



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JANUARY 26, 2021 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live
In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is REQUIRED to attend the meeting. To attend the meeting in person, email cwilliamson@firstcity.org no later than 4:00 pm on the day of the meeting to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit public comments to be read during the Public Comments portion of the meeting, or submit questions on an agenda items to be read during discussion on that topic, email your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on the day of the meeting.

Call to Order – Pledge of Allegiance Followed by Silent Meditation

Consideration of Previous Meeting Minutes:

- 1. Minutes from January 12, 2021 Regular Meeting **Action:** Motion (pg. 2)

Second Consideration Ordinance:

- 2. Second Consideration Ordinance 8157 Industrial Revenue Bonds Luxury & Imports **Action:** Roll Call (pg. 6)

NEW BUSINESS:

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

Any emails received by the public for public comment on non-agenda items will be read at this time.

Ordinances:

- 3. Review Ordinance Related to Face Mask Requirements **Action:** Motion/Roll Call (pg. 15)
- 4. First Consideration Ordinance Rezoning 1440 & 1460 Quincy Street **Action:** Motion/Consensus (pg. 20)

General Items:

- 5. Mayor’s Appointments **Action:** Motion (pg. 58)
- 6. Consider Updates to City Fee Schedule **Action:** Motion (pg. 59)
- 7. Consider Approval of City Sidewalk Cost-Share Program Guidelines **Action:** Motion (pg. 81)

Bids, Contracts and Agreements:

- 8. Consider Approval of Change Order No. 1– Thornton Street Improvement Project **Action:** Motion (pg. 86)
- 9. Consider Bids Water Pollution Control (WPC) Chemicals **Action:** Motion (pg. 91)
- 10. Consider Contract for Water Pollution Control (WPC) Trickling Filter # 3 Repairs **Action:** Motion (pg. 94)

Consent Agenda:

Claims for January 9, 2020, through January 22, 2021, in the amount of \$937,563.74; Net amount for Payroll #1 effective January 15, 2021 in the amount of \$353,226.48 (no Police & Fire Pension). **Action:** Motion

Other:

Executive Session:

- 11. Executive Session - Attorney Client Privilege **Action:** Motion (pg. 97)

Adjournment

Action: Motion



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

City Commission Regular Meeting
Commission Chambers
Tuesday, January 12, 2021 7:00 p.m.

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

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

Members participating via teleconference: Director of Planning and Community Development Julie Hurley and Community Development Coordinator Mary Dwyer and City Attorney David E. Waters.

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

Announcements and Presentations:

Mayor Bauder read the following statement and asked for a consensus for the Commission to support the statement:

Statement from the Leavenworth City Commission to Leavenworth Citizens

We strongly condemn the acts of thousands of Americans who attacked and forced their way into the U.S. Capitol on January 6, 2021. Resorting to violence to undermine our democratic institutions and processes, or overthrow duly elected governing bodies is unlawful, dangerous, and unpatriotic.

In violently assaulting the U.S. Capitol while Congress was in session certifying the electoral college votes for the 2020 presidential election, these insurrectionists defaced the Capitol, damaged property, killed a Capitol Police officer, injured many other Capitol police officers, and endangered the lives of Vice President Pence and every Congressional elected official and their staffs. We also insist on federal law enforcement holding these insurrectionists accountable for their violent and unlawful actions, as well as anyone inciting them to the violence they perpetrated during their attack on the Capitol.

Based on reports from the FBI there are armed groups and individuals threatening additional violence at the U.S. Capitol on January 20th, President-Elect Biden's Inauguration Day, as well as at all 50 state capitols. This is unacceptable. We urge our state elected officials and Governor Kelly to take all necessary actions to secure the state capitol in Topeka to protect lives and property, while allowing the legislature to conduct its business. Locally, between now and January 20th, our police force will, as always, be vigilant in the performance of its duties to ensure public safety.

There was a consensus by the Commission to support the statement as a Commission.

Mayor's Award to Maxine Hunter Mayor Bauder presented the Mayor's Award to Maxine Hunter for her contributions to the community.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Preisinger moved to approve the minutes from the December 8, 2020 regular meeting & December 15, 2020 special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Public Comment: *(emails received by the public for public comment on non-agenda items will be read at this time.) No emails were received.*

Brian Stephens – 2614 S 25th Street Leavenworth

- Mr. Stephens addressed the Commission regarding concerns about dangerous conditions in the area of West Vilas and Limit Street.
- Represents West Limit Acres and Whispering Hills subdivisions by Henry Leavenworth School
- Portions unimproved with no curbs and impassable
- School district discussed this at their January 11th board meeting
- School is looking at building stacking lanes through school green space
- Asking the City, School and County to look at ways to improve these areas
- Planning Commission January 4, 2021 meeting had a similar request for rezoning that would create even more traffic
- Fire trucks have difficulty in responding to fire

General Items:

Withdrawal of Zoning Application 2100 Vilas and 2100 Limit Street - Director of Planning and Community Development Julie Hurley announced that the application submitted by Greenamyre Rentals Inc. to rezone the properties from Low Density Single Family Residential (R1-25) to Multi Family Residential (R-MF) was withdrawn after the December 7, 2020 Planning Commission recommended denial of the request. Neighbors opposed to the rezoning were told that the item would be on the agenda for the City Commission to review at tonight's meeting. No action is required by the City Commission this is for information only.

County Commissioner Chad Schimke to Present Letter to Explore Dispatch Audit –Leavenworth County Commissioner Chad Schimke presented a letter from the Board of County Commissioners requesting the exploration of an audit of dispatch services performed by City and County Staff and possible redundancy between these two offices. No action required by the City Commission.

Mayor's Appointments

Mayor Bauder moved to reappoint to the Parks and Community Activities Advisory Board: Jennifer Brennehan Tobey and Jim Mathis to terms ending January 15, 2024; and Reappoint to the Sister City Advisory Board: Bobbie Bower to a term ending December 31, 2023. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2275 Consolidated Annual Performance & Evaluation Report (CAPER) - Community Development Coordinator Mary Dwyer reviewed the CAPER for the Community Development Block Grant (CDBG) for grant year 2019-2020. Mr. Dwyer recommended approval of the CAPER and adoption of Resolution B-2275 for submittal to the Department of Housing and Urban Development.

Commissioner Preisinger moved to approve the Resolution B-2275 approving the CAPER as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for 4th and Olive Alley CDBG Sanitary Sewer Project – Public Works Director Mike McDonald presented for consideration the bids for the project and recommended that the Commission approve the low bid from Linaweaver Construction in the amount of \$160,760.00. Bids were opened on December 16, 2020 and were as follows:

<u>Vendor</u>	<u>Total Base Bid</u>
Linaweaver Construction	\$160,760.00
Kissick Construction	\$173,413.00
Kansas Heavy Construction	\$193,250.00
Engineer's Estimate	\$203,280.00

Commissioner Griswold moved to approve the low bid received by Linaweaver Construction in the amount of \$160,760.00 for the 4th & Olive Alley CDBG Sanitary Sewer Project. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Industrial Revenue Bonds (IRB) Ordinance Luxury & Imports – Assistant City Manager Taylour Tedder presented for first consideration an ordinance authorizing the issuance by the City Industrial Revenue Bonds Series 2021 in an amount not to exceed \$2,750,000.00 to provide funds to acquire, construct and equip a project for Rae Holding, LLC and/or Ted A. Rea Inc. and authorize approving certain documents and actions in connection with the issuance of said bonds. Pete Heaven attorney for Mr. Ted Rae was available via teleconference to answer any questions.

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

Consent Agenda:

Commissioner Wilson moved to approve claims for December 5, 2020, through January 8, 2021, in the amount of \$4,854,738.41; Net amount for Payroll #26 effective December 18, 2020 in the amount of \$367,376.47 (Includes Police & Fire Pension in the amount of \$9,260.03) and Payroll #27 effective December 31, 2020 in the amount of \$353,308.85 (no Police & Fire Pension). Commissioner Preisinger

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

Other:

Mayor Bauder

- Has received a lot of calls about vaccines
- Asked County Commissioner Schimke to address the questions
 - The County Health officer is the expert on this; however, the county is not responsible for getting the vaccine to the local Walgreens or CVS locations and agrees there is a lot of frustration
- Discussion on Saint Patrick's Day Parade
 - City Manager Kramer stated that it could be put on the agenda for next week's Study Session

Commissioner Wilson

- Read a statement regarding political differences and division

Commissioner Leonhard

- Read a quote

Commissioner Preisinger

- Horrified by the actions in Washington DC by rioters
- Happy with corporations in withholding donations to political groups

Commissioner Griswold

- Discussed the COVID-19 crisis. Currently over 375,000 deaths nation wide
- County Health Department website current statistics. Positivity rate in county is currently 9.9%
- Thoughts and Prayers to the family of the person who died on Friday after jumping off Centennial Bridge

Adjournment:

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

Time Meeting Adjourned 8:12 p.m.

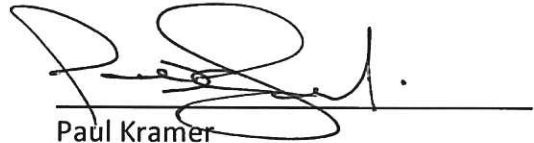
Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8157
AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS
REA HOLDING LLC. (LUXURY & IMPORTS) SERIES 2021**

JANUARY 26, 2021



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the January 12, 2021 City Commission regular meeting the City Commission reviewed and placed the ordinance on first consideration.

Since first reading there have been a couple of minor changes to the ordinance with regards to the ownership reflecting only Rea Holdings LLC and removing the reference to "and/or Ted A. Rea, Inc." In addition, in Section 2, the interest rate of 5.00% was added and "shall mature not later than the year 2026 was changed to 2025.

Ordinance No. 8157

"AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$2,750,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (LUXURY & IMPORTS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR REA HOLDINGS, LLC AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS" is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8157

ORDINANCE NO. 8157

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

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

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

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

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

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

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

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

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

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

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

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$2,750,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at the fixed rate of 5.00% and shall mature not later than the year ~~2025~~²⁰²⁶, and shall have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

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

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

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

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

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

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

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

CITY OF LEAVENWORTH, KANSAS

Nancy D. Bauder, Mayor

(Seal)

ATTEST:

Carla K. Williamson, CMC City Clerk

[SUMMARY ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *The Leavenworth Times* ON January 29, 2021)

SUMMARY OF ORDINANCE NO. _____

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

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

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

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

DATED: _____, 2021.

David E. Waters, City Attorney

ORDINANCE NO. 8157

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

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

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

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

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

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease”) between the Company and the Issuer; and

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

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

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

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

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

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$2,750,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at the fixed rate of 5.00% and shall mature not later than the year 2025 and shall have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

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

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

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

- (c) Lease Agreement; and
- (d) Bond Purchase Agreement.

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

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

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

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

CITY OF LEAVENWORTH, KANSAS

Nancy D. Bauder, Mayor

(Seal)

ATTEST:

Carla K. Williamson, CMC City Clerk

[SUMMARY ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *The Leavenworth Times* ON January 29, 2021)

SUMMARY OF ORDINANCE NO. 8157

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

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

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

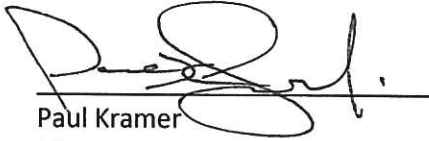
This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 2021.

David E. Waters, City Attorney

Policy Report
Review of ordinance related to face mask requirement
Jan. 26, 2021

Prepared by:



Paul Kramer
City Manager

Issue:

On Nov. 19, 2020, the City Commission enacted Ordinance No. 8154 to establish a local face mask requirement ordinance. Ordinance No. 8154 expires at 11:59 p.m. on Jan. 31, 2021.

The ordinance was modeled on language included in the Executive Order of Kansas Governor Laura Kelly. The initial draft ordinance was reviewed at the July 21, 2020 City Commission meeting, with the Commission taking no action at that time. The Commission again reviewed the matter at the November 17, 2020 Study Session, indicating a desire to consider the draft presented in July.

At the Jan. 19, 2021 Study Session, the City Commission provided a consensus to consider the face mask requirement at the Jan. 26 meeting, in advance of the expiration of Ordinance No. 8154.

Action:

The matter is before the Commission for consideration.

Attachments:

A new draft ordinance is attached. Any action on the new ordinance requires Commission action.

(Summary Published in the Leavenworth Times on _____, 2021)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 22-205 and SECTION 22-207 OF ARTICLE V (FACE MASK REQUIREMENT) OF CHAPTER 22 (HEALTH AND SANITATION) OF THE LEAVENWORTH CODE OF ORDINANCES, EXTENDING THE TERM OF THE REQUIREMENT FOR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES, AS PROVIDED IN SUCH ARTICLE V, AND UPDATING OTHER PROVISIONS CONSISTENT WITH EXECUTIVE ORDER NO. 20-68 ISSUED BY THE GOVERNOR OF THE STATE OF KANSAS.

WHEREAS, the governing body of the City of Leavenworth prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Leavenworth; and,

WHEREAS, the City of Leavenworth is facing a crisis with the pandemic and public health emergency of COVID-19, resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship; and,

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and,

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and,

WHEREAS, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and,

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Leavenworth, and also presents a serious threat to reopening and reviving the City's economy; and,

WHEREAS, wearing a mask in public is one of the easiest and most effective ways to protect each other to prevent COVID-19 spread and to help support the mission-readiness of Fort Leavenworth, and to keep the City's K-12 schools and businesses open, and the economy running; and,

WHEREAS, wearing a mask in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing K-12 schools, businesses, organized youth sports, and other important activities; and,

WHEREAS, pursuant to existing law, including but not limited to K.S.A. 48-924 and K.S.A. 48-925, the Governor of the State of Kansas previously issued Executive Order Nos. 20-52 and 20-68 requiring individuals to wear masks or other face coverings in public, but the terms of such Executive Orders are not, at this time, effective as to or enforceable within Leavenworth County, Kansas, pursuant to action taken by the Leavenworth County Commission under K.S.A. 48-925; and

WHEREAS, the City of Leavenworth must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and,

WHEREAS, the governing body of the City of Leavenworth has previously approved Ordinance No. 8154 requiring the wearing of masks or other face coverings in certain circumstances; and

WHEREAS, for the aforementioned and other reasons, including but not limited to effectuating or executing as to the City of Leavenworth the provisions of the above-described Executive Orders, the governing body of the City of Leavenworth has acted and is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Leavenworth, by requiring that masks or other face coverings be worn as described in Ordinance No. 8154, as amended by this ordinance; and

WHEREAS, Section 22-207 of the Leavenworth Code of Ordinances, as adopted pursuant to Ordinance No. 8154, specified that the requirements of Sections 22-204 through 22-207 would expire on January 31, 2021, unless further extended by ordinance of the Governing Body; and

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Leavenworth determines it is necessary for the health, safety, welfare, and economic well-being of residents and visitors of the City to adopt this ordinance to extend the effective term of said Sections 22-204 through 22-207, and to incorporate other provisions consistent with Executive Order No. 20-68 issued by the Governor of the State of Kansas.

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

Section 1. That Section 22-205 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 22-205. Mask or other face coverings; when required; exemptions.

- (a) All persons in the city shall cover their mouths and noses with masks or other face coverings when they are in the following situations:
 - (1) Inside, or in line to enter, any indoor public space;
 - (2) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;
 - (3) Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; or,
 - (4) While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

- (b) The persons responsible for all businesses or organizations in the city must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering as follows:
 - (1) Employees, when working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - (2) Employees, when working in any space where food is prepared or packaged for sale or distribution to others;
 - (3) Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;

- (4) Customers, members, visitors, or members of the public, when in a facility managed by the business or organization; or
 - (5) Employees, when in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
- (c) The following individuals are exempt from wearing masks or other face coverings in the situations described in subsections (a) and (b):
- (1) Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
 - (2) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - (3) Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
 - (4) Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
 - (5) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
 - (6) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
 - (7) Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
 - (8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
 - (9) Persons engaged in an activity or event held or managed by the Kansas Legislature;
 - (10) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary;
 - (11) Persons engaged in public safety, first responder, fire, public health, or other medication operations or services where the wearing of a mask is not practicable under the given circumstances; and,
 - (12) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
- (d) It shall be an affirmative defense to any prosecution under subsection (a) or (b) that the person in violation is an individual listed under subsection (c).

Section 2. That Section 22-207 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 22-207. Mask or other face coverings; effective term. The provisions of Section 22-204 through Section 22-207 of the city code shall be in effect until 11:59 p.m. on , 2021, unless further extended or repealed by ordinance of the governing body.

Section 3. Sections 22-205 and 22-207 of the Leavenworth Code of Ordinances, as previously adopted by Ordinance No. 8154 and in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 4. 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 26th day of January, 2021.

Nancy Bauder, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk

POLICY REPORT
First Consideration Ordinance
2021-01-REZ
1440 & 1460 QUINCY STREET

JANUARY 26, 2021

SUBJECT:

A request to rezone the properties located at 1440 Quincy and 1460 Quincy from R1-9, Medium Density Single Family Residential District to R1-6, High Density Single Family Residential District.



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The subject properties are owned by LD Development, LLC. The applicant is requesting a rezoning of their properties from R1-9, Medium Density Single Family Residential to R1-6, High Density Single Family Residential. The two parcels are situated to the north of Quincy Street west of 14th Street, totaling approximately 4.76 acres. 1440 Quincy is currently vacant, and 1460 Quincy is occupied by a single family house. Pending approval of the proposed rezoning and preliminary plat, the existing single family home will be demolished.

