



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

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

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1. Proclamation - Constitution Week September 17-23 (pg. 2)

OLD BUSINESS

Consideration of Previous Meeting Minutes:

2. Minutes from August 24, 2021 Regular Meeting & September 7, 2021 Special Meeting **Action:** Motion (pg. 3)

Second Consideration Ordinances:

3. Second Consideration Ordinance 8174 – Rezoning 410 S 2nd Street from I-1 to CBD **Action:** Roll Call Vote (pg. 11)

NEW BUSINESS:

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

Public Hearing:

4. Public Hearing Unsafe or Dangerous Structures (pg. 14)
 - a. Open Public Hearing **Action:** Motion
 - b. Review of Properties by Staff & Public Comments **Action:** Motion
 - c. Close Public Hearing **Action:** Motion
 - d. Consider Resolution B-2292 Demolition or Extension to Repair **Action:** Motion

Bids, Contracts and Agreements:

5. Consider Bids for Riverfront Park Water Line Replacement **Action:** Motion (pg. 72)
6. Consider Award of the 2021/2022 Salt Bid **Action:** Motion (pg. 75)
7. Consider Bids for Lakeview Drive Street Improvement Project **Action:** Motion (pg. 78)

First Consideration Ordinance:

8. First Consideration Ordinance to Adopt Uniform Public Offense Code 37th Edition **Action:** Consensus (pg. 82)
9. First Consideration Ordinance to Adopt Standard Traffic Ordinance 48th Edition **Action:** Consensus (pg. 88)
10. First Consideration Ordinance to Adopt Traffic Control Devices Master List 2021 **Action:** Consensus (pg. 93)

Consent Agenda:

Claims for August 21, 2021, through September 10, 2021, in the amount of \$2,228,080.59; Net amount for Payroll #17 effective August 27, 2021 in the amount of \$363,488.01 (includes Police & Fire Pension in the amount of \$8,856.38) and Payroll #18 effective September 10, 2021 in the amount of \$379,976.80 (No Police & Fire Pension). **Action:** Motion

Other:

Adjournment **Action:** Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *September 17, 2021 marks the two hundred thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and*

WHEREAS, *It is fitting and proper to accord official recognition to this magnificent document, its memorable anniversary, and the patriotic celebrations which will commemorate the occasion; and*

WHEREAS, *Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17-23 as Constitution Week.*

NOW, THEREFORE, *I Camalla M. Leonhard, Mayor Pro-Tem of the City of Leavenworth, Kansas hereby proclaim September 17-23, 2021 as:*

Constitution Week

and urge all citizens to study the constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

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

Camalla M. Leonhard, Mayor Pro-Tem

ATTEST:

Carla K. Williamson, CMC, City Clerk



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Nancy D. Bauder, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold and Jermaine Wilson. Commissioner Mark Preisinger joined the meeting at 7:08 via phone and left after the public hearing*.

Staff members present in the commission chambers: City Manager Paul Kramer, Police Chief Patrick Kitchens, Human Resources Director Lona M. Lanter, Finance Director Ruby Maline, Deputy Finance Director Roberta Beier, Public Works Director Brian Faust, Chief Building Inspector Harold (Hal) Burdette, Planning and Community Development Director Julie Hurley, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the August 10, 2021 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8172 – Demolition Assessments – City Manager Paul Kramer presented the ordinance for second consideration. Since first consideration on August 10, 2021 there has been one change to the ordinance. Payment in the amount of \$125.00 was received for the fees incurred by the City for 1612 W 7th Street. That assessment has been removed.

Mayor Bauder called the roll and the ordinance passed 4-0.

Second Consideration Ordinance 8173 – Special Assessment for Nuisance Abatement Costs and Fees – City Manager Paul Kramer presented the ordinance for second consideration. Since first consideration on August 10, 2021 the following listings have been removed:

- Development Inc. 735 Metropolitan Ave \$515.08 Request removal by Code Enforcement
- Hulse, Charles J & Joanne; Trust 1519 Ohio St \$134.99 Request removal by Code Enforcement
- Clark, Matthew J & Dona A 1024 2nd Ave \$269.19 Paid
- Moritz, Terri J 1212 10th Ave \$139.99 Paid
- Jones, Scott R. 1226 10th Ave \$139.99 Paid

Mayor Bauder called the roll and the ordinance passed 4-0.

