for Discussions of a subsequent Memorandum of Understanding, that issue shall be declared to be at an Impasse. Only those issues on which the Parties have reached Impasse shall proceed through the following Impasse resolution procedures. Impasse issues may include combinations of proposals.
2. The Parties shall at a time and date consistent with the above and agreed to by the Parties, exchange their respective proposals on the Impasse issues in writing.
3. If Impasse continues to exist after ten (10) days following exchange of the written Impasse issues, the Parties shall proceed to Fact Finding. If the parties are unable to mutually agree on a fact finder, the parties shall request a list of five (5) fact finders from the Kansas Public Employee Relations Board. From this list, they will take turns striking one name off of the list, until a single name is left. A coin flip or similar random technique will determine who strikes first. This fact finder will be hired to render a decision on those unresolved issues and the costs of Fact Finding shall be shared equally by the Parties. The Parties will schedule a date or dates

for a hearing at which both Parties shall present their case to the fact finder on the impasse issues. This hearing will be open to the public if mutually agreed upon by the Parties. The fact finder shall be engaged to return a written recommendation for the resolution of the Impasse issues within twenty-one (21) days of the end of the hearing, unless a different time frame is mutually agreed by both Parties.

4. After receiving the fact finder's decision, the Parties shall meet within seven (7) days and resume discussions.
5. If an Impasse continues to exist fourteen (14) days after receipt of the fact finder's recommendation, the Parties shall exchange their last proposals in writing on the remaining Impasse issues, and share them with the City Commission, along with the fact finder's written recommendation.
6. The City Commission shall, at the next regularly scheduled City Commission meeting occurring at least seven (7) days after receipt of the proposals and the fact finder's recommendation, schedule a public hearing for the purpose of receiving explanation and supporting documentation from the representatives of the Recognized Employee Organization and from the Designated Discussions Representative concerning each party's proposals on the remaining impasse issues. The Commission will set the hearing within twenty (20) days.
7. The City Commission shall render its decision by taking such action as it deems to be in the public interest, including the interest of the public employees involved or impacted. The Commission may consider the following in evaluating the public interest:
 - a. Evidence supplied in support of or opposition to the proposals;
 - b. The financial situation of the City;
 - c. Comparison with similar comparable municipal employers in the area labor market; and
 - d. Other relevant considerations.

The City Commission's decision shall be final and binding.

8. Any time periods in this section may be modified by mutual agreement.

C. Memorandum of Understanding. Agreements reached shall be reduced to writing and signed by both Parties for a specific time period of one (1) or more years, subject to provisions of the state cash-basis law, codified as K.S.A. §§ 10-1101 - 1122, and amendments thereto.

SECTION VII. Job Actions, Strikes, and Lockouts Prohibited. No Employee Organization including its individual Employee members or any Employees within any Employee Group shall participate in, call for, condone, or support any Job Action or Strike intended to disrupt or interfere with the operations of the City. Employees shall be subject to disciplinary action for violation of the above. Discussion will cease during any such Job Action or Strike. The City shall not lock out its Employees.

SECTION VIII. Prohibited Practices. It shall be a prohibited practice, evidence of bad faith, and a violation of this Resolution for either Party to:

- 1. Interfere with, coerce, or circumvent the other Party's exercise of its rights as defined under this Resolution;
- 2. Discourage or coerce an Employee's personal election to membership in an Employee Organization, or any committee formed by the City;
- 3. Discriminate against any Employee as a result of the Employee's personal membership election, or their conduct of legitimate allowable Employee Organization activities;
- 4. Refuse to discuss wages, or Fringe Benefits, or Working Conditions in good faith;
- 5. Declare Impasse prior to exhaustion of all good faith efforts of discussion;
- 6. Delay or refuse to participate in good faith or to circumvent fact-finding efforts;
- 7. Delay or refuse to accept the City Commission's decision as final and binding;
- 8. Refuse or delay the signing of the Memorandum of Understanding; or
- 9. Engage in a Job Action or Strike.

The City Manager, under this Resolution, retains all of the rights to discipline any Employee in violation of this Resolution, including the right to terminate those who participate in any Job Action or Strike against the City of Leavenworth.

SECTION IX. Authorizations. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such other actions as may be appropriate, desirable, or necessary to accomplish the purposes of this Resolution.

SECTION X. Effectiveness. This Resolution shall be effective upon its adoption by the Governing Body of the City of Leavenworth, Kansas.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas, this ____ day of _____, 2026.

Nancy Bauder
Mayor

ATTEST:

Sarah Bodensteiner, CMC
City Clerk

Policy Report No. FIN-26-01
Proposed 2027 – 2031 CIP Budget
May 19, 2026

Prepared by:



Rhonda Miller
Deputy Finance Director

Approved by:



Scott Peterson
City Manager

Issue:

City Staff will present a Proposed 2027 – 2031 CIP Budget to the City Commission for consideration and discussion.