The rezoning is being requested in order to allow for the development of a single family subdivision, similar in nature to the subdivision adjoining the subject property immediately to the east. The present zoning of R1-9 allows for lots meeting the minimum requirements of 9,000 sqft in size and 75' in width. The proposed zoning of R1-6 allows for lots meeting the minimum requirements of 6,000 sqft in size and 48' in width. The accompanying preliminary plat, also on this agenda for consideration, shows a total of 18 lots with an average lot size of 9,647 sqft and an average lot width of 62'. The largest lot is 12,516 sqft and the smallest lot is 8,185 sqft. The subdivision adjoining the subject property immediately to the east includes a similar cul-de-sac layout with a total of 16 lots with an average lot size of 10,836 sqft.

The Development Review Committee reviewed the project at their December 17, 2020 meeting and discussed items related to utilities, drainage, and improvements to Quincy Street. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street to be constructed in order for the water to be captured by the stormwater system, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording of the final plat. No concerns were noted by the Police or Fire Departments.

Staff has received concerns from neighboring residents primarily concerning stormwater drainage, increased traffic, and increased demand on electrical service. Public Works staff has thoroughly reviewed the proposal and confirmed that any existing drainage issues experienced by neighboring properties will not be increased by the proposed development, and will likely be improved with the design and installation of a stormwater system

to capture runoff from the subject property. Likewise, staff does not anticipate that the increased traffic generated on public streets by an additional 18 houses will cause a negative impact to existing residents. Staff has also contacted Evergy regarding concerns about electrical service and has been assured that service to a new subdivision in this location will have no impact on existing residents due to the way in which the system is designed and implemented.

The Planning Commission held a public hearing for this item on January 4, 2021, and voted 4-2 to recommend approval of the request. One resident spoke in opposition the request during the public hearing. Several residents submitted written comments to the Planning Commission, which are included in this packet.

After the public hearing held by the Planning Commission, a Protest Petition was submitted on January 15, 2021. After review by the City's legal counsel, the petition was determined to be invalid.

A request to rezone the subject property from R1-9 to R1-6 was also proposed in 2007 with an accompanying preliminary plat largely the same as is proposed currently. The Planning Commission recommended approval of that rezoning request at that time, and the City Commission discussed and placed on first consideration an ordinance to rezoning the property. A protest petition was filed, and the ordinance failed on second consideration.

CONDITIONS OF DETERMINATION

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

- a) The character of the neighborhood;

The subject property is occupied by one single family home. To the north, east and south are other single family subdivisions with lots ranging in size from slightly smaller to slightly larger than those proposed as part of this development. To the west are several large lot residential parcels, each over 3 acres in size.

- b) The zoning and use of properties nearby;

The immediately adjacent properties are zoned R1-9, Medium Density Single Family Residential. Beyond the immediately adjacent properties to the north, east and west are properties zoned R1-6, High Density Single Family Residential. To the northwest is property zoned R-MF, Multi Family Residential. The majority of surrounding properties are developed with single family homes.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property is currently zoned R1-9, Medium Density Single Family Residential, and the property is suitable for single family uses.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have no detrimental effect on nearby property. The majority of concerns expressed to staff by neighbors regarding this proposal involve stormwater drainage that currently occurs from this property onto properties located to the east. The development of the proposed subdivision should positively impact any stormwater issues currently experienced, as the developed lots will be required to

direct stormwater runoff to the proposed cul-de-sac to be captured by the stormwater drainage system, instead of directing stormwater runoff onto other properties.

- e) The length of time the subject property has remained vacant as zoned;
The property has always been single-family/vacant in nature.
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning would have a positive effect upon the economic vitality of Leavenworth by increasing the available housing stock
- g) The recommendations of permanent or professional staff;
Staff recommends that the item be approved.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for Medium Density Residential uses, which is defined as 6,000-9,000 sqft of lot area per dwelling unit. The proposed development provides an average of 9,647 of lot area per dwelling unit as shown on the accompanying preliminary plat, and thus conforms to the adopted Future Land Use Map.
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors of note.

REZONING ACTION/OPTIONS:

- Adopt the recommendation of the Planning Commission and place an ordinance on first consideration to approve the rezoning request for the properties located at 1440 Quincy and 1460 Quincy from R1-9, Medium Density Single Family Residential District to R1-6, High Density Single Family Residential District.
- Override the Planning Commission's recommendation and deny the rezoning request for the properties located at 1440 Quincy and 1446 Quincy from R1-9 to R1-6.
- Return the item to the Planning Commission for further consideration.

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, January 4, 2021

6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Linda Bohnsack
James Diggs
Joseph Burks
Chris Murphy
Mike Burke

Commissioners Absent

Sherry Hines Whitson

City Staff Present

Julie Hurley
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Chris Murphy, Julie Hurley and Michelle Baragary were present in the commission chambers. James Diggs and Linda Bohnsack participated remotely. Linda Bohnsack joined the meeting at 6:15 p.m. Sherry Hines Whitson was absent.

Chairman Burke called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: December 7, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: December 7, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 5-0. Commissioner Bohnsack arrived after the vote.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2021-01 REZ – 1440 AND 1460 QUINCY STREET

Conduct a public hearing for Case No. 2021-01 REZ – 1440 and 1460 Quincy Street. The applicant is requesting a rezoning of the property located at 1440 and 1460 Quincy Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject properties are owned by LD Development, LLC. The applicant is requesting a rezoning of their properties from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The two parcels are situated to the north of Quincy Street

west of 14th Street, totaling approximately 4.76 acres. 1440 Quincy is currently vacant, and 1460 Quincy is occupied by a single family house. Pending approval of the proposed rezoning and preliminary plat, the existing single family home will be demolished.

The rezoning is being requested in order to allow for the development of a single family subdivision, similar in nature to the subdivision adjoining the subject property immediately to the east. The present zoning of R1-9 allows for lots meeting the minimum requirements of 9,000 sqft in size and 75' in width. The proposed zoning of R1-6 allows for lots meeting the minimum requirements of 6,000 sqft in size and 48' in width. The accompanying preliminary plat, also on the agenda for consideration, shows a total of 18 lots with an average lot size of 9,647 sqft and an average lot width of 62'. The largest lot is 12,516 sqft and the smallest lot is 8,185 sqft. The subdivision adjoining the subject property immediately to the east includes a similar cul-de-sac layout with a total of 16 lots with an average lot size of 10,836 sqft.

The Development Review Committee reviewed the project at their December 17, 2020 meeting and discussed items related to utilities, drainage, and improvements to Quincy Street. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording of the final plat. No concerns were noted by the Police or Fire Departments.

Staff has received calls from nearby property owners with concerns about stormwater drainage. Public Works staff indicated that they are not aware of any existing drainage issues in this area. Staff has also received a call with a concern for the two existing ponds to the west of the proposed development. Public Works staff indicated that those ponds are not part of the same drainage area and will not be affected by this development.

A request to rezone the subject property from R1-9 to R1-6 was also proposed in 2007 with an accompanying preliminary plat largely the same as is proposed currently. The Planning Commission recommended approval of that rezoning request at that time, and the City Commission discussed and placed on first consideration an ordinance to rezoning the property. A valid protest petition was filed, and the ordinance failed on second consideration.

CONDITIONS OF DETERMINATION

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

- a) The character of the neighborhood;

The subject property is occupied by one single family home. To the north, east and south are other single family subdivisions with lots ranging in size from slightly smaller to slightly larger than those proposed as part of this development. To the west are several large lot residential parcels, each over 3 acres in size.

- b) The zoning and use of properties nearby;

The immediately adjacent properties are zoned R1-9, Medium Density Single Family Residential. Beyond the immediately adjacent properties to the north, east and west are properties zoned R1-6, High

Density Single Family Residential. To the northwest is property zoned R-MF, Multi Family Residential. The majority of surrounding properties are developed with single family homes.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property is currently zoned R1-9, Medium Density Single Family Residential, and the property is suitable for single family uses.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have no detrimental effect on nearby property. The majority of concerns expressed to staff by neighbors regarding this proposal involve stormwater drainage that currently occurs from this property onto properties located to the east. The development of the proposed subdivision should positively impact any stormwater issues currently experienced, as the developed lots will be required to direct stormwater runoff to the proposed cul-de-sac to be captured by the stormwater drainage system, instead of directly stormwater runoff onto other properties.

- e) The length of time the subject property has remained vacant as zoned;

The property has always been single-family/agricultural in nature.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning would have a positive effect upon the economic vitality of Leavenworth by increasing the available housing stock.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for Medium Density Residential uses, which is defined as 6,000-9,000 sqft of lot area per dwelling unit. The proposed development provides an average of 9, 647 of lot area per dwelling unit as shown on the accompanying preliminary plat, and thus conforms to the adopted Future Land Use Map.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

No other factors.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff. With no questions for staff, the applicant approached the board.

Josh Hoppes, represents LBH Development, stated the purpose is to have 18 lots instead of 16 lots and have a more affordable price point at \$250k - \$275k.

Chairman Burke asked for clarification this is only for single-family homes, not duplexes, townhomes, etc.

Mr. Hoppes responded in the affirmative.

Commissioner Wiedower asked if the developer has plans to address the water runoff issues.

Mr. Hoppes responded they have plans to address stormwater on the new subdivision and their plans cannot cause stormwater issues on adjacent properties.

Commissioner Wiedower asked if the current infrastructure with utilities has capacity to handle the new subdivision.

Mr. Hoppes responded that is his understanding.

Commissioner Wiedower asked how the new subdivision will provide a positive impact.

Mr. Hoppes responded they are building family homes so they will be bringing new families to the community and roughly \$4,000 per home in real estate taxes for 18 new homes is approximately \$72,000 in revenue for USD453 are both positives for Leavenworth.

Commissioner Wiedower stated the major concerns from neighboring property owners appears to be with water runoff. Mr. Wiedower asked for clarification that the developer's plans for stormwater will not negatively impact neighboring properties and will most likely improve current stormwater issues neighboring property owners have.

Mr. Hoppes responded that no development is allowed to have water runoff to adjacent properties so the developer is required to address stormwater issues. If adjacent property owners are currently experiencing runoff from the subject property, then that would be improved with developing the property with catch basins and the stormwater system that is designed by their engineer.

Commissioner Murphy asked about plans to deal with increased traffic and poor road conditions in the area.

Mr. Hoppes responded they will improve the overall aesthetics of their development. Improve Quincy Street in front of the new subdivision by widening the street and adding curbs, gutters and sidewalks.

Chairman Burke stated a concern from a neighbor in the adjacent subdivision to the east is with electricity.

Ms. Hurley responded, as with any development, they must coordinate with the utility companies.

Mr. Hoppes stated they have had preliminary discussions with Evergy. There is a pole in front of the subject property and they are working with Evergy to determine their power usage and improvements that need to be made to ensure the necessary power.

Commissioner Wiedower asked if the new housing development will have sump pumps.

Mr. Hoppes responded they are still early in the process with their engineer so this is still to be determined exactly what will be needed to address water runoff.

Chairman Burke asked about leaving trees along the north and east of the subject property to leave a barrier between subdivisions.

Mr. Hoppes stated they intend on leaving as many trees as they possibly can.

With no further questions from the commissioners, Chairman Burke opened the public hearing.

Robin Hasak, 1324 S. 15th Street, has a concern about the drainage issue since the new development is just to the north of his neighborhood. He believes improvements needs to be made to the streets, as well as installing curbs and sidewalks before a new development is allowed. Mr. Hasak further stated his neighborhood has one of the worst power grids within the city.

With no one else wishing to speak, Chairman Burke closed the public hearing and called for discussion among the commissioners.

Commissioner Burks stated the current zoning for the subject property permits 16 houses. The applicant is requesting rezoning to R1-6 to allow for an additional two homes. That is only two additional families and two additional cars from what is currently permitted. Furthermore, the request is for single-family homes, improvements to Quincy Street will occur along the new development, stormwater is being addressed, increase in traffic will be minimal with only two additional homes, the new subdivision will improve the comp numbers for the adjacent subdivisions, improves USD453 taxes, etc.

Commission Bohnsack stated the density of the proposed development will be very similar to the density of the subdivision on S. 14th Street. With the additional houses (inaudible) the amenities and the density that will be needed to help extend drainage, sewers, etc. to the whole neighborhood, not just that subdivision. The more houses you have and the more people being served then the more chance the services are able to be extended in that area. Once the new drainage system is installed, this will improve the water runoff.

Commissioner Wiedower stated he sees the benefits of the real estate tax on 18 additional homes but looking at the greater good, he believes the city is being remiss by not improving around there for egress and traffic.

Commissioner Murphy stating building the new homes would be great for the city; however, you're not fixing the problem if you are only developing the street in front of the subdivision and not all the way down Quincy Street.

Commissioner Burks stated if the commission votes against the rezoning, the developer can immediately move forward with building 16 houses; if the commission votes in favor of the rezoning, the developer can move forward with building 18 houses. Either way, the developer will build a subdivision and the traffic issue for all of Quincy Street will not be addressed beforehand.

With no further comments, questions or discussion, Chairman Burke called for a motion. Commissioner Burks moves to recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission, seconded by Commissioner Bohnsack and approved by a vote of 4-2. Commissioners Wiedower and Murphy voted nay.

2. 2021-02 SUB – PRELIMINARY PLAT FOR ADAMS VALLEY

Consider a preliminary plat for Adams Valley Subdivision.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by LD Development, LLC, plat prepared by Napier Engineering, LLC. The applicant is requesting approval of an 18 lot preliminary plat for the Adams Valley residential development. The property is currently occupied by a single family home. A request to rezone the property from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District, is also on this agenda for consideration.

The subject property is 4.76 acres in size, and is occupied by one single family home. The site consists of the two existing parcels addressed as 1440 and 1460 Quincy Street. The plat consists of 18 residential lots with an average size of 9,647 sqft.

The plat was discussed at the December 17, 2020 Development Review Committee meeting. Items related to utilities, drainage, and improvements to Quincy Street were discussed. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording the final plat when site improvement plans shall be submitted for review and approval by the Public Works Department.

If the preliminary plat is approved, the applicant will submit a final plat. The final plat will come to the Planning Commission for approval and then go to the City Commission for acceptance of the public utilities, since easements will be dedicated as part of the final plat. Prior to recording the final plat, the engineer will be required to submit a public improvement design plan to the Public Works Department to be approved that will address all the utilities.

Staff recommends approval of the Adams Valley Preliminary Plat.

ACTION/OPTIONS:

- Approve the Preliminary Plat
- Deny the Preliminary Plat
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff or the applicant.

Will no questions or comments, Chairman Burke called for a motion. Commissioner Wiedower moved to approve the preliminary plat for Adams Valley Subdivision, seconded by Commissioner Murphy and approved by a vote of 6-0.

With no other business, Chairman Burke adjourned the meeting.

The meeting adjourned at 6:44 p.m.

JH/mb



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2021-01 REZ

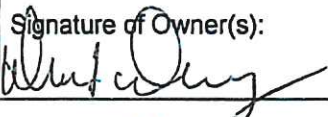
Application #	<u>8574</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>11-19-20</u>
Received By	
Hearing Date	<u>1-4-21</u>
Publication Date	<u>12-10-20</u>

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

Subject Property:	<u>1440 Quincy and 1460 Quincy</u>		
Rezoning:	Present classification of: <u>R1-9</u>	district to: <u>R1-6</u>	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #:	<u>0783404003013000-3014000</u>	Historic District:	<u>No</u>

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

Name(s) of Owner (print or type):	<u>LD Development, LLC</u>		
Address:	<u>16940 Dakota, Leavenworth, KS 66048</u>		
Contact No.	<u>913-290-0022</u>	Email Address:	<u>KSbiker@aol.com</u>

Signature of Owner(s):


State of Kansas) (SEAL)
 County of Leavenworth)



Signed or attested before me on Nov. 18, 2020 by Duane L. Denney
(date) (name(s) of person(s))

Notary Public: Larry D. Meredith, Jr. My Appointment Expires:

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

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

Briefly describe the present use and character of the property and of the surrounding area: The subject property
is currently one SFR on a 4.76 acre tract. The surrounding properties uses are primarily single-family residential, with both R1-9 and R1-8 zoning.