Geiger Ready Mix Closeout of Request to Vacate a Portion of Maple Street & Approve Encroachment Agreement – Public Works Director Brian Faust presented the close out of the proposed ordinance to vacate a portion of Maple Street placed on first consideration on June 22, 2021. Geiger Ready-Mix and Kansas Gas Service (KGS) were unable to come to an agreement to vacate the street, however a separate Right-of-Way Encroachment Agreement was agreed to by KGS. This will allow Geiger Ready-Mix to construct a parking lot adjacent to Maple Street. The agreement does require that the Commission authorize the Mayor to sign the document. At this time, the City will close out the petition for the request to vacate that portion of Maple Street. This item does not required a motion or action from the Commission however, this item does put on record in the official city minutes that the petition is withdrawn.

Commissioner Griswold moved to authorize the Mayor to sign the Right-of-Way Encroachment Agreement with Geiger Ready-Mix for the construction of a parking lot adjacent to Maple Street. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

NEW BUSINESS:

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

**At 7:08 Commissioner Preisinger joined the meeting via phone*

General Items:

Employee Benefits Plan Renewal - Human Resources Director Lona M. Lanter reviewed the recommended employee benefit coverages to be effective December 1, 2021. The renewal bid for United HealthCare (UHC) came in at a 4% premium increase with no plan design changes. The renewal for Delta Dental came in with no premium increase and no plan design changes. The renewal also provides for a rate cap guarantee not to exceed 5% for then next two years. The renewal for UHC Vision came in with a 5% premium increase and no plan design changes, with a three year guarantee.

Commissioner Leonhard moved to approve the benefit plan renewal. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Public Hearing:

Public Hearing Exceeding of the Revenue Neutral Rate for 2022

Open Public Hearing:

Commissioner Wilson moved to open the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Presentation to Exceed Revenue Neutral Rate/Staff Comments:

City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by SB13 passed by the Kansas Legislature.

The City's general fund includes hundreds of activities and line items, however, three broad elements of municipal operations make implementing a RNR infeasible without diverting alternative revenue sources, such as sales tax, thereby requiring the elimination or reduction of other city services. Those three factors are: 1) Property tax rebates and abatement for business recruitment and retention; 2) Maintaining a public safety presence that has access to required equipment and invests in personnel; and 3) A variety of operating costs related to commodities and service delivery that cause increases in general fund expenditures. They include:

1. Economic Development - Economic development incentives, such as Tax Increment Financing (TIF) and the Neighborhood Revitalization Act (NRA), return increases in property tax revenue back to businesses and property owners based on investment. This revenue is not generated from the public at large. Of the total increase in new property tax revenue, 50 percent (\$163,195) is budgeted to rebate back to business and property owners for investments they have made in new or existing projects. SB13 does not account for the use of many economic development tools, including TIF and the NRA, which have been used heavily by the City to promote growth.

2. Public Safety - The single largest driver of the City's operating budget is public safety: the Leavenworth Police and Fire departments. Making up nearly one-half of the entire work force, and accounting for 67 percent of the operating budget, the public safety operation costs are budgeted to increase 6.21 percent, or \$692,183 in 2022 over 2021. Costs increases are related to salary and benefits, commodities, technology and equipment. The public safety increased costs alone account for more than three times the increase in property tax revenue. In order to maintain personnel and equipment, an increase in expenditures in these departments are likely to occur every year.

(Mr. Kramer referenced the Moody's rating report regarding pension costs)

3. Other general fund obligations and notes - Along with property tax abatements and public safety costs, there are a number of other local government costs that are part of the general fund and are forecasted to increase in 2022. Those include, but are not limited to:

- +\$15,213 Legal Costs: These are largely beyond the control of the City and reliant up to trends and unforeseen action.
- +\$47,092 Information Technology: IT costs are related to software licenses that seem to increase every year. IT costs are also related to data storage, cyber security, data security and technology for internal and external (registrations, etc.) functionality.
- \$+93,491 Public Safety Salary Survey Implementation: The City phased a compensation and classification study salary adjustment in over four years in order to maintain a competitive balance with peer agencies.
- Consumer price, a key guide of inflation, rose 5.4% in June, which is expected to create strain on commodities in 2022.
- Fuel costs are now averaging 98 cents higher than this time last year, which required a higher budgeted amount for 2022.

Conclusion - Property taxes play a small, yet critical role in the core operations of the City of Leavenworth. With the market-based fluctuations of other revenue sources, the reliance on property tax growth is foundational for the financial strength of the City and the service delivery mentioned previously in this policy report. The majority of City operations are funded by sales tax, franchise fees, charges for services and other sources. The City Commission has moved a budget

forward that cuts the property tax rate by 0.66 mills. The 2022 operating budget, to be considered at the September 7 City Commission meeting, is designed to maintain service levels and retain personnel in a responsible manner, with modest increases in property related expenditures.