Briefly describe the intended use and character of the property: The subject property is proposed to be developed
as a 18-lot residential subdivision for detached single-family homes. Please see the attached preliminary plat.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: R1-8 zoning will allow for an 18 lot development, which is the minimum required for the project to be financially feasible.
The proposed subdivision will conform well with the surrounding properties and is consistent with the current land use plans for the area.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts: The proposed subdivision will conform well with the surrounding properties and is consistent with the current land use plans for the area. The 18 new detached single-family homes will not place undue burden on the existing transportation or utility infrastructure, and should have a positive overall impact on the surrounding properties.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: None

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

PRELIMINARY PLAT & REZONING PLAN ADAMS VALLEY

Sheet - C1

Preliminary Plat

2020-53
Adams Valley
Leavenworth, KS
Preliminary Plat

Prepared For:
LBI DEVELOPMENT, LLC
C/O REVIN, US
1500 W. 14th St.,
Leavenworth, KS 66048
(913) 306-2713
KLUB@LBI-DEVELOPMENT.COM

NAPIER ENGINEERING, LLC

207 S. 5th Street
Leavenworth, KS 66048
913.775.0482
hetti@napiereng.com

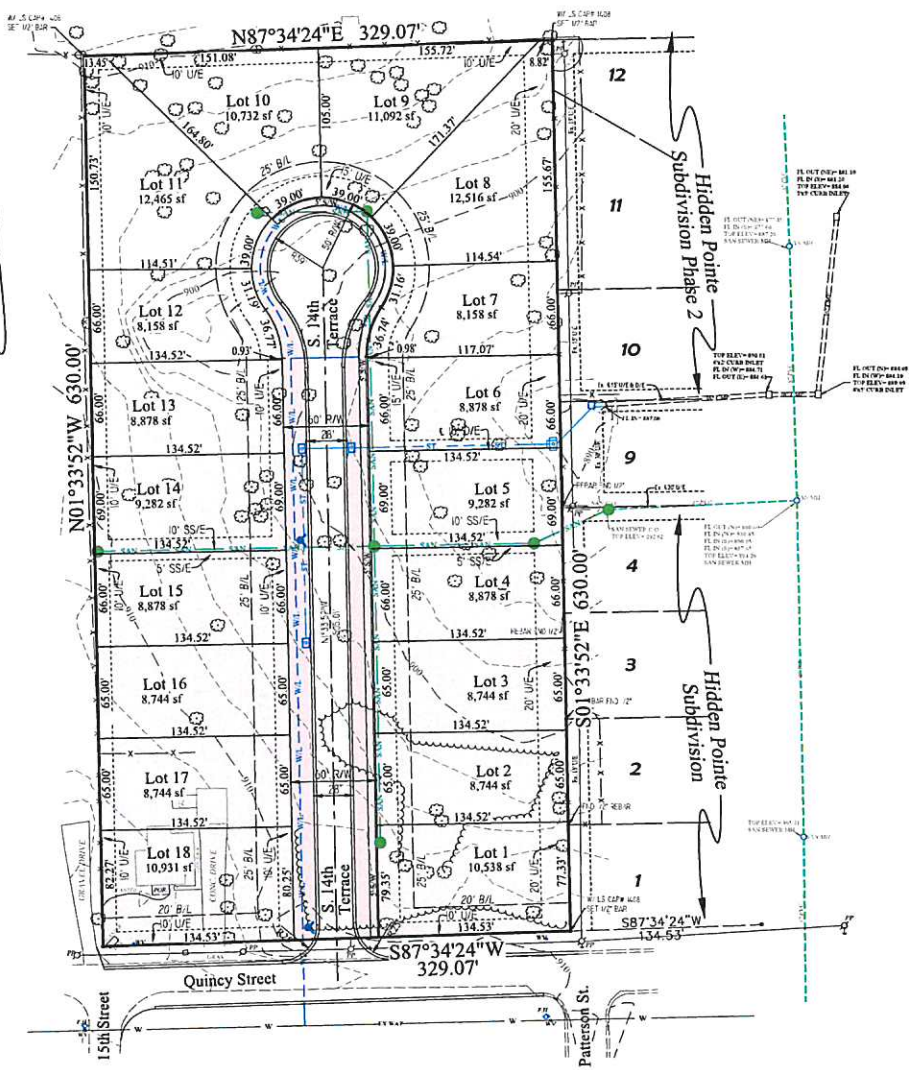
Date of Preparation:
November 20, 2020
Revised Date:
-

1st
Submittal



Legal Description As Recommended
By Roger Dill, Kansas L.S. No. 1408
Atlas Story Surveying
207 S. 5th Street
Leavenworth, KS 66048

LEGAL DESCRIPTION:
Lot 2, FOOTES SUBDIVISION, City of Leavenworth, Leavenworth County Kansas.



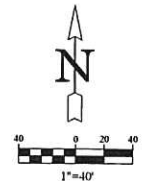
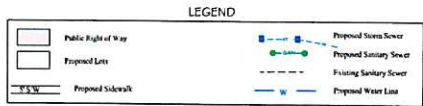
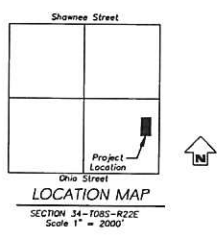
NOTES

- The minimum Side Yard Setback for Single Family Lots shall be R1-6 restrictions at the date of filing or no less than 6 feet on each side of structure.
- The minimum Front Yard Setback for Single Family Lots shall be R1-6 restrictions at the date of filing or no less than 25 feet.
- The minimum Rear Yard Setback for Single Family Lots shall be R1-6 restrictions at the date of filing or no less than 25 feet.
- All lots shall be restricted to one (1) 20 foot curb cut to avoid circle drives.

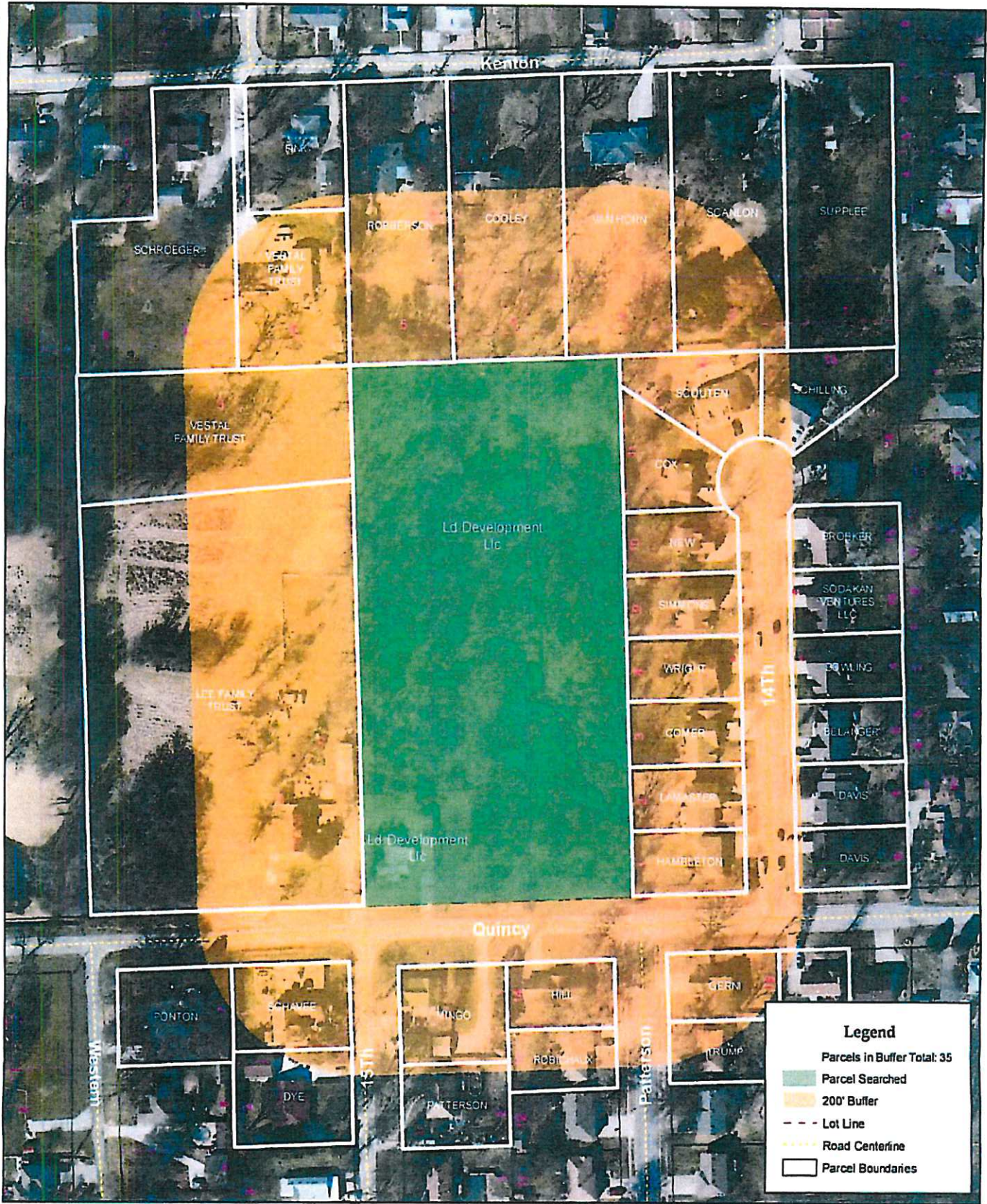
TOTAL AREAS		
PARCEL	Sq. Ft.	Acres
Lot 1	10,538	0.24
Lot 2	8,744	0.20
Lot 3	8,744	0.20
Lot 4	8,878	0.20
Lot 5	9,282	0.21
Lot 6	8,878	0.20
Lot 7	8,878	0.19
Lot 8	12,516	0.29
Lot 9	11,092	0.25
Lot 10	10,732	0.25
Lot 11	12,465	0.29
Lot 12	8,878	0.20
Lot 13	8,878	0.20
Lot 14	9,282	0.21
Lot 15	8,878	0.20
Lot 16	8,744	0.20
Lot 17	8,744	0.20
Lot 18	10,931	0.25
SUB	151,611	0.37
TOTAL	210,254	4.76

Site Summary

Existing Zoning:	R1-6
Proposed Zoning:	R1-6
Gross Acreage:	4.76 Acres ±
Number of Lots:	18 Lots
Gross Density:	3.8 lots/Ac.
Minimum Lot Size:	8,150 Sq. Ft.
Maximum Lot Size:	12,516 Sq. Ft.
Average Lot Size:	9,647 Sq. Ft.



City of Leavenworth Property Radius Search



Legend

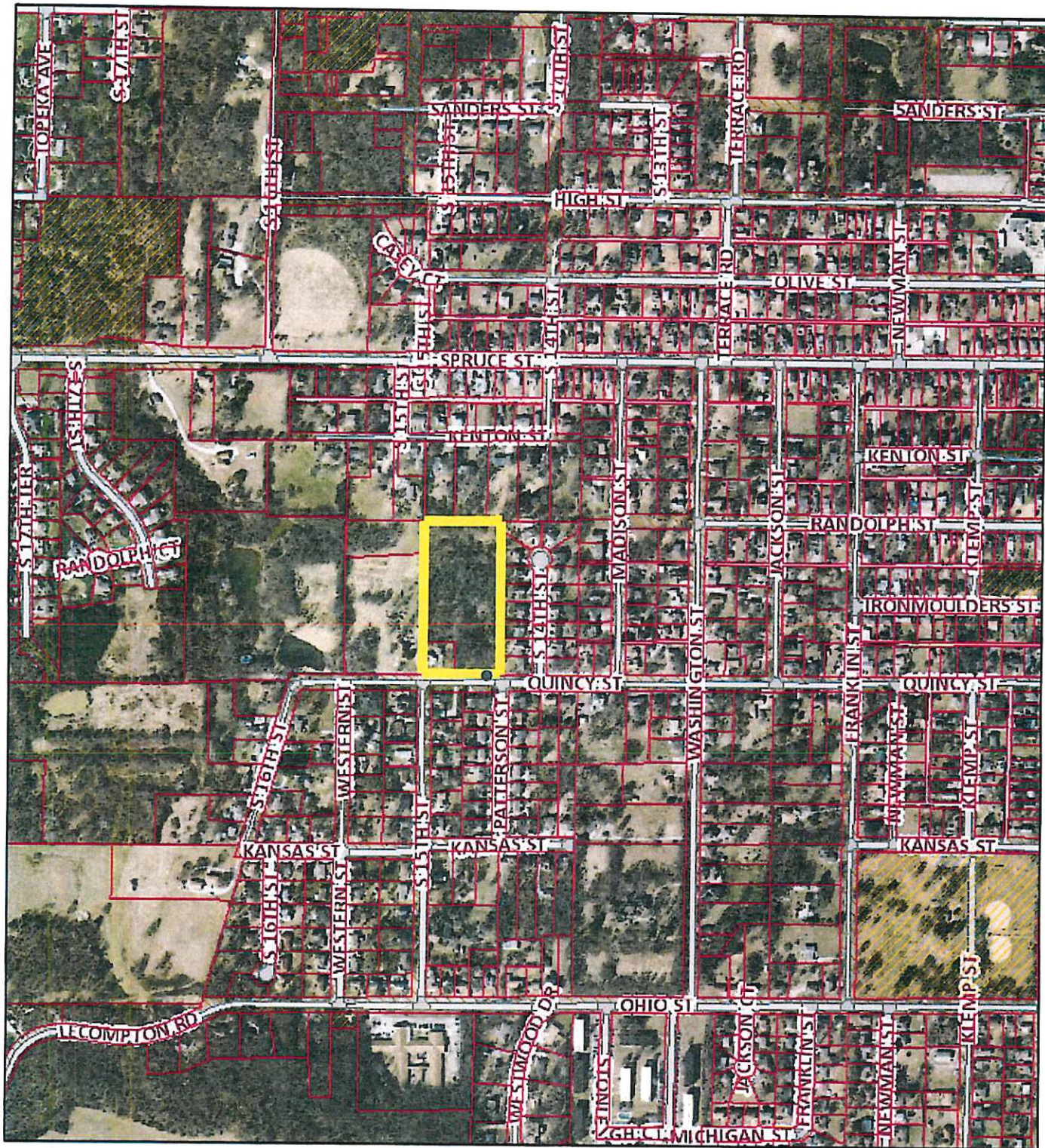
- Parcels in Buffer Total: 35
- Parcel Searched
- 200' Buffer
- Lot Line
- Road Centerline
- Parcel Boundaries

2020 Aerial Photo

1440 & 1460 Quincy St Leavenworth, KS 66048
078-34-0-40-03-013.00-0 & 014.00-0

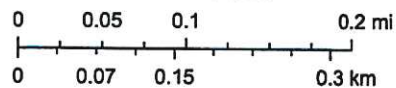
1 inch = 153 feet





12/28/2020, 2:03:34 PM

1:9,028



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

Web AppBuilder for ArcGIS
Esri, HERE |



Development Review Committee Meeting Thursday, December 17, 2020

Committee members present: City Manager Paul Kramer, Director Public Works Mike McDonald, Chief Building Inspector Hal Burdette, Police Major Dan Nicodemus, City Clerk Carla Williamson, Planning Director Julie Hurley, City Planner Jackie Porter and Administrative Assistant Michelle Baragary.

NEW BUSINESS:

1. *1440 & 1460 Quincy Street – Rezoning and Preliminary Plat (Adams Valley)*

- Attendees – Josh Hoppes (CEO Mutual Savings Association) and Brett Napier (Engineer)
 - Project – will combine 1460 and 1440 Quincy to develop a single-family subdivision. Want to rezone to R1-6 to allow for 18 lots vs. 16 lots (the subdivision to the east is very similar to what the applicant is doing except for the two additional lots).
- Public Works
 - See attached email from Mike McDonald
 - How the sewer and storm sewer connect to the existing subdivision to the east (sketch was emailed to Brett)
 - In both cases, the City will need easements from property owners
 - Drainage – on west half, need water to go to street. On east half, possible north/south drainage swales.
 - Sewer to 1514 Quincy (property to the west of proposed development)
 - Brett stated he has a pipe going to that property
 - Improvement on Quincy – at a minimum, widen shoulder and add sidewalk
- Police
- Planning
 - Staff has received calls from property owners to the east concerned about stormwater drainage onto their property. They stated they already have issues with stormwater and do not want additional issues caused by the new development
 - Staff received a call about the two ponds to the west causing water runoff issues.
 - McDonald stated the ponds run the other direction and are not part of this drainage area
 - Scheduled to go to Planning Commission January 4, 2021
 - Final plat to be submitted asap. Deadline date for March 1, 2021 Planning Commission meeting is January 29th

- o Construction to begin 2021

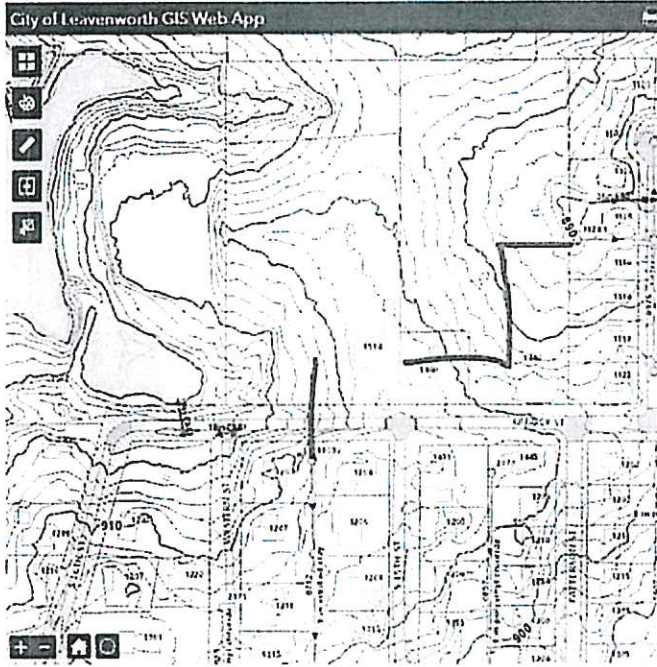
OLD BUSINESS:

None

OTHER BUSINESS:

None

Meeting adjourned at 1:48 p.m.



From: Michelle Baragary <mbaragary@firstcity.org>
Sent: Tuesday, December 15, 2020 9:45 AM
To: Dev Review Committee <DevReviewCommittee@firstcity.org>
Subject: DRC Agenda Packet - Thursday, December 17, 2020

Attached is the agenda packet for this Thursday DRC meeting. Below is the login information.

12/17 DRC - GoToMeeting
Thu, Dec 17, 2020 1:30 PM - 2:00 PM (CST)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/460988285>

You can also dial in using your phone.
United States: +1 (822) 240-3617

Access Code: 460-988-285

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/460988285>

Thanks,

Michelle Baragary
Administrative Assistant
City of Leavenworth
100 N. 5th Street
Leavenworth, KS 66048
(913) 680-2626
www.leavenworthks.org

Michelle Baragary

From: Julie Hurley
Sent: Monday, December 28, 2020 4:56 PM
To: 'Karyn Robberson'
Cc: Michelle Baragary
Subject: RE: Property on 1440 quincy

[Thank you, we will include your comments in the packet distributed to Planning Commissioners.](#)

Julie Hurley, AICP
Director of Planning and Community Development
City of Leavenworth
913.680.2616

From: Karyn Robberson <sxyprpleyes@gmail.com>
Sent: Thursday, December 24, 2020 11:07 AM
To: Julie Hurley <jhurley@firstcity.org>
Subject: Property on 1440 quincy

This does very much affect me as it is located behind my property. Several years ago we voted against high Residential. Will this be something we have to keep fighting. We do not want high residential in this area and there are too many other areas available. I wish I could just buy this property to ensure this will end. What area is involved in this vote? I plan to go door to door and ensure community is proactive in this.
*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

From: [Julie Hurley](#)
To: ["Paris Mingo"](#)
Cc: [Michelle Baragary](#)
Subject: RE: The property known as Sylvia's Meadow rezoning request, 1440-1460 Quincy Street
Date: Tuesday, December 29, 2020 3:43:51 PM

Thank you for your comments, we will add them to the packet that is distributed to Planning Commissioners.

Julie Hurley, AICP
Director of Planning and Community Development
City of Leavenworth
913.680.2616

From: Paris Mingo <firestix55pm@gmail.com>
Sent: Tuesday, December 29, 2020 3:39 PM
To: Julie Hurley <jhurley@firstcity.org>
Subject: The property known as Sylvia's Meadow rezoning request, 1440-1460 Quincy Street

My name is Paris Mingo,I live on & own the property directly across the street from the property in question.
My address is 1451 quincy. I was involved in the first attempt to rezone in 2007. That attempt failed &
I have seen no improvement or change to the property. In fact it has gone down hill since that time.
The structure [if you want to call it that] that is addressed as 1460 Quincy has in thirteen years gone from very poor to uninhabitable according to real estate agencies that listed it. Our neighborhood has changed some since the original attempt at rezoning.the population was by in large retirement age. Now we are a mix with younger families with children.
Everyone has to walk their kids & pets on very narrow streets.The infrastructure is not conducive to adding 18 to 22 more single family homes or townhomes.
I know if the property owners in question want to do 16 homes as it is zoned for[r1-9] we can't object that but please don't exasperate the situation by adding more population & traffic.

Respectfully
Paris Mingo

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

Subject: January 4, 2021 Public Hearing

Petition for rezoning property, commonly known as 1440 Quincy and 1460 Quincy, from (R1-9) to (R1-6)

Person(s) interested:

Robin W. and Lucy A. Hasak
1324 South 15th St
Leavenworth, KS 66048

Concerns:

- We are opposed to rezoning and building another cul-de-sac overcrowded with single family homes.
- The proposed rezoning area is the same size as the South 14th St. residential tract, a cul-de-sac with 16 homes directly to the East, and with one access in and out on to Quincy St. Visually, the South 14th St. tract/cul-de-sac appears dense with 16 homes. We assume this is zoned Medium Density Residential (R1-9).
- The proposed rezoning area being the same size area as the South 14th St. tract/cul-de-sac is proposing 6 additional homes, bringing the total to 22. This would then be High Density residential (R1-6). Really?
- Being more densely residential than the South 14th St. tract/cul-de-sac, two - three cars per home brings 44 - 66 vehicles minimum in an overcrowded tract/cul-de-sac with one access in and out on to Quincy St., and a couple hundred feet from the South 14th St. tract/cul-de-sac access in and out onto Quincy St. These access points will also be adjacent to the intersections of Patterson St. and Quincy St., and South 15th St. and Quincy St. This is a ridiculous expectation for the residents living in the area to accept.
- The nearest North/South through street to access Ohio St. from Quincy St. is South 15th St. where we live. Many people in the surrounding South 15th St. neighborhood walk *on* South 15th St. between Kansas St. and Quincy St. daily with children and pets. On this block, there are no curbs, no sidewalks, grossly inadequate drainage, and vehicle traffic that is high volume under the current conditions, and frequently comes through fast.
- This proposal for a second 22 home tract/cul-de-sac next door to an existing 16 home tract/cul-de-sac along with two existing residential streets (Patterson St. and South 15th St.) all onto Quincy St. in a very localized area, is the creation of a worst-case scenario. Quincy St. also has no curbs, drainage, or sidewalks in place. In looking further, when considering traffic in and out of the area utilizing Ohio St., where is the assurance that the residential streets will be capable of safely handling the additional traffic?
- Anyone living in our area can tell you we reside within a power grid that is considered one of the worst in the City of Leavenworth. This will not make it any better. What's Evergy's take on this situation?
- Then there is the development phase and long-term dealing with construction equipment, material deliveries, contractors, etc., through the neighborhoods.

Questions:

- Will the City extend South 15th St. from Spruce as an alternative to accessing only from Quincy St.?
- What is the median cost of proposed single-family housing?
- Will they have an HOA that will regulate the properties?
- Will these single-family homes be owned/built by a rental company and made into rental properties?
- What will come of property values in the area with a new "development" of this size? We could foresee a devaluation of local properties taking place with cheap, crowded housing and neighborhoods packed with traffic that are not designed for that purpose.

To: Julie Hurley

Secretary – Leavenworth Planning Commission
Director of Planning & CD.

Case No: 2021-01
Rezoning R1-9 to R1-6
1440 – 1460 Quincy St.

From: Kenneth M. LaMaster

1118 S. 14th St.
Leavenworth, Ks 66048
913-704-9331
kennethlamaster@yahoo.com

Ms. Hurley, Commissioners, and property owner

I would like to take this moment to address the rezoning of the plot of land that lies directly west of the Hidden Point Subdivision to be known as Sylvia's Meadow Case No. 2021-01. Commonly referred to as 1440 – 1460 Quincy St. I oppose the rezoning of the property from (R1-9 to R1-6) for the following reasons. First and foremost by rezoning the property it is my understanding that it removes special use provisions and allows the possible building of town homes and possibly an apartment complex. When this issue first arose by the previous owners in 2007 the bulk of those in the surrounding area opposed this idea and to my knowledge still stand opposed to this type of construction today. This would not only be detrimental to our property values but would create an unstable environment due to added traffic flow. The area of Quincy Street is extremely narrow, has no curbs, and homes built along these narrow streets have very little setback or easements. The addition of two to three more residential homes in this new subdivision would also create smaller lot sizes and smaller homes. This could also have a negative effect on surrounding home and property values.

While I raise these concerns I understand that the developer has the right to develop his property. A mirror image subdivision to South 14th Street would in itself create more traffic issues but it would also mean that the property that has been woefully maintained for the past 13 years would finally have something done to it. I seek not to make enemies with the developer/owner. I only wish to make them aware of the area surrounding this development.

In 1994 when I purchased my property in the Hidden Point subdivision there arose several issues. Some of which have been corrected some of them not. Early on it became a standing joke amongst the neighborhood that you could rely on the electricity to go out every day around 6:00 p.m. These outages were not caused by storms but were in part due to everyone coming home starting dinner, washing clothes etc. The electricity hadn't been upgraded to accommodate the addition of the new subdivision. Even today during storms, high winds etc. it's not uncommon for this to occur. There is also the issue with storm water runoff. On the west side of South 14th from the Southwest corner continuing north to the back yard of 1106 South 14th. Water flows from the backyards and the wooded area to a storm water

runoff culvert. I have included a series of photos that shows and explains the water flow and runoff that comes from the woods (Sylvia's Meadow) and the Hidden Point subdivision. For several days following moderate rainfall these areas stay wet, after heavy to severe rainfall the backyard of 1106 South 14th Street has been known to have three feet of standing water. This water runs from the woods and adjoining property through this storm drain out to an area between 1103 – 1101 South 14th street to an area between 1101 and 1028 Madison Street then continues east to 910 Washington St. east to Randolph St. In many instances the water flows like a small river through these areas often over the surface streets of Madison and Washington. If this attention to detail isn't accounted for during the development of the land in question this could become even more of an issue to those home owners lying east of this development. Speaking with the home owners on south 14th street we often talk about the frequency our sump pumps run during even moderate rains. Mine for example will shut off and come back on approximately every 15 to 20 seconds. During heavy rains it barely shuts off at all. When the electricity goes out during a storm many residents have purchased small generators to whole home generators because we have all dealt with two to three foot of standing water in our basements.

As a resident of this area since 1994 I have watched as my neighbors enjoy walking with their pets and children along the narrow streets. There have been times of near misses from speeding traffic coming from Spruce through Madison to Quincy to S. 15th to Ohio. Emergency vehicles such as ambulances and firetrucks have issues navigating this area. I have seen people unfamiliar with the area turn north onto South 14th St then realizing it's a Cud-De-Sac not a thru street. They speed to the bottom and then race back to the top many never stopping before they pull out onto Quincy. Now we are in an era of online shopping and home delivery. Many of these delivery drivers navigate these streets like NASCAR drivers. This is a quite community surrounded by good people. It is grown from an area of families raising kids to a mix of new families and retirees. We all understand progress, moving forward, and business. To the city we ask that you not rezone the area from R1-9 to R1-6. To the developer we sincerely understand your position. We merely ask that you consider ours as well.

Thank You:

Kenneth M. LaMaster



#1: Northern side of 1106 S. 14th St Hidden Point Subdivision.
Current owner Melvin and Judy Watson
Note the slope of the fenceline on the western edge of thier property



#2: Inside the back yard of 1106 South 14th St.
Note that the back yard has a deep slope along with the curvature
around the tree to the right



#3: The Southwest corner of 1106 South 14th St.
Water from the woods and neighboring yards directly south enters this portion of the yard



#4: The water from the woods and neighboring homes flows into this area of the back yard of 1106 South 14th Street and is diverted directly into this storm water run off tube.



#5: Photos shows two additional drainage tubes that divert water into the storm drain at 1106 South 14th St.



#6: Shows the steep drop off in elevation from the northside gate entry looking directly east. Water also runs into this storm drain from above as shown by the ruts in the yard.



#7: Water flows through that storm drain between 1101 & 1103 South 14th Street



#8: The water then exits through this storm drain located between 1110 & 1028 Madison St.



#9

#10: Water then accumulates into this area between 1110 & 1028 Madison St. The ground stays wet to the point that it cannot be mowed



#10: Any running water from the area between 1110 & 1028 Madison then continues east thru the yards. During periods of steady to heavy rains water will flow over Madison St.



#11: Water from Madison St continues to flow eastward into this area adjacent to 910 Washington St. During periods of continuous rainfall this area floods

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, January 4, 2021

6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Linda Bohnsack
James Diggs
Joseph Burks
Chris Murphy
Mike Burke

Commissioners Absent

Sherry Hines Whitson

City Staff Present

Julie Hurley
Michelle Baragary

Mike Burke, Claude Wiedower, Joseph Burks, Chris Murphy, Julie Hurley and Michelle Baragary were present in the commission chambers. James Diggs and Linda Bohnsack participated remotely. Linda Bohnsack joined the meeting at 6:15 p.m. Sherry Hines Whitson was absent.

Chairman Burke called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: December 7, 2020

Chairman Burke asked for comments or a motion on the minutes presented for approval: December 7, 2020. Mr. Wiedower moved to approve the minutes as presented, seconded by Mr. Murphy and approved by a vote of 5-0. Commissioner Bohnsack arrived after the vote.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2021-01 REZ – 1440 AND 1460 QUINCY STREET

Conduct a public hearing for Case No. 2021-01 REZ – 1440 and 1460 Quincy Street. The applicant is requesting a rezoning of the property located at 1440 and 1460 Quincy Street from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District.

Chairman Burke called for the staff report.

Planning Director Julie Hurley stated the subject properties are owned by LD Development, LLC. The applicant is requesting a rezoning of their properties from R1-9, Medium Density Single Family Residential District, to R1-6, High Density Single Family Residential District. The two parcels are situated to the north of Quincy Street

west of 14th Street, totaling approximately 4.76 acres. 1440 Quincy is currently vacant, and 1460 Quincy is occupied by a single family house. Pending approval of the proposed rezoning and preliminary plat, the existing single family home will be demolished.

The rezoning is being requested in order to allow for the development of a single family subdivision, similar in nature to the subdivision adjoining the subject property immediately to the east. The present zoning of R1-9 allows for lots meeting the minimum requirements of 9,000 sqft in size and 75' in width. The proposed zoning of R1-6 allows for lots meeting the minimum requirements of 6,000 sqft in size and 48' in width. The accompanying preliminary plat, also on the agenda for consideration, shows a total of 18 lots with an average lot size of 9,647 sqft and an average lot width of 62'. The largest lot is 12,516 sqft and the smallest lot is 8,185 sqft. The subdivision adjoining the subject property immediately to the east includes a similar cul-de-sac layout with a total of 16 lots with an average lot size of 10,836 sqft.

The Development Review Committee reviewed the project at their December 17, 2020 meeting and discussed items related to utilities, drainage, and improvements to Quincy Street. Utilities are available to the property, and easements will need to be obtained in order to connect to existing utilities to the east. Grading on lots as they are developed will need to direct drainage to the street, instead of away from individual lots and onto adjoining properties, and will be addressed prior to recording of the final plat. No concerns were noted by the Police or Fire Departments.

Staff has received calls from nearby property owners with concerns about stormwater drainage. Public Works staff indicated that they are not aware of any existing drainage issues in this area. Staff has also received a call with a concern for the two existing ponds to the west of the proposed development. Public Works staff indicated that those ponds are not part of the same drainage area and will not be affected by this development.

A request to rezone the subject property from R1-9 to R1-6 was also proposed in 2007 with an accompanying preliminary plat largely the same as is proposed currently. The Planning Commission recommended approval of that rezoning request at that time, and the City Commission discussed and placed on first consideration an ordinance to rezoning the property. A valid protest petition was filed, and the ordinance failed on second consideration.

CONDITIONS OF DETERMINATION

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

- a) The character of the neighborhood;

The subject property is occupied by one single family home. To the north, east and south are other single family subdivisions with lots ranging in size from slightly smaller to slightly larger than those proposed as part of this development. To the west are several large lot residential parcels, each over 3 acres in size.

- b) The zoning and use of properties nearby;

The immediately adjacent properties are zoned R1-9, Medium Density Single Family Residential. Beyond the immediately adjacent properties to the north, east and west are properties zoned R1-6, High

Density Single Family Residential. To the northwest is property zoned R-MF, Multi Family Residential. The majority of surrounding properties are developed with single family homes.

- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is currently zoned R1-9, Medium Density Single Family Residential, and the property is suitable for single family uses.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have no detrimental effect on nearby property. The majority of concerns expressed to staff by neighbors regarding this proposal involve stormwater drainage that currently occurs from this property onto properties located to the east. The development of the proposed subdivision should positively impact any stormwater issues currently experienced, as the developed lots will be required to direct stormwater runoff to the proposed cul-de-sac to be captured by the stormwater drainage system, instead of directly stormwater runoff onto other properties.
- e) The length of time the subject property has remained vacant as zoned;
The property has always been single-family/agricultural in nature.
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning would have a positive effect upon the economic vitality of Leavenworth by increasing the available housing stock.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for Medium Density Residential uses, which is defined as 6,000-9,000 sqft of lot area per dwelling unit. The proposed development provides an average of 9,647 of lot area per dwelling unit as shown on the accompanying preliminary plat, and thus conforms to the adopted Future Land Use Map.
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission
- Recommend denial of the rezoning request from R1-9 to R1-6 to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff. With no questions for staff, the applicant approached the board.

Josh Hoppes, represents LBH Development, stated the purpose is to have 18 lots instead of 16 lots and have a more affordable price point at \$250k - \$275k.

Chairman Burke asked for clarification this is only for single-family homes, not duplexes, townhomes, etc.

Mr. Hoppes responded in the affirmative.

Commissioner Wiedower asked if the developer has plans to address the water runoff issues.

Mr. Hoppes responded they have plans to address stormwater on the new subdivision and their plans cannot cause stormwater issues on adjacent properties.

Commissioner Wiedower asked if the current infrastructure with utilities has capacity to handle the new subdivision.

Mr. Hoppes responded that is his understanding.

Commissioner Wiedower asked how the new subdivision will provide a positive impact.

Mr. Hoppes responded they are building family homes so they will be bringing new families to the community and roughly \$4,000 per home in real estate taxes for 18 new homes is approximately \$72,000 in revenue for USD453 are both positives for Leavenworth.

Commissioner Wiedower stated the major concerns from neighboring property owners appears to be with water runoff. Mr. Wiedower asked for clarification that the developer's plans for stormwater will not negatively impact neighboring properties and will most likely improve current stormwater issues neighboring property owners have.

Mr. Hoppes responded that no development is allowed to have water runoff to adjacent properties so the developer is required to address stormwater issues. If adjacent property owners are currently experiencing runoff from the subject property, then that would be improved with developing the property with catch basins and the stormwater system that is designed by their engineer.

Commissioner Murphy asked about plans to deal with increased traffic and poor road conditions in the area.

Mr. Hoppes responded they will improve the overall aesthetics of their development. Improve Quincy Street in front of the new subdivision by widening the street and adding curbs, gutters and sidewalks.

Chairman Burke stated a concern from a neighbor in the adjacent subdivision to the east is with electricity.

Ms. Hurley responded, as with any development, they must coordinate with the utility companies.

Mr. Hoppes stated they have had preliminary discussions with Evergy. There is a pole in front of the subject property and they are working with Evergy to determine their power usage and improvements that need to be made to ensure the necessary power.

Commissioner Wiedower asked if the new housing development will have sump pumps.

Mr. Hoppes responded they are still early in the process with their engineer so this is still to be determined exactly what will be needed to address water runoff.

Chairman Burke asked about leaving trees along the north and east of the subject property to leave a barrier between subdivisions.

Mr. Hoppes stated they intend on leaving as many trees as they possibly can.

With no further questions from the commissioners, Chairman Burke opened the public hearing.

Robin Hasak, 1324 S. 15th Street, has a concern about the drainage issue since the new development is just to the north of his neighborhood. He believes improvements need to be made to the streets, as well as installing curbs and sidewalks before a new development is allowed. Mr. Hasak further stated his neighborhood has one of the worst power grids within the city.