Commissioner Preisinger is proud of the rating and the lowest mil level of any city in the county and fiscal responsibility of staff.

Commissioner Griswold asked about the history of the city's reserves

Public Comments:

Maren Hart – 732 Michigan

- Everyone in the room and watching knows that the commission plans to raise taxes by 3% and knows that this is why all three should be voted out
- Urging voter to vote out the incumbents and vote for her, Ed Hingula and Griff Martin

Close Public Hearing:

Commissioner Griswold move to close the public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Consider Resolution B-2288 Approval to Exceed Revenue Neutral Rate:

Commissioner Leonhard moved to approve Resolution B-2288 approval to exceed the revenue neutral rate. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

*Commissioner Preisinger Left the meeting and was no longer on the phone

Resolutions:

Resolution B-2289 Camp Leavenworth 2021 Special Event Request for Street Closure for Temporary Liquor License – City Clerk Carla Williamson presented for consideration a resolution allowing for closure of streets during the 2021 Camp Leavenworth festival to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Griswold moved to approve Resolution B-2289 as presented to close streets for the Camp Leavenworth 2021 Special Event. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Resolution B-2290 Set Public Hearing for Unsafe or Dangerous Structure at 2201 Magnolia Drive Damaged by Fire - Public Works Director Brian Faust and Chief Building Inspector Hal Burdette presented for consideration and approval a resolution setting October 12, 2021 as the date for a public hearing regarding the fire damaged structure at 2201 Magnolia Drive.

Commissioner Leonhard moved to approve Resolution B-2290 setting October 12, 2021 as the date for a public hearing regarding the unsafe structure located at 2201 Magnolia Drive damaged by fire. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Plastic Trash Bags - Public Works Director Brian Faust presented the bids for the purchase of the 2021 refuse bags. Staff recommends approval of the qualified bid from Central Poly Corporation for 23,000 rolls of bags for a total cost of \$144,900.00. A total of two bids were received and Central Poly was the only qualified bid.

Commissioner Griswold moved to approve the qualified bid by Central Poly Bag Corp for 23,000 rolls of bags at a total cost of \$144,900.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Approval of Bid from Denton Excavating for Emergency Demolition of 703 N 8th Street - Planning and Community Development Director Julie Hurley presented for approval the expenditure in the amount of \$46,250.00 for emergency demolition of the structure located at 703 N. 8th Street that was heavily damaged by fire on May 30, 2021. Due to the extent of the damage the City Engineer's Office determined the building to be structurally unsafe and unable to be repaired and an immediate hazard. Section 10-535 of the City's Code of Ordinances allows staff to commence demolition of a property deemed an immediate hazard without prior notice of hearing with such costs assessed against the property. Staff contacted Denton Excavating to complete the work. Staff did attempt to contact the owner of the property with no success.

Commissioner Leonhard moved to approve the expenditure of \$46,250.00 for the emergency demolition of the property located at 703 N 8th Street. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance Rezoning 410 S 2nd from I-1 to Central Business District (CBD) - Planning and Community Development Director Julie Hurley presented for first consideration an ordinance rezoning 410 S 2nd from I-1 to CBD. The item was heard by the Planning Commission at their August 2, 2021 meeting and voted 6-0 to approve the proposed change.

Owner Jake Ross addressed the Commission and was available to answer any questions of the Commission. Also purchased Broadway Liquor recently and renovated part of the building.

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

Consent Agenda:

Commissioner Wilson moved to approve claims for August 7, 2021, through August 20, 2021, in the amount of \$1,254,287.97; Net amount for Payroll #16 effective August 13, 2021 in the amount of \$383,308.22 (No Police & Fire Pension). Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Other:

City Manager Kramer:

- Gave an update on the Price Chopper renovation and grand opening set for mid-September
- Census report came out this week and over the next 8 months we will get additional data – the population of Leavenworth has increased
- Camp Leavenworth is still set to move forward
- Budget Hearing is September 7th to approve the City's 2022 Budget

Commissioner Griswold:

- Leavenworth PD is monitoring traffic and traffic violation throughout the city

Commissioner Wilson:

- Announced Heartland Resource Center for mental health, rehabilitation and addiction treatment

Mayor Bauder:

- Hospitals are turning away people as they are full and cannot take on additional COVID related patients – there is a cure and vaccine to prevent and reduce these numbers

Executive Session:

Commissioner Griswold moved to recess into executive session to discuss security measures pursuant to the discussion of matters relating to security measures, private property or persons exception per K.S.A. 75-4319 (b) (12) (D). The open meeting to resume in the City Commission Chambers at 8:11 by the clock in the City Commission Chambers. City Manager Paul Kramer and Police Chief Pat Kitchens are requested to be present during the Executive Session. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

The Commission returned to open session at 8:11 with no action taken.