With no one else wishing to speak, Chairman Burke closed the public hearing and called for discussion among the commissioners.

Commissioner Burks stated the current zoning for the subject property permits 16 houses. The applicant is requesting rezoning to R1-6 to allow for an additional two homes. That is only two additional families and two additional cars from what is currently permitted. Furthermore, the request is for single-family homes, improvements to Quincy Street will occur along the new development, stormwater is being addressed, increase in traffic will be minimal with only two additional homes, the new subdivision will improve the comp numbers for the adjacent subdivisions, improves USD453 taxes, etc.

Commissioner Bohnsack stated the density of the proposed development will be very similar to the density of the subdivision on S. 14th Street. With the additional houses (inaudible) the amenities and the density that will be needed to help extend drainage, sewers, etc. to the whole neighborhood, not just that subdivision. The more houses you have and the more people being served then the more chance the services are able to be extended in that area. Once the new drainage system is installed, this will improve the water runoff.

Commissioner Wiedower stated he sees the benefits of the real estate tax on 18 additional homes but looking at the greater good, he believes the city is being remiss by not improving around there for egress and traffic.

Commissioner Murphy stating building the new homes would be great for the city; however, you're not fixing the problem if you are only developing the street in front of the subdivision and not all the way down Quincy Street.

Commissioner Burks stated if the commission votes against the rezoning, the developer can immediately move forward with building 16 houses; if the commission votes in favor of the rezoning, the developer can move forward with building 18 houses. Either way, the developer will build a subdivision and the traffic issue for all of Quincy Street will not be addressed beforehand.

With no further comments, questions or discussion, Chairman Burke called for a motion. Commissioner Burks moves to recommend approval of the rezoning request from R1-9 to R1-6 to the City Commission, seconded by Commissioner Bohnsack and approved by a vote of 4-2. Commissioners Wiedower and Murphy voted nay.

(Summary Published in the Leavenworth Times on _____, 2021)

ORDINANCE NO. xxxx

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1440 AND 1460 QUINCY STREET FROM MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-9) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 4th day of January 2021 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 10th day of December 2020; and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 1440 and 1460 Quincy Street, Leavenworth Kansas from medium density single family residential district (R1-9) to high density single family residential district (R1-6); and

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

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

Section 1: That the following described properties, to-wit, is hereby rezoned from medium density single family residential district (R1-9) to high density single family residential district (R1-6).

TRACT I:

A part of Block 2, FOOTE'S SUBDIVISION TO THE CITY OF LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of Block 2, FOOTE'S SUBDIVISION TO THE CITY OF LEAVENWORTH; THENCE North on the West line of said Block 2 a distance of 132 feet; thence East parallel to the South line of said Block 2, a distance of 132 feet; thence South parallel to the West line of said Block 2, a distance of 132 feet; thence South parallel to the West line of said Block 2, a distance of 132 feet; thence West on the North line of Quincy Street 132 feet to the place of beginning.

TRACT II: All of Block 2, FOOTE'S SUBDIVISION TO THE CITY OF LEAVENWORTH, a subdivision in the City of Leavenworth, Leavenworth County, Kansas;

LESS AND EXCEPT: A tract of land 132 feet North and South by 132 feet East and West more fully described as follows: Beginning at the Southwest corner of Block 2, FOOTE'S SUBDIVISION TO THE CITY OF LEAVENWORTH; THENCE North on the West line of said Block 2 a distance of 132 feet; thence East parallel to the South line of said Block 2, a distance of 132 feet; thence South parallel to the West line of said Block 2, a distance of 132 feet; thence West on the South line of said Block 2, a distance of 132 feet to the place of beginning;

And more commonly referred to as **1440 Quincy and 1460 Quincy Street, Leavenworth, Kansas.**

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

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

PASSED and APPROVED by the Governing Body on the ____ day of _____ 2021.

Nancy D. Bauder, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

MAYOR'S APPOINTMENTS

January 26, 2021

Mayor Bauder

Motion:

“Move to

*Reappoint to the **Convention & Tourism Committee:***

Sherry Brown, Wendy Scheidt, Edna Wagner and Lisa Weakly to terms ending January 31, 2024; and Appoint Shirley Dickson to a term ending January 31, 2024”.

Requires a second and vote by the Governing Body.

**POLICY REPORT
CONSIDER AMENDMENTS AND UPDATES TO CITY FEE SCHEDULE**

JANUARY 26, 2021


Carla K. Williamson, CMC City Clerk


Paul Kramer, City Manager

ISSUE:

Consider amendments and updates to the City Fee Schedule of the following:

- The addition of fees related to small cell wireless service providers and infrastructure providers
- Updates and changes to Parks & Recreation Department fees

As discussed at the January 19, 2021 Study Session the City will add the following fees to the City Fee Schedule. These fees are consistent with the metropolitan-area cities fees, and these have been adopted by cities such as Overland Park, Prairie Village, Westwood, and others.

Small Cell Facilities Fees	
Right of way (ROW) access on existing structure (i.e. existing utility pole)	\$ Amount
Right of way access fee – annually per structure	25.00
Right of way permit application fee – one-time fee	75.00
Right of way access on new pole/monopole	
Right of way access and new monopole fee – annually (* includes \$25.00 annual ROW access fee and \$540.00 license fee for new monopole in ROW)	565.00*
Right of way permit application fee – one-time fee	75.00
Small cell application fee/supplement application fee-single up-front application for up to 5 small wireless facilities	500.00
Small cell application fee/supplement application fee – each small wireless facility beyond 5 in a single application	100.00
Attachment of Small Cell Facility to Existing or Replacement City Streetlight or Utility Pole	
Right of way access and streetlight attachment fee - annually (* includes \$25.00 annual ROW access fee and \$540.00 streetlight attachment fee)	565.00 *
Right of way permit application fee – one-time	75.00
Small cell application fee/supplement application fee-single up-front application for up to 5 small wireless facilities	500.00
Small cell application fee/supplement application fee – each small wireless facility beyond 5 in a single application	100.00
Make-ready work costs – Actual work done or contracted for by the City	Amount

	for any make-ready or other work done to accommodate permittee's small cell facility to include reasonable material, labor, engineering and administrative and overhead costs	of the actual cost
	Inspection fee - Actual work done or contracted for by the City for any make-ready or other work done to accommodate permittee's small cell facility to include reasonable material, labor, engineering and administrative and overhead costs	Amount of the actual cost
	Unauthorized attachment penalty fee-per occurrence <ul style="list-style-type: none"> • Three (3x) annual ROW access and Streetlight attachment fee 	
	Failure to timely transfer, abandon, or remove facilities penalty <ul style="list-style-type: none"> • 1/5 Annual ROW access and streetlight attachment fee amount per day, per site during the first 30 days • The Annual ROW Access and streetlight attachment fee amount per day, per site during second 30 days and thereafter 	

Parks and Recreation Department Fees updates and amendments:

The Parks and Recreation Department did an audit of the fee schedule and recommends the following amendments.

- Remove rental fee of the Gazebo in the 300 Block of Delaware-structure was demolished
- Add all Campground Fees
 - Camper site with electricity \$15.00 per day per site
 - Tent Site no electricity \$10.00 per day per site
 - Dumping station for non-campers \$10.00 per event
 - Pet fee \$2.00 per pet per day
 - Refundable key deposit \$20.00 per stay
- Remove Water Safety Instructor, SCUBA and Synchronized Swimming courses no longer offered
- Remove Age 14-18 – Teams, Geiger or Marie Waldow – leagues no longer offered through the City
- Change Bitty Basketball Age 3-K6 3rd child late registration from \$30.00 to \$42.50
- Change Basketball Grades 1 – 6 3rd child late registration from 32.50 to \$45.00
- Remove Men's Basketball late registration – no longer accept late registration
- Change Futsal Fee from \$45.00 to \$40.00
- Change Futsal Late Registration Fee from \$70.00 to \$65.00
- Add Season Passes for Performing Arts Center
 - Platinum Season Ticket \$350.00
 - Gold Season Ticket \$280.00
 - Silver Season Ticket \$210.00
 - Bronze Season Ticket \$140.00
 - Double Copper Ticket \$70.00
 - Single Copper Ticket \$35.00

ACTION:

Approve the amendments to the fee schedule as presented to be effective January 27, 2021



FEE SCHEDULE

The fees in this schedule are effective **January 27, 2021**.

Administration		
Public information requests—clerk:		\$ Amount
Copies of open public records		
	First 5 pages	5.00
	Each page over 5	.25
	Plus staff labor per hour over first ½ hour	20.00
Video and DVD Production		
	Copy of DVD, tape or video—each	5.00
	Law enforcement video or DVD—each	15.00
	Plus staff labor per hour over first ½ hour	20.00
Maps and drawings		
	Standard map paper, 34" x 44"—each	6.00
	Standard plotter sheet, 34" x 44"—each	10.00
	Mylar map sheet or paper plotter with contours or orthophotos, 34" x 44"—each	20.00
	Mylar plotter sheet, 34" x 44"—each	30.00

Alcoholic and Cereal Malt Beverages		
Licenses and permits:		\$ Amount
	Alcoholic liquor temporary permit—per day	25.00
	Alcoholic liquor retail license—annually	300.00
	Alcohol and spirit manufacturer license—annually	2,500.00
	Alcoholic liquor drinking establishment—each business location—annually	250.00
Alcohol Private club:		
	Class A—each—annually	250.00
	Class B—each—annually	250.00
	Caterer—each business location—annually	250.00
Cereal malt beverage:		
	Retailer license consumption on premises—each business	200.00
	Retailer license not for consumption on premises—each business	50.00
	Special event permit—per event	100.00
	Stamp tax—each	25.00
Beer manufacturer—annually		
	New beer and cereal malt beverage manufacturer	1,000.00
	0-100 barrels	200.00
	100-150 barrels	400.00
	150-200 barrels	700.00
	200-300 barrels	1,000.00
	300-400 barrels	1,300.00
	400-500 barrels	1,400.00
	500 or more barrels	1,600.00
	Beer distributor—each business location—annually	1,000.00



Farm winery—each business location—annually	125.00
Microbrewery—each business location—annually	250.00
Wine manufacturer—each business location—annually	500.00
Wine or spirit distributor—each business location—annually	1,000.00
Non-beverage user:	
Class 1—not to exceed 100 gallons—each location--annually	10.00
Class 2—not to exceed 1,000 gallons—each location--annually	50.00
Class 3—not to exceed 5,000 gallons—each location--annually	100.00
Class 4—not to exceed 10,000 gallons—each location--annually	200.00
Class 5—in excess of 10,000 gallons—each location--annually	500.00

Animals	
Impoundment:	\$ Amount
Pickup fee—per animal	20.00
Plus confinement fee—per animal per day or actual costs if higher	10.00
Plus any additional cost incurred	
Surrender fee—per animal	50.00
Adoption fees:	
Cats—per animal	65.00
Dogs—per animal	85.00
Animal registration, license and tag:	
Registration:	
Dog Altered—per animal annually	10.00
Dog Unaltered—per animal annually	20.00
Pot-bellied pig—annually	35.00
Late fee—after March 31	10.00
Duplicate tag—each	1.00
Dangerous dog registration—per dog, annually	50.00
Deer hunting permit—each	20.00
Animal carcass removal and disposal:	
Removal—each animal	20.00
Cremation:	
Base fee—per animal	10.00
Plus disposal fee—per pound (contact animal control for current rate)	

Buildings and Construction	
BUILDING--GENERAL	\$ Amount
Permits	
\$1.00 to \$500.00 total valuation—each permit	24.00
\$501.00 to \$2,000.00 total valuation:	
First \$500.00	24.00
Each additional \$100.00 or fraction thereof	3.00
\$2,001.00 to \$40,000.00:	
First \$2,000.00	69.00
Each additional \$1,000.00 or fraction thereof	11.00
\$40,001.00 to \$100,000.00:	



	First \$40,000.00	487.00
	Each additional \$1,000.00 or fraction thereof	9.00
\$100,001.00 to \$500,000.00:		
	First \$100,000.00	1,027.00
	Each additional \$1,000.00 or fraction thereof	7.00
\$500,001.00 to \$1,000,000.00:		
	First \$500,000.00	3,827.00
	Each additional \$1,000.00 or fraction thereof	5.00
\$1,000,001.00 to \$5,000,000.00:		
	First \$1,000,000.00	6,327.00
	Each additional \$1,000.00 or fraction thereof	3.00
\$5,000,001.00 and greater:		
	First \$5,000,000.00	18,327.00
	Each additional \$1,000.00 or fraction thereof	1.00
Plan review—as percentage of total permit fee		65%
Inspections:		
Outdoor, normal working hours:		
	Minimum, up to two hours	47.00
	Each additional hour over two	47.00
	Re-inspections—each, per hour	47.00
	All other inspections—per each ½ hour	47.00
Grading, excavating and fill permits:		
	Up to 100 cubic yards (minimum)	37.00
101 to 1,000 cubic yards:		
	First 100 cubic yards	37.00
	Each additional 100 cubic yards or fraction thereof	17.50
1,001 to 10,000 cubic yards:		
	First 1,000 cubic yards	194.50
	Each additional 1,000 cubic yards or fraction thereof	14.50
10,001 to 100,000 cubic yards:		
	First 10,000 cubic yards	325.00
	Each additional 10,000 cubic yards or fraction thereof	66.00
100,001 and greater cubic yards:		
	First 100,000 cubic yards	919.00
	Each additional 10,000 cubic yards or fraction thereof	36.50
ELECTRIC		\$ Amount
	Electrical permit base fee—each	24.00
Permits:		
	60 ampere service	15.00
	100 ampere service	18.00
	150 ampere service	20.00
	200 ampere service	23.00
	400 ampere service	25.00
	600 ampere service	28.00
	800 ampere service	30.00
	Over 800 ampere service	50.00



Electrical outlets—each		.20
Motors:		
1 horsepower or less—each		2.00
1 to 5 horsepower—each		3.00
6 to 10 horsepower—each		5.00
11 to 20 horsepower—each		8.00
Over 20 horsepower--each		9.00
Air conditioner other than window units--Charged per motor horsepower rating		NA
Sign—outdoor electric—each		5.00
Furnace, range, dryer, hot water tank, window air conditioner—each		2.00
Transformer, hair dryer, commercial cooking vats, electric heating units, and similar equipment:		
Up to 2 KVA—each		3.00
3 to 10 KVA:		
Base fee—each		3.00
Additional per each KVA		1.00
11 to 50 KVA:		
Base fee—each		11.00
Additional per each KVA		.55
Above 50 KVA:		
Base fee—each		33.00
Additional per each KVA		.20
Carnival, circus, road show, and similar installation—each		100.00
Refrigerated display case—each section		5.00
Electrical trade examination sponsorship fee—each		35.00
Electrical trade licenses:		
Residential landlord electrician—annually		35.00
Maintenance electrician—exam and annual license fee		35.00
Electrical contractor:		
Certificate of qualification—each		200.00
Renewal—annually		200.00
Master electrician:		
Initial license—each		35.00
Renewal—annually		35.00
Journeyman electrician:		
Initial license—each		35.00
Renewal—annually		35.00
Apprentice electrician—annually		15.00
PLUMBING		\$ Amount
Plumbing permit base fee—each		24.00
Supplemental permit issuance—each		10.00
Plumbing fixture on one trap or a set of fixtures on one trap, including water, drainage piping and backflow protection thereof—each		7.00
Building or manufactured home park sewer—each		15.00
Rainwater system, inside building—each drain		7.00
Cesspools—each		25.00



Private sewage disposal system—each	40.00
Water heater or vent—each	7.00
Gas piping system:	
Up to five outlets	5.00
Outlets over 5—each	1.00
Industrial waste pretreatment interceptor, including trap and vent, except kitchen-type grease interceptors functioning as fixture traps—each	7.00
Installation, alteration or repair of water piping or treating equipment—each	7.00
Repair or alteration of drainage or vent piping—each fixture	7.00
Lawn sprinkler system on one meter, including backflow protection device--each	7.00
Vacuum atmospheric-type vacuum breakers not included above:	
Up to 5 breakers	5.00
Breakers over 5—each	1.00
Backflow protective device other than atmospheric-type vacuum breakers:	
Up to 2" diameter—each	7.00
Over 2" diameter—each	15.00
Percolation test—each	200.00
Septic inspection—each	50.00
Condensing unit only—each	10.00
Trade certificate and registration:	
Plumbing:	
Plumbing contractor—application and annual fee	200.00
Master plumber—application and annual fee	35.00
Journeyman plumber—application and annual fee	35.00
Apprentice plumber—application and annual fee	15.00
Plumbing trade examination sponsorship—each	35.00
Residential landlord plumbing—application and annual fee	35.00
Gas:	
Gas contractor—application and annual fee	200.00
Master gas fitter—application and annual fee	35.00
Journeyman gas fitter—application and annual fee	15.00
MECHANICAL	\$ Amount
Mechanical permit base fee—each	24.00
Supplemental permit issuance—each	10.00
Forced-air or gravity type furnace or burner, including attached ducts and vents, installation or relocation:	
Up to and including 100,000 Btu/h—each	15.00
Over 100,000 Btu/h—each	18.00
Floor furnace, including vent, installation or relocation—each	15.00
Suspended heater, recessed wall heater or floor mounted unit heater, installation or relocation—each	15.00
Appliance vent not included in appliance permit, installation or relocation—each	8.00
Heating appliance refrigeration unit, cooling unit, absorption unit, including installation of controls—installation, relocation or addition—each	14.00
Heating, cooling, absorption, or evaporative cooling system, including installation of controls—installation, relocation or addition—each	14.00



Boiler or compressor and absorption system:		
	Up to 3 hp and up to 100,000 Btu/h—each	15.00
	Over 3 hp to 15 hp and 100,001 to 500,000 Btu/h—each	27.00
	Over 15 to 30 hp and 500,001 to 1,000,000 Btu/h—each	38.00
	Over 30 to 50 hp and 1,000,001 to 1,750,000 Btu/h—each	56.00
	Over 50 hp and over 1,750,000 Btu/h—each	93.00
Air handling unit, including attached ducts:		
	Up to 10,000 cubic feet per minute—each	11.00
	Over 10,000 cubic feet per minute	18.00
Evaporative cooler other than portable type—each		
Ventilation fan connected to single duct—each		
Ventilation system not included in heating or air conditioning system authorized by permit—each		
Hood served by mechanical exhaust, including ducts—each		
Incinerators:		
Appliance or equipment not otherwise classified in this schedule—each		
Trade examinations and licensing:		
	Mechanical trade examination sponsorship—each	35.00
	Mechanical contractor—initial issuance and annual renewals—each	200.00
	Mechanical apprentice—initial issuance and annual renewals—each	15.00
	Residential landlord mechanical—initial issuance & annual renewals—each	35.00
	Fireplace installer—initial issuance and annual renewals—each	200.00
	Industrial maintenance—initial issuance and annual renewals—each	200.00
MOVING STRUCTURES		\$ Amount
	Structure moving permit—each	250.00
DANGEROUS STRUCTURES		\$ Amount
	Administrative fee for abatement—each	1,000.00
Demolition permit:		
Sheds, garage and single-family houses		
	Up to 120 square feet—each	10.00
	121 to 900 square feet—each	15.00
	Over 900 square feet	50.00
Multi-family, commercial and industrial structures		
OTHER:		
	Rental registration—each	20.00
	Appeal to board of appeals—each	50.00
	Floodplain determination cost—each	125.00

Businesses and Occupations		
Licenses and permits:		\$ Amount
Adult entertainment:		
	Business license—annually, each location	650.00
	Manager’s license—annually	65.00
	Entertainer’s license—annually	26.00
	Service license—annually	26.00
Handbill distributors:		



	Daily—per person	10.00
	Weekly—per person	40.00
	Monthly—per person	100.00
	Annually—per person	250.00
	Building mover-per event	100.00
	Carnival, circus, and street shows permit—per day	260.00
	Lodging houses, hotels and resorts:	
	1 to 18 sleeping rooms, units or cabins—annually	25.00
	19 to 35 sleeping rooms, units or cabins—annually	50.00
	36-100 sleeping rooms, units or cabins—annually	75.00
	101 or more sleeping rooms, units or cabins—annually	100.00
	Boarding house—annually	25.00
	Massage therapy establishments and therapists:	
	Establishment license:	
	Initial issuance—annual	300.00
	On-time renewal—each, annually	150.00
	Expired or lapsed license renewal—annual	300.00
	Massage therapist license—new and renewals—annually	50.00
	New goods public actions-daily	25.00
	Peddlers and solicitors:	
	Transient or itinerant merchant and itinerant vendor—daily, each	50.00
	Peddlers:	
	Daily permit—each person	50.00
	Weekly permit—each person	250.00
	Petting zoo:	
	1-25 animals—per day per location plus event bond	25.00
	26 or more animals—per day per location plus event bond	50.00
	Cash event bond, refundable—each location per event	250.00
	Refuse collectors license—per year per vehicle	100.00
	Secondhand goods:	
	Precious metal dealer license, annual—each location	25.00
	Junk dealers, junkyards and auto storage yards, annual—each location	150.00
	Pawnbrokers, annual—each location	25.00
	Garage sales—per sale	5.00
	Tent shows and meeting permit—each occurrence	40.00
	Tree trimmer—each, annually	50.00
	Vehicles for hire:	
	Owner license—per vehicle per year	50.00
	Duplicate owner license—each	15.00
	Ownership transfer—each	15.00
	Driver's license, annually—each	25.00
	Duplicate driver's license—each	15.00

Emergency Services	
Alarm systems:	\$ Amount
Permits:	



Alarm users:		
	Permit fee—annually—each	15.00
	Late permit fee—in addition to the annual permit fee	20.00
	Revoked permit reinstatement fee—each	150.00
Alarm company:		
	Permit fee—annually—each	150.00
	Late permit fee—in addition to the annual permit fee	35.00
	Late installment notification fee—each	25.00
Alarm response:		
	1-6 false alarms within 12 months—each response	0
	7-12 false alarms within 12 months—each response	65.00
	Over 12 false alarms within 12 months—each response	325.00
	If alarm permit is revoked—each response	325.00
	Response for alarms without permit other than revoked—each response	150.00

Environment		
		\$ Amount
Oil and gas well drilling permits:		
	Initial permit—per location	725.00
	Renewal permit, annually—per location	375.00
	Permit transfer fee—each	100.00
Land disturbance permits:		
	Utility companies/contractors working for utility company with annual land disturbance permit	0
Regulated land disturbance activity:		
	Less than one acre	0
	1-5 acres—each event	150.00
	More than 5 acres—per event	250.00
	1 single-family residence	0
	2 to 5 single-family residences—per event	150.00
	More than 5 single-family residences—per event	250.00
Administrative fees:		
	First offense	100.00
	Second offense	250.00
	Third and each additional offense	500.00
Failure to obtain required land disturbance permit:		
First offense:		
	Less than one acre and 1 single-family residences—fee plus first offense administrative fee	150.00
	All other categories—fee plus first offense administrative fee	Double fee
Second offense:		
	Less than one acre and 1 single-family residences—fee plus second offense administrative fee	300.00
	All other categories—fee plus second offense administrative fee	Double fee
Third and each additional offense:		



	Less than one acre and 1 single-family residences—fee plus third offense administrative fee	300.00
	All other categories—fee plus third offense administrative fee	Double fee
Stormwater management service fee:		
Residential:		
	Single family—annually	84.00
	Duplex dwelling unit—annually per unit	84.00
	Multifamily dwelling unit (containing 3 or more units)—annually per unit	42.00
Commercial:		
	Up to 1,500 square feet—annually	162.50
	1,501 to 4,500 square feet—annually	337.50
	4,501 to 10,000 square feet—annually	512.50
	10,001 to 20,000 square feet—annually	675.00
	20,001 to 50,000 square feet—annually	1,200.00
	50,001 to 100,000 square feet—annually	2,075.00
	100,001 to 200,000 square feet—annually	2,600.00
	Over 200,000 square feet—annually	3,125.00
Industrial:		
	Up to 4,500 square feet—annually	337.50
	4,501 to 10,000 square feet—annually	512.50
	10,001 to 20,000 square feet—annually	675.00
	20,001 to 50,000 square feet—annually	1,200.00
	50,001 to 100,000 square feet—annually	2,075.00
	100,001 to 200,000 square feet—annually	2,600.00
	Over 200,000 square feet—annually	3,125.00

Fire Prevention and Protection		
		\$ Amount
	Hazmat response—each	Actual cost
Inspections:		
	Underground storage tank installation or removal—per inspection	75.00
	Propane tank installation—per inspection	75.00

Health and Sanitation		
Food and food handlers:		\$ Amount
Food services:		
	Health permit, annually—each location	100.00
	Temporary food service permit—each event up to three consecutive days	10.00
Food handlers:		
	Food handler permit—each	10.00
	Duplicate food handler card—each	1.00
	On-line food handler class permit—each	20.00
Food vendors:		
	Mobile food vendor permit, annually—each vendor	60.00
	Ice cream vendor permit, annually—each vendor	60.00
	Inspection of vendor with no state license—each inspection	25.00



Privies, cesspools, septic tanks and sewage lagoons:		
	Septic tank installation permit—each	10.00
	Temporary sewage lagoon installation permit—each	25.00

Law Enforcement

Public services:		\$ Amount
	Fingerprinting—each set	15.00
	Uniformed off duty officer presence—per hour	35.00

Manufactured Homes

Manufactured home parks:		\$ Amount
	Rezoning application—each	350.00
Construction permits:		
	Minimum fee	10.00
	Additional—per lot	2.00
Park permit:		
	Quarterly—per lot occupied by an inhabited mobile home	15.00
	Annually—per lot occupied by an inhabited mobile home	10.00
Travel trailer parks:		
Park permit :		
	Each block of 100 spaces or fraction thereof, annually	25.00
	Plus space fee for occupied homes—each	1.50
	Up to annual maximum of	250.00

Nuisances

Nuisance abatement:		\$ Amount
	Generally, administrative fee—each abatement	100.00
Nuisance abatement, weeds or grasses: Contractor expenses plus:		
	First mowing	100.00
	Second mowing	250.00
	Third and each additional mowing	500.00
	Loudspeaker or sound amplification registration and permit—per event	5.00

Parks and Recreation

Community Center Admission and Passes		\$ Amount
Daily Admission Fees		
	Special (per manager approval, group rate)	1.50
	Adult resident	2.50
	Adult non-resident	3.00
	Senior resident (60+)	2.00
	Senior non-resident (60+)	2.50
	Youth resident (4-18)	2.00
	Youth non-resident (4-18)	2.50
20 punch Pass		
	Adult resident	40.00



	Adult non-resident	50.00
	Adult scholarship	5.00
	Senior resident (60+)	30.00
	Senior non-resident (60+)	40.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	30.00
	Youth non-resident (4-18)	40.00
	Youth (4-18) scholarship	5.00
Monthly Pass		
	Adult resident	35.00
	Adult non-resident	40.00
	Adult scholarship	5.00
	Senior resident (60+)	25.00
	Senior non-resident (60+)	30.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	25.00
	Youth non-resident (4-18)	30.00
	Youth (4-18) scholarship	5.00
Six Month Pass		
	Adult resident	80.00
	Adult non-resident	90.00
	Adult scholarship	5.00
	Senior resident (60+)	60.00
	Senior non-resident (60+)	70.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	60.00
	Youth non-resident (4-18)	70.00
	Youth (4-18) scholarship	5.00
Year Pass		
	Adult resident	145.00
	Adult non-resident	155.00
	Adult scholarship	5.00
	Senior resident (60+)	105.00
	Senior citizen group organization annual pass	20.00
	Senior non-resident (60+)	125.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	105.00
	Youth non-resident (4-18)	125.00
Corporate Pass		
	Six-Month employee	60.00
	Six-Month spouse	65.00
	Six-Month youth (4-18)	50.00
	Year employee	85.00
	Year spouse	90.00
	Year youth (1-18)	75.00
	Company annual fee	200.00



	Equipment rental—basketball or racquetball	.50
	Toddler Tyme	
	Single admission	2.00
	20 punch Pass	30.00
Community Center Events--Rentals		
Room Rental (Rates are per hour, with four-hour minimum)		
	Activity room—resident	15.00
	Activity room—non-resident	20.00
	Gymnasium—resident	50.00
	Gymnasium—non-resident	55.00
	Kitchen—north	25.00
	Kitchen—south	20.00
	Men’s waiting room—resident	40.00
	Men’s waiting room—non-resident	45.00
	Riverview Room—resident	55.00
	Riverview Room—non-resident	60.00
	South wing—resident	40.00
	South wing—non-resident	45.00
	Women's waiting room—resident	40.00
	Women's waiting room—non-resident	45.00
Other Room Rentals		
	DJ or band fee	25.00
	Portable bar—per event	25.00
	Service fee—as applicable, depending on event	25.00
	Setup/decorating time—per hour (outside the 4-hour minimum)	10.00
Deposits		
	Chairs	100.00
	Event with alcohol	300.00
	Event without alcohol	100.00
Parks and Related Facilities		
Haymarket Square		
	Rental—resident—per ½ day	25.00
	Rental—non-resident—per ½ day	50.00
	Deposit—event with alcohol	150.00
	Deposit—event without alcohol	50.00
	Electricity—per event	15.00
Landing Park		
	Park rental—resident—per hour	15.00
	Park rental—non-resident—per hour	20.00
	Damage deposit—per event	100.00
	Bridge tender's building rental—per event	20.00
	Bridge tender's building key deposit—per event	20.00
Shelters—per day		
	Cody Park restroom overhang—non-resident	15.00
	Cody Park restroom overhang—resident	10.00
	Cody Park Shelter—non-resident	40.00



	Cody Park Shelter—resident	35.00
	David Brewer Park restroom overhang—non-resident	15.00
	David Brewer Park restroom overhang—resident	10.00
	David Brewer Park shelter—non-resident	30.00
	David Brewer Park shelter—resident	25.00
	Dougherty Park restroom overhang—non-resident	15.00
	Dougherty Park restroom overhang—resident	10.00
	Hawthorn Park shelter—non-resident	30.00
	Hawthorn Park shelter—resident	25.00
	North Esplanade Park shelter—resident	25.00
	North Esplanade shelter—non-resident	30.00
	Ray Miller Park shelter—non-resident	15.00
	Ray Miller Park shelter—resident	10.00
	Riverfront Park shelter—resident	25.00
	Riverfront Park shelter—non-resident	30.00
	Stubby Park shelter—non-resident	15.00
	Stubby Park shelter—resident	10.00
	VA Park shelter—non-resident	15.00
	VA Park shelter—resident	10.00
	Wollman Park East shelter—non-resident	30.00
	Wollman Park East shelter—resident	25.00
	Wollman Park Main shelter—non-resident	55.00
	Wollman Park Main shelter—resident	50.00
	Wollman Park West shelter—non-resident	30.00
	Wollman Park West shelter—resident	25.00
	Other	
	Park “enhanced CMB” permit—per event with shelter reservation	10.00
	Noise permit application fee —per event with park shelter reservation	5.00
	Power pedestal rental—per pedestal, per event	50.00
	Power pedestal damage deposit—per event	250.00
	Picnic table—each	5.00
	Campground Fees	
	Camper site with electricity-per day per site	15.00
	Tent site no electricity-per day per site	10.00
	Dumping station for non-campers-per event	10.00
	Pet fee – per pet/per day	2.00
	Refundable key deposit-per stay	20.00
	Pools and Related Service and Facilities	
	Community Center Indoor Pool	
	Aquacise Classes	
	Single class	5.00
	20 punch card adult, senior and scholarship	5.00
	20 punch card adult—non-resident	45.00
	20 punch card adult—resident	40.00
	20 punch card senior—non-resident	40.00
	20 punch card senior—resident	35.00



Other Classes		
	CPR, AED and first aid	80.00
	Lifeguard—non-resident	200.00
	Lifeguard—resident	180.00
	Riptide Review Scholarship	5.00
	Riptide Review—non-resident	50.00
	Riptide Review—resident	45.00
Pool parties—per hours		
	After hours, private—resident	55.00
	After hours, private—non-resident	60.00
Swim lessons—per session		
	Scholarship	5.00
	Resident	40.00
	Non-resident	45.00
	3 rd child—resident (subsequent in the same household-same event)	20.00
	3 rd child—non-resident (subsequent in the same household-same event)	22.50
	Private lesson—one person	20.00
	Semi-private lesson (2 people @ \$15.00 each)	30.00
Water walking		
	Single class	4.00
	10 punch card	40.00
Wollman Aquatic Center		
Admission		
	Daily - per person	4.00
	10 punch card scholarship	5.00
	10 punch card resident	35.00
	10 punch card non-resident	45.00
	Groups - per person (per manager approval)	3.50
Swim lessons		
	Scholarship	5.00
	Resident	40.00
	Non-resident	45.00
	3 rd child—resident (subsequent in the same household-same event)	20.00
	3 rd child—non-resident (subsequent in the same household-same event)	22.50
	Private lesson—per person per lesson	20.00
	Semi private lesson—two people—per lesson	30.00
Pool parties		
	Private parties—up to 100 people	200.00
	Private party—each extra lifeguard 101-125 people	25.00
	Private party—each extra lifeguard 126-150 people	50.00
Swim team membership		
	Registration—first and second sibling—each child	50.00
	Third and additional child in the same household	25.00
	Scholarship—each child	5.00



	Shelters with five picnic tables—per day	
	Inside aquatic center—residents	25.00
	Inside aquatic center—non-residents	30.00
	Other	
	Dad & Me camp-out (dad and one child)	25.00
	Dad & Me camp-out (each additional guest)	5.00
Recreation Programs		
	Field and court rentals—per hour	
	Baseball and Softball fields	25.00
	Basketball court	25.00
	Soccer	25.00
	Tennis	25.00
	Boys Baseball and girls softball—per child per season (age is based on age on May 1)	
	Age 5-13—scholarship	5.00
	Age 5-8—on-time registration	45.00
	Age 5-8—late registration	70.00
	Age 9-13—on-time registration	50.00
	Age 9-13—late registration	75.00
	3rd child—on-time registration (subsequent in the same household-same event)	22.50
	Basketball	
	Bitty Ball	
	Scholarship	5.00
	Age 3-K6—early registration	35.00
	Age 3-K6—late registration	60.00
	Age 3-K6 3rd child—early registration (subsequent in the same household-same event)	17.50
	Age 3-K6 3rd child—late registration (subsequent in the same household-same event)	42.50
	Grades 1-6—early registration	40.00
	Grades 1-6—late registration	65.00
	Grades 1-6—scholarship	5.00
	Grades 1-6 3rd child—early registration (subsequent in the same household-same event)	20.00
	Grades 1-6 3rd child—late registration (subsequent in the same household-same event)	45.00
	Mens	
	Registration	345.00
	Softball	
	Adults	
	Co-Ed—teams only	315.00
	Summer—teams only	315.00
	Men's double header—team	315.00
	Futsal	
	Futsal-Early Registration	40.00
	Futsal-Late Registration (Oct 16-Nov 1)	65.00



Performing Arts Center—Tickets		
	Youth—12 years old and under	8.00
	Student (with student ID)	10.00
	Adult	12.00
	Senior (62 and older)	10.00
	Military	10.00
	Platinum season ticket	350.00
	Gold season ticket	280.00
	Silver season ticket	210.00
	Bronze season ticket	140.00
	Double copper ticket	70.00
	Single copper ticket	35.00
Youth Summer Camp Program		
	Adventure Stem—age 5-12 years	138.00
	LEGO Jedi Engineering—age 5-12 years	138.00
Other Miscellaneous		
	Legacy Tree Program—per tree	200.00
	Memorial Bench (contact parks & recreation for pricing options)	

Small Cell Facilities Fees		
Right of way (ROW) access on existing structure (i.e. existing utility pole)		\$ Amount
	Right of way access fee – annually per structure	25.00
	Right of way permit application fee – one-time fee	75.00
Right of way access on new pole/monopole		
	Right of way access and new monopole fee – annually (* includes \$25.00 annual ROW access fee and \$540.00 license fee for new monopole in ROW)	565.00*
	Right of way permit application fee – one-time fee	75.00
	Small cell application fee/supplement application fee-single up-front application for up to 5 small wireless facilities	500.00
	Small cell application fee/supplement application fee – each small wireless facility beyond 5 in a single application	100.00
Attachment of Small Cell Facility to Existing or Replacement City Streetlight or Utility Pole		
	Right of way access and streetlight attachment fee - annually (* includes \$25.00 annual ROW access fee and \$540.00 streetlight attachment fee)	565.00 *
	Right of way permit application fee – one-time	75.00
	Small cell application fee/supplement application fee-single up-front application for up to 5 small wireless facilities	500.00
	Small cell application fee/supplement application fee – each small wireless facility beyond 5 in a single application	100.00
	Make-ready work costs – Actual work done or contracted for by the City for any make-ready or other work done to accommodate permittee’s small cell facility to include reasonable material, labor, engineering and administrative and overhead costs	Amount of the actual cost



Inspection fee - Actual work done or contracted for by the City for any make-ready or other work done to accommodate permittee's small cell facility to include reasonable material, labor, engineering and administrative and overhead costs	Amount of the actual cost
Unauthorized attachment penalty fee-per occurrence <ul style="list-style-type: none"> Three (3x) annual ROW access and Streetlight attachment fee 	
Failure to timely transfer, abandon, or remove facilities penalty <ul style="list-style-type: none"> 1/5 Annual ROW access and streetlight attachment fee amount per day, per site during the first 30 days The Annual ROW Access and streetlight attachment fee amount per day, per site during second 30 days and thereafter 	

Solid Waste	
Special pick-up for inactive residential homes:	\$ Amount
Up to three cubic yards	100.00
Over 3 cubic yards or requiring use of mechanized loading equipment	250.00
Dumpster permit	10.00
Collection and disposal of refuse – Single family units and multi-family complexes –monthly	
Monthly fee	19.31
Brush disposal site fees:	
Car—each	2.00
Pick-up truck—each	5.00
Single axle dump/flat bed—each	15.00
Tandem axle dump high side bed—each	25.00
Truck with chipper box —each	25.00
Trailers:	
Up to 8 feet or fraction thereof—each	5.00
9 to 16 feet or fraction thereof—each	10.00
Each additional foot or fraction thereof over 16	1.00
Additional for modified trailers or beds with walls that exceed 4 feet in height	5.00
Refuse bags—each roll	7.00

Streets, Sidewalks and Other Public Places	
Street use:	\$ Amount
Special event—per event	25.00
Sidewalk use permit:	
Up to 3 consecutive days	15.00
Over 3 days and up to 3 months	40.00
Over three months and up to 12 months	100.00
Construction and maintenance:	
Street construction or repair permit—each	15.00
Curb cut and driveway construction permit—each	15.00
Street sweeping, private property—per hour	55.00
Alley paving	Actual cost
Vacation of public rights-of-way application—each	250.00



Traffic and Vehicles	
Permit parking:	\$ Amount
Monthly	20.00
After 15 th of month for remainder of month	10.00
Loading zone permit—annually	100.00

Utilities				
Sewer				\$ Amount
Sewer connections				
	Sewer connection outside benefit district, sewer district or development-per square foot			.30
Sewer service charges				
Inside city customers with established service – monthly fee				
	Minimum monthly charge	7.13	5.17	12.30
	Volume charge			
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.50	1.68	4.18
	Next 285 Ccf	1.98	.98	2.96
	All over 300 Ccf	1.76	.61	2.37
Outside city customers with established service – monthly fee				
	Minimum monthly charge	7.13	6.50	13.63
	Volume charge			
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.50	1.91	4.41
	Next 285 Ccf	1.98	1.10	3.08
	All over 300 Ccf	1.76	0.71	2.47
New residential customer without established service– monthly fee				
	Minimum monthly charge	19.64	13.57	33.21
Inside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
	Biochemical oxygen demand (BOD)	0.00191148	0.00007861	0.00199009
	Suspended solids (SS)	0.00133005	0.00005087	0.00138092
Outside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
	Biochemical oxygen demand (BOD)	0.00191370	0.00021860	0.00213230
	Suspended solids (SS)	0.00133166	0.00013058	0.00146224
Other				
	Public improvement inspection fee—as percentage of total construction cost			6%

Zoning and Subdivisions (Development Regulations)	
	\$ Amount
Appeals to city commission—each	75.00



Board of zoning appeals application fee—each		350.00
Fence permit —each		20.00
Preservation commission major certificate review—each		200.00
Rezoning application fee—each		350.00
Special use		350.00
	Application fee	350.00
	Permit fee - annually	25.00
Subdivisions:		
	Up to five lots	350.00
	Additional for each lot over five	10.00
Signs:		
Permanent signs:		
	Up to 50 square feet—each sign	50.00
	51 to 100 square feet—each sign	75.00
	101 square feet and greater—each sign	100.00
Sign Refacing:		
	Up to 50 square feet—each sign	25.00
	51 to 100 square feet—each sign	37.50
	101 square feet and greater—each sign	50.00
	Temporary signs, up to 60 days—each sign	50.00
	Sign erector license—annually	150.00

DRAFT

POLICY REPORT PWD NO. 21-02
CONSIDER APPROVAL OF SIDEWALK
COST-SHARE PROGRAM GUIDELINES

January 26, 2021

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review the proposed guidelines for the Sidewalk Cost Share Program.

BACKGROUND:

The City Commission reviewed the status of the Sidewalk Cost Share Program in December 2020. Staff was directed to adjust the reimbursement levels to the levels recommended at that time. The revised guidelines for both residential and commercial programs are attached.

Residential Reimbursement:

The reimbursement rate is increased up to \$5.00 per square foot

Commercial Reimbursement: (Properties investing 50 percent or greater value into the property)

The reimbursement rate is increased up to \$10.00 per square foot

City and State regulations require property owners to maintain their sidewalks. This program originated with one of the CIP Sales Tax elections in an effort to provide funding for this type of work. The program and the guidelines are intended to be easy for residents, owners and contractors to use and understand. Questions can be answered by Engineering at 913-684-0375.

ATTACHMENTS:

Policy Report 20-55, December 15, 2020
Residential and Commercial Program Guidelines

REVIEW OF SIDEWALK COST-SHARE PROGRAM

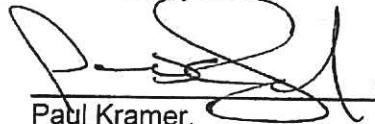
DECEMBER 15, 2020

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review the current sidewalk cost-share program.

BACKGROUND:

The maintenance of sidewalks within the City of Leavenworth revolves around many related issues. Some key items are:

- Nearly all public sidewalks in the City are on City right-of-way (ROW). This refers generally to street ROW created when the areas were divided into lots, blocks and streets.
- Property owners are responsible for maintenance of the sidewalks abutting their property by state law and City ordinances, even though the sidewalks are public property. This responsibility also applies to grass and weeds and general appearance.

Sidewalks are expensive to construct and can be expensive to maintain or replace. In 1999, the Commission created a cost-sharing program to address these concerns. At that time, the City Commission created an ad-hoc Sidewalk Committee to provide recommendations on sidewalk related issues. The Sidewalk Committee was later upgraded to a formal committee.

The original intent of the cost-share program was to assist property owners repairing or replacing their brick sidewalks with concrete. Property owners often commented on the high cost of replacement being an obstacle. As a result, the program has evolved over time to address new concerns brought forward to include both new sidewalks and the repair of existing sidewalks. The first guidelines for residential cost sharing were created in 2005 (see attached 2005 Guidelines).

Significant funds were set aside for sidewalk construction when the sale tax passed in 2007. The City Commission reviewed the program and increased the participation rate in 2008.

Staff has interpreted requests under the 50/50 guidelines to be part of a "cost-shared" project. Providing of bricks has been interpreted as meeting the City participation guidelines as bricks have a value of between \$1 and \$5 (possibly more). The City will provide "free" bricks for brick sidewalk projects.

The City seeks to include as many requests as possible in this program. Requests for participation in the sidewalk program may be denied because the guidelines were not followed – particularly when no permit was obtained or no inspection is performed during the project.

Another source of concern is that the bricks in the sidewalks are public property in the City Ordinances. The owners are not entitled to keep the sidewalk bricks unless they fund the cost of the new sidewalk. Bricks removed under the 50/50 programs are returned to the City stockpile for use by others on similar projects.

The intent of setting a participation maximum in the 50/50 program was to ensure that the City is paying a reasonable price for concrete work. The application is streamlined and the City relies upon estimates provided by the property owner with little City oversight.

The costs associated with sidewalk replacement continues to rise. Current cost sharing reimbursement costs and replacement costs for the sidewalk, ADA ramp, and curb replacement are listed below. These new costs were obtained from unit prices on City projects, from estimates provided by participants in the cost-share program and discussions with contractors that are involved in this work.

Current reimbursement rates are (up to):

Sidewalk - \$2.50 per sq. ft. residential/ \$5.00 per sq. ft. commercial

ADA Ramp - \$1,250.00 per ramp (generally City funded at 100% if at street corner)

Curbing - \$25.00 per lineal foot

Current actual costs for improvements:

Sidewalk - \$10.00 - \$15.00 per square foot

ADA Ramp - \$1300 - \$1800 per ramp

Curbing - \$35.00 - \$45.00 per lineal foot

RECOMMENDATION:

Staff recommends that the City Commission approve the increase in reimbursement for sidewalk replacement completed within the program guidelines (50/50 Cost Share) to \$5.00 per sq. ft. for residential and \$10.00 per sq. ft. for commercial.

ATTACHMENTS:

February 2, 1999 Policy Report 10-99 and minutes

2005 Guidelines flyer

City Ordinance Sec. 102-167

K.S.A 12-1808 State law reference

2017 – 2020 Sidewalk Cost-Share Spreadsheet

2020 Sidewalk Cost-Share Proposal/Invoices (4)



RESIDENTIAL SIDEWALK REIMBURSEMENT PROGRAM - 2021 GUIDELINES

The City has a program to assist **residential property owners** who repair or replace their public sidewalks (not driveway entrances). The general guidelines of the program are listed below. Qualifying projects are eligible for reimbursement not to exceed \$5.00 per square foot (50% of the usual cost per square foot of City sidewalk projects). A 5-foot wide sidewalk is required unless a variance is requested and approved.

Please note: the replacement of brick sidewalks with bricks is not eligible for the cost-share program. A separate program exists for brick sidewalks. ***The program is only valid if the request has been submitted before the sidewalk repair/replacement has started.***

1. The property owner **must** submit a letter to the City of Leavenworth, Public Works Office, 100 N. 5th Street, Leavenworth, KS 66048, or an email message (ckiszka@firstcity.org) requesting permission to participate in its sidewalk cost-sharing program. The letter should include:

The address, a cost estimate, a statement that you own the property, and a drawing/sketch with dimensions of the work to be done listing the total square footage. It is possible to use printed photos from the internet as well.

2. Once the request has been approved, a letter will be sent to the property owner directing him or her to obtain a City permit by coming to the Inspections Department at City Hall - 2nd floor.

3. Before the concrete has been poured, the resident should schedule an inspection (913-684-0738) of the work site to verify the square footage of the repair or replacement sidewalk matches what the residential owner originally submitted.

4. When the work has been completed and has passed all required inspections, an invoice or bill indicating "PAID" should be submitted to the City of Leavenworth, Public Works Office, 100 N. 5th Street, Leavenworth, KS 66048.

5. Then the City will forward the invoice/bill to the Finance Department for payment which will then be mailed to the requesting owner.

6. Other general guidelines of the program include:

- a. All concrete must be 4K and contain granite aggregate.
- b. The ADA Ramps, at street intersections only, will generally be paid at 100%, the cost must be approved prior to installation and must follow City specifications.
- c. Truncated Dome Panels must be approved prior to installation.
- d. Curbing cost is at actual cost or 100% of the actual cost up to \$25.00/lf. Curb replacement must be approved prior to the removal of the existing curb.
- e. Historic districts require ADA panels to be cast iron manufactured by Neenah Corporation and red in color.

Questions? Please contact the Public Works Department at (913)684-0375.



COMMERCIAL SIDEWALK COST-SHARE PROGRAM - 2021 GUIDELINES

The City has a program to assist **commercial property owners** who repair or replace their public sidewalks (not driveway entrances). The general guidelines of the program are listed below. Qualifying projects are eligible for a reimbursement up to \$5.00 per square foot (50% of the usual cost per square foot of City sidewalk projects). A 5-foot wide sidewalk is required unless a variance is requested and approved.

Please note: the replacement of brick sidewalks with bricks is not eligible for the cost-share program. A separate program exists for brick sidewalks. ***The program is only valid if the request has been submitted before the sidewalk repair/replacement has started.***

Any commercial property owner who improves their property by more than 50% of the pre-construction property value is eligible for a reimbursement up to \$10.00 per square foot (100% of the usual cost per square foot of City sidewalk projects). **THE PROPERTY MUST BE ZONED COMMERCIAL.**

1. The property owner **must** submit a letter to the City of Leavenworth, Public Works Office, 100 N. 5th Street, Leavenworth, KS 66048, or an email message (ckiszka@firstcity.org) requesting permission to participate in its sidewalk cost-sharing program. The letter should include:

The address, a cost estimate, a statement that you own the property, and a drawing/sketch with dimensions of the work to be done listing the total square footage. It is possible to use printed photos from the internet as well.

2. Once the request has been approved, a letter or a telephone call will be sent/made to the property owner directing him or her to obtain a City permit by coming to the Inspections Department at City Hall, 2nd floor, or going to the City website at <https://www.leavenworthks.org/publicworks/page/inspections-permits-division>.

3. Before the concrete has been poured, the resident should schedule an inspection (913-684-0738) of the work site to verify the square footage of the repair or replacement sidewalk matches what the residential owner originally submitted.

4. When the work has been completed and has passed all required inspections, an invoice or bill indicating "PAID" should be submitted to the City of Leavenworth, Public Works Office, 100 N. 5th Street, Leavenworth, KS 66048. It will be forwarded to the Finance Department for payment and then mailed to the requesting owner.

5. Other general guidelines of the program include:

- a. All concrete must be 4K and contain granite aggregate.
- b. The ADA Ramps, at street intersections only, will generally be paid at 100% and the cost must be approved prior to installation and must follow City specifications.
- c. Truncated Dome Panels must be approved prior to installation.
- d. Curbing cost is at actual cost or 100% of the actual cost up to \$25.00/lf. Curb replacement must be approved prior to the removal of the existing curb.
- e. Historic districts require ADA panels to be cast iron manufactured by Neenah Corporation and red in color.

Questions? Please contact the Public Works Department at (913)684-0375.

POLICY REPORT PWD NO. 21-03

CONSIDER APPROVAL OF CONTRACT CHANGE ORDER NO. 1
WITH KISSICK CONSTRUCTION RELATED TO THE
THORNTON STREET IMPROVEMENTS PROJECT

PROJECT NO. 2015-795

January 26, 2021

Prepared by:



Michael Stephan,
Project Manager

Reviewed by:



Michael G. McDonald, P.E.,
Director of Public Works



Paul Kramer,
City Manager

ISSUE:

Consider approval of Contract Change Order No. 1 related to the Thornton Street Improvements Project.

BACKGROUND:

The City reconstructed Thornton Street from 10th Avenue to 5th Street in 2019 and 2020. The project was a full street reconstruction. This included removal of the existing street, sanitary sewer repairs/replacement, reconstruction of the entire stormwater system, new concrete curbs & gutters, 6' wide concrete sidewalk on both sides of the street, ADA compliant handicap sidewalk ramps, and placement of asphalt pavement.

Bids were received for the above-noted project on July 10, 2019. Kissick Construction was the low bidder and was awarded the project in the amount of \$4,891,062.00 on July 23, 2019. Construction began on September 3, 2019 and was essentially complete in December 2020. All remaining contractor items have been addressed as of January 22, 2021.

During the course of the project it was necessary to have the contractor perform extra work, and there were also expected work items that came in under the anticipated amount. At the conclusion of the project – the total Final Change Order amount is \$272,899.42. This amount is made up of many individual items. Some representative categories are:

Over-excavation of wet subgrade – \$157,380.50

Several large areas were identified in all 3 phases where the soil subbase was unacceptable. It was removed to varying depths and replaced with a compacted granular material and geogrid so as to continue with the street construction in a timely manner. Much of the expense for this occurred in the Phase I portion due to the need to pave and open the north/south routes before winter, and in the area between Shrine Park Road and Broadway.

Backfill of unknown stormwater infrastructure – \$22,806.14

A long and previously unknown existing stormwater pipe under Thornton Street was discovered. It was not needed for the new street, and would have been replaced during the project if it had been previously identified. It was filled with "flowable fill" (a lean concrete) to avoid extra excavation and compaction and to keep the project moving forward.

Other Additional Work –

A variety of other work was also done in addition to the contracted amounts. Additional “road closed” and detour signs were installed to assist citizens, additional gravel to tie in temporary roads and driveways, additional stormwater pipe, and changes to sanitary sewer pipe & lining, number of existing sewer services to connect and more.

Other Examples of Work additions and reductions –

- Adjustments to large box culvert \$23,000+/-
- Reduction in Storm inlet boxes -\$ 5,000+/-
- Reduction in sewer manholes -\$ 5,000+/-
- Additional driveway and sidewalk +\$70,000+/-
- Silt Fence under-run -\$27,000+/-

The net impact of all the increases and decreases for this project is \$272,899.42, or 5.6% of the original bid cost. Funds budgeted in 2019 for this project were \$4,891,062.00 based on the bids received. The revised project total will be \$5,163,961.42.

POLICY:

City Commission reviews all change orders of this type.

RECOMMENDATION:

Staff recommends approval of Contract Change Order No. 1 with Kissick Construction in an amount not to exceed \$272,899.42 for a Contract Total not to exceed \$5,163,961.42

ATTACHMENTS:

- Contract Change Order
- Line Item Over-Runs/Under-Runs Spreadsheet
- Pay App and Change Order Summary Spreadsheet

CITY OF LEAVENWORTH
CHANGES IN PLANS AND CONSTRUCTION
CHANGE ORDER NO. 1

Project Name: Thornton Street Improvements
 Project Location: City Wide
 Purchase Number: 20190117-00
 Contract Date: July 23, 2019
 Date Prepared: January 20, 2021

The following changes to the original contract amount were required to cover cost incurred by the Contractor or to reflect savings realized by the Contractor as a result of a change in the actual constructed quantities from the estimated quantities shown on the Bid Proposal.

Start Date: September 3, 2019
 Performance Period: _____
 Net Adjustments: \$272,899.42
 Completion Date: January 22, 2021
 Page Number: 1

REQUIRED CHANGES IN PRESENT CONTRACT

Contract or Previous Quantity	Contract or Previous Unit Price	Contract or Previous Amount	Unit	Item Description	New or Adjusted Quantity	New or Adjusted Unit Price	New or Adjusted Amount
	\$	\$		Change Order Request # 1		\$	\$ 272,899.42
	\$	\$		(Proposed Change Orders: + \$174,638.80)		\$	\$
	\$	\$		(Line Item Over-Runs: + \$273,732.02)		\$	\$
	\$	\$		(Line Item Under-Runs: - \$175,471.40)		\$	\$
	\$	\$				\$	\$

Previous Total: _____

Adjusted Total: \$ _____
 Net Change: \$ 272,899.42

Statement of Contract

Original Contract Amount	\$ 4,891,062.00
Net Amount of Previous Additions and Deductions	\$ 0
Net Contract Amount Prior to This Request	\$ 4,891,062.00
Amount of This Request	\$ 272,899.42
New Contract Amount	\$ 5,163,961.42
Percent Change in Contract Amount	5.6 %

CONTRACTOR:

Company: Kissick Construction
 City, State: Kansas City, Mo.
 Signed by: *Mike Porter*
 Date: 1/21/20

PROJECT OBSERVER:

Company: CITY OF LEAVENWORTH
 Recommended by: Mike McDonald
 Date: January 26, 2021

ACCEPTED BY CITY OF LEAVENWORTH, KANSAS:

Mayor: _____
 City Clerk: _____
 Date: _____

Project No. 2015-795
 Thornton Street Design
 Contractor: Kissick
 Design Firm: Affinis
 Inspection Firm: City of Leavenworth and/or Affinis



Proposed Design Cost: \$4,891,062.00 (PO No. 20190117)

Thornton Street Construction									
No.	Date	Invoice No.	Approved	P.O. No.	Invoiced	Retainage	Total Paid	Check No.	Check Date
1	10/31/2019	19070-01	12/9/2019	20190117	\$266,895.75	\$26,689.59	\$240,206.16	5042	12/13/2019
2	11/30/2019	19070-02	12/9/2019	20190117	\$373,722.48	\$37,372.25	\$336,350.23	5042	12/13/2019
3	12/31/19	19070-03	1/17/2020	20190117	\$413,570.92	\$41,357.09	\$372,213.83	5236	1/31/2020
4	1/31/20	19070-04	2/5/2020	20190117	\$271,637.36	\$27,163.74	\$244,473.62	5309	2/13/2020
5	2/29/20	19070-05	3/19/2020	20190117	\$247,988.30	\$24,798.83	\$223,189.47	5492	3/27/2020
6	3/31/20	19070-06	4/15/2020	20190117	\$166,686.50	\$16,668.65	\$150,017.85	5586	4/17/2020
7	4/30/20	19070-07	5/14/2020	20190117	\$511,532.88	\$51,153.29	\$460,379.59	5749	5/29/2020
8	6/4/20	19070-08	6/5/2020	20190117	\$541,735.58	\$54,173.57	\$487,562.01	5839	6/12/2020
9		19070-09		20190117	\$349,943.43	\$34,994.35	\$314,949.08	6097	8/7/2020
10	8/12/20	19070-10	8/17/2020	20190117	\$214,216.63	\$21,421.66	\$192,794.97	6153	8/21/2020
11		19070-11		20190117	\$504,913.86	\$50,491.38	\$454,422.48	6336	9/29/2020
12	10/12/20	19070-12	10/16/2020	20190117	\$157,551.77	\$15,755.18	\$141,796.59	6473	10/26/2020
13	11/30/20	19070-13	12/1/2020	20190117	\$857,826.66	\$85,782.68	\$772,043.98	6699	12/7/2020
14	12/31/20	19070-14	1/15/2021	20190117	\$282,417.30	\$28,241.73	\$254,175.57		Approved/in the System
15		PA 15; CO 14		20190117	\$3,322.00	\$332.20	\$2,989.80		Submit Pay App #15
16		PA 16; Partial Ret		20190117	\$243,496.77	\$0.00	\$243,496.77		Submit Pay App #16
17		PA 17 - Final		20190117	\$272,899.42	\$0.00	\$272,899.42		Submit Pay App #17
18									
19									
20									
Totals:					\$5,163,961.42	\$516,396.19	\$5,163,961.42		

Retainage paid up to Original Contract Amount
 Retainage Balance, Will be paid upon City Commission Change Order Approval

Contract Amount: \$4,891,062.00 Original Contract Amount
 Total Paid: \$5,163,961.42 Total Paid Including Retainage/Adjusted Contract Amount
 Balance: \$272,899.42 Change Order Amount going to City Commission for Approval

Original Contract: \$4,891,062.00
 Change Orders: \$174,638.80
 Over-Runs (+): \$273,732.02
 Under-Runs (-): -\$175,471.40
 Final Adjusted Contract Amount: \$5,163,961.42
 Change Order to Commission: \$272,899.42

Change Order/Add-on	Unit	Qty	Unit Price	Extension
CO 1 Abandon & Flowfill Existing 24" Storm Pipe, Phase 1	LS	1	\$22,806.14	\$22,806.14
CO 2 Undercut, R&R new 9" AB-3 with addition of 1' of 1 1,	LS	1	\$37,733.26	\$37,733.26
CO 3 Closed				\$0.00
CO 4 Closed				\$0.00
CO 5 Closed				\$0.00
CO 6 Closed				\$0.00
CO 7 47.7' of 24" S.S previously paid on line item, Phase 1	LS	1	-\$2,957.40	-\$2,957.40
CO 8 Deduct for 72" removal, Phase 2	LS	1	-\$10,000.00	-\$10,000.00
CO 9 R & R Existing 24" RCP adjust to fit #505, Phase 2	LS	1	\$1,546.06	\$1,546.06
CO 10 City purchased 8.14' M.H. (788) not used & purchase	LS	1	\$1,941.50	\$1,941.50
CO 11 Undercut soft spots, T&M, Phase 2	LS	1	\$46,232.78	\$46,232.78
CO 12 Additional Signage (Detour)	LS	1	\$600.00	\$600.00
CO 13 ISRW Near Church - Rejected				
CO 14 Purchase of JB 206	LS	1	\$3,322.00	\$3,322.00
CO 15 Not Used				
CO 16 Phase 3 Undercut	LS	1	\$73,414.46	\$73,414.46
Total CO:			\$174,638.80	

POLICY REPORT NO. 21-05
BID APPROVAL – WATER POLLUTION CONTROL DIVISION CHEMICALS
BID NO. #62WW-2021-01

January 26, 2021

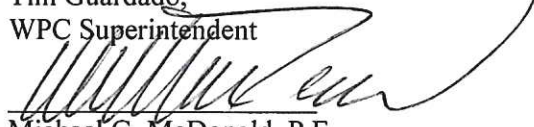
Prepared by:

Tim Guardado,
WPC Superintendent

Reviewed by:


Paul Kramer,
City Manager

Reviewed by:


Michael G. McDonald, P.E.,
Public Works Director

Issue:

Consider approval of bids for the purchase of chemicals used in the operation and maintenance of the Wastewater Treatment Plant.

Background:

These chemicals are used for a variety of processes in the treatment of wastewater. A summary of the uses is shown below.

- **Hydrogen Peroxide** is injected into the raw sludge line before the belt press to control the release of hydrogen sulfide gas in the pressroom.
 - Previous year usage was 23 drums
- **Sodium Hypochlorite and Sodium Hydroxide** are used in the wet air scrubber to control odors from the dewatering operation.
 - Previous year usage was 13 drums
- **Ferrous chloride** is added to the influent to control odors from the plant processes.
 - Previous year usage was 25,855.64 gallons
 - Projected usage for 2021: 33,000 gallons
- **Polymer** is a coagulating agent used in the sludge dewatering process.
 - Previous year usage was 8,800 pounds
 - Projected usage for 2021 is 11,000 pounds

Staff Recommendation:

Staff recommends approval by the City Commission of the low bids that meet the specifications for the following chemicals as shown not to exceed \$57,000.00.

Chemical	Price Paid 2020	Cost for 2021	Vendors for 2021
Ferrous Chloride	\$0.99/lb. Fe	\$0.96/lb. Fe	PVS Technologies, INC
Hydrogen Peroxide	\$0.315/lb.	\$.31/lb	Brenntag Mid-South
Sodium Hypochlorite	\$2.00/gal	\$1.50/gal	Edwards Chemicals
Sodium Hydroxide	\$0.25/lb.	\$0.235/lb	Brenntag Mid-South
Polymer	\$1.87/lb.	\$1.92/lb.	Atlantic Coast Polymers

Options/Alternatives: The City Commission can accept any or all of the low bids as recommended by the City Staff, or can ask the Staff to re-bid any or all of these.

Attachment:

Bidder Spreadsheet

To: Stephanie Alexander, Purchasing Agent

From: Tim Guardado, WPC Superintendent

RE: 2021 Chemical Bid Specifications

Date: December 22, 2020

The following are the chemicals to bid for 2021:

Sodium hypochlorite, 12.5% solution, in 55-gallon drums, approximate usage 13 drums.

Sodium hydroxide, 25% solution, in 55-gallon drums, approximate usage 5 drums.

Hydrogen peroxide, 32% solution, in 55-gallon drums, approximate usage 23 drums.

Ferrous chloride, delivery in bulk, to be bid and billed based on pricing per pound of iron in each delivery, solutions not less than 20% total FeCl_2 . Approximate usage 33,000 lbs.

Polymer, Acrylamide and Adipic acid or Percol 789, granular in 55 pound bags, approximate usage 11,000 pounds.

All prices are to include delivery to the Leavenworth Wastewater Treatment Plant with no minimum order required. Drum deposits to be indicated.

City of Leavenworth Bid Tabulation

Project or Purchase: Chemical Bid 62WW-2021-01
 Bid Opening Date: January 21, 2021
 Bid Opening Time: 10:00 AM

Bidder	Address (City/State)	Sodium Hypochlorite	Sodium Hydroxide	Hydrogen Peroxide	Ferrous Chloride	Polymer
PVS Technologies, INC	Detroit, MI				\$0.96 lb/ \$31,680.00	
NALCO	Naperville, IL					\$2.65 lb/ \$29,150.00
Brenntag	Kansas City, MO	\$2.09 Gal / \$1,494.35	\$0.235 lb/ \$ 538.97	\$0.31 lb/ \$3,270.53		
Edward Chemicals	Kansas City, KS	\$82.50 barrel/ \$1,072.50	\$130.90 Barrel/ \$654.50			
Atlantic Coast Polymers	Lauderdale-By-The-Sea, FL					\$1.92 lb/ \$21,120.00
OFS, INC	Oklahoma City, OK				\$1.09 lb/ \$35,970.00	
Harcos Chemicals	Kansas City, KS	\$2.23 Gal/ \$1,595.45	\$0.22 lb/ \$643.50	\$0.32 lb/ \$3,680.00		\$ 2.275 lb/ \$25,025.00
PENNCO	San Felipe, TX	Not Read	Not Read	Not Read	Not Read	Not Read

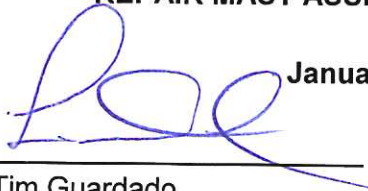
All bids are subject to review and approval by City Staff and/or the City Commission



POLICY REPORT NO. 21-04
WATER POLLUTION CONTROL DIVISION
REPAIR MAST ASSEMBLY TRICKLING FILTER NO. 3


January 26, 2021

Prepared by:


Tim Guardado
WPC Superintendent

Reviewed by:


Paul Kramer
City Manager


Michael G. McDonald, P.E.
Public Works Director

ISSUE:

Consider approval of repair proposal for Trickling Filter No. 3

BACKGROUND:

The Wastewater Treatment Plant was originally constructed with two trickling filters in the early 1970s and currently treats an average flow of 3.5 MGD (Million Gallons Daily). Trickling Filters are used to facilitate the removal of nutrients by promoting algae growth on the filter media.

Trickling Filter No. 3 was installed in 2008. This helps with the nutrient removal process by allowing up to 60% of the daily flow to be recirculated back through the filters. This also helps maintain a constant flow going through the UV treatment process reducing wear and tear on that system.

Failing to keep key plant components in operation creates concerns with Kansas Department of Health and Environment (KDHE), adds unnecessary stress on plant systems and can impact being able to meet plant permit levels.

Trickling Filter No. 3 was found to be not turning during routines inspections in late 2020. It was noted that the aluminum mast has pitting from contact with the wastewater, which has caused the mast to fail. The mast holds the distributor arms and allows them to spin which disperses the water evenly across media.



WPC staff contacted the manufacturer and several wastewater construction contractors for inspection and suggestions. Ultimately it was decided to have C&B Equipment (formerly Douglas Pump) have crews remove the mast and inspect it for repair solutions. This was necessary for a more accurate diagnoses and repair options, by which they could determine what parts would need to be replaced and what could be repaired.

C&B's repair recommendations upon conclusion of inspection are as follows:

1. Remove the current support beams and weld new larger ones in their place.
2. Manufacture new bronze ring and install new roller bearings and seal rings.
3. Epoxy coat the aluminum mast that is exposed to the water.

C&B Equipment has performed this work at other area wastewater plants for similar systems by other manufacturers, with the repairs lasting several years. They have the parts at their facility and are able to manufacture the parts needed to make suggested repairs in a reasonable time. The entire expected cost of the repair including installation costs is \$37,560.75.

Contact with the manufacturer for replacement masts made of stainless steel parts and installation costs could range from \$98,000 - \$124,027.

It is worth noting that the two other trickling filters had the arms replaced by the same manufacturer in 2014. This part was made from stainless steel on those newer installations.

OPTIONS/ALTERNATIVES:

The City Commission can accept the bid as recommended by City Staff, or can ask the staff seek other alternatives.

STAFF RECOMMENDATION:

The Staff recommends the City Commission approve the purchase and repair bid from C&B Equipment of \$37,560.75.

ATTACHMENT:

- Proposal from C&B

**DOUGLAS PUMP SERVICE &
C&B Equipment**

4719 Merriam Drive
Overland Park, Kansas 66203
(913) 236-8222
Fax (913) 262-8992

PROPOSAL

PHONE	DATE
	12/7/2020
JOB NAME/LOCATION	Good for 45 days from this date.

To: Leavenworth KS
Attn: Tim

REVISED
12/21/20

DPS Job # 200654

JOB DESCRIPTION: Trickle Filter

We are pleased to help with your trickle filter needs. Service men will be sent to pull your trickle filter and return to our shop to disassemble and inspect.

\$15,083.00

Having inspected your trickle filter we've found the following in need of repair or replacement:

Unit has broken all support beams. We will remove the beams and weld in new larger beams. Run center column in lathe to true up pieces.

Skim cut stainless center ring true. Manufacture new bronze ring. Install new SKF roller bearing and sealing rings. Sand blast lower part of center column and epoxy coat. Reassemble unit, reinstall and test run into system.

adder to above \$37,560.75
plus fgt

THIS PROPOSAL IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES OR ADDITIONAL LABOR AND MATERIALS WHICH MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE WEATHER CONDITIONS ARISE AFTER THE WORK HAS STARTED.

PROPOSED COST see above

NOTES: taxes not included
pricing good for 45 days

PROPOSED BY Billy Perry



Please sign and send back your acceptance of the above listed pricing.

PO# _____

Date: _____

print name _____

signature _____

**EXECUTIVE SESSION
ATTORNEY-CLIENT PRIVILEGE**

JANUARY 26, 2021

CITY COMMISSION ACTION:

Motion:

Move to recess into executive session to discuss legal matters related to a petition pursuant to the *consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship* exception per K.S.A. 75-4319 (b) 2. The open meeting to resume in the City Commission Chambers at _____. City Manager Paul Kramer and City Attorney David E. Waters are requested to be present during the Executive Session.