Adjournment:

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

Time Meeting Adjourned 8:11 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



CALL TO ORDER - The Governing Body moved from a study session to a special meeting and the following commission members were present in the commission chambers: Mayor Nancy D. Bauder, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold Mark Preisinger. Commissioner Jermaine Wilson joined the meeting via phone.

Staff members present in the commission chambers: Staff Present: City Manager Paul Kramer, Finance Director Ruby Maline, Public Works Director Brian Faust, Fire Chief Gary Birch and City Clerk Carla K. Williamson.

Mayor Bauder asked for a motion to open a Special Meeting.

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

Public Hearing:

Public Hearing for 2022 Operating Budget

Open Public Hearing:

Commissioner Leonhard moved to open the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Staff Comments:

City Manager Paul Kramer reviewed the city operating budget that was presented at the July 16, 2021 commission meeting and during the Revenue Neutral Rate public hearing on August 24, 2021. The budget includes a .66 mill rate reduction, a freeze of sewer and refuse rate, additional funding for road improvements and a city splash pad. The 2022 budget also invests heavily in city staff to help recruit and retain qualified and valued employees. City has unexpected expenses such as the cost of natural gas due to the power outages in the south this past winter.

Public Comments:

None

Close Public Hearing:

Commissioner Preisinger moved to close the public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Adopt the 2022 Operating Budget:

Commissioner Leonhard moved to adopt the 2022 Operating Budget. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Consider Resolution B-2291 Approval Housing Budget (Planters II):

Commissioner Preisinger moved to approve Resolution B-2291 to adopt the Housing Budget. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Commissioner Preisinger moved to close the special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Adjournment:

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

Time Meeting Adjourned 8:11 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8174
REZONING 410 S 2ND STREET FROM LIGHT INDUSTRIAL (I-1)
TO CENTRAL BUSINESS DISTRICT (CBD)**

SEPTEMBER 14, 2021



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the August 24, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX
A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
BY REZONING 410 S. 2ND STREET FROM LIGHT INDUSTRIAL DISTRICT (I-1) TO
CENTRAL BUSINESS DISTRICT (CBD).**

There have been no changes to the ordinance since first introduced. Ordinance No. 8174 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8174

(Summary Published in the Leavenworth Times on September 17, 2021)

ORDINANCE NO. 8174

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 410 S. 2nd STREET FROM LIGHT INDUSTRIAL DISTRICT (I-1) TO CENTRAL BUSINESS DISTRICT (CBD).

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 2nd day of August 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 8th day of July 2021 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 410 S. 2nd Street, Leavenworth Kansas from light industrial district (I-1) to Central Business District (CBD); and

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

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

Section 1: That the following described property, to-wit, is hereby rezoned from light industrial district (I-1) to Central Business District (CBD).

Lots 1, 2, 3 and 4, Block 83, LEAVENWORTH CITY PROPER, City of Leavenworth, Leavenworth County, Kansas, EXCEPT the North 43 feet of the West 24.09 feet of Lot 4, ALSO EXCEPT, A tract described as beginning at the Northeast corner of Lot 1, thence South 115.89 feet; thence West 61.60 feet; thence North 115.89 feet; thence East 61.60 feet to the beginning. Lots 1, 2, 3, 4, 5 and 6, Block "M", and that part of Lots 7, 8, 9, 10, 11 and 12, Block "M", CALAGHAN, SMITH AND HURD'S ALLOTMENT OF SUBDIVISION OF FRACTIONAL BLOCK "K, L & M", NORTH OF THREE MILE CREEK, City of Leavenworth, Leavenworth County, Kansas, as lies Easterly of the Easterly line of said Lot 5, in Block 83, LEAVENWORTH CITY PROPER, extended southerly from the Southeast corner of said Lot 5 in a straight line across said Lots 7 through 12. Less the following tract of land. Part of Lots 2, 3 and 4, Block 83, LEAVENWORTH CITY PROPER, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of Lot 1, Block 83, Leavenworth City Proper; thence West for a distance of 61.60 feet along the Southerly right of way line of Choctaw Street to the TRUE

POINT OF BEGINNING; thence South for a distance of 115.89 feet along the building line; thence East for a distance of 9.75 feet along the building line; thence South for a distance of 15.60 feet along the building line; thence West for a distance of 140.95 feet to the Westerly line of Lot 4; thence North 00 degrees 31 minutes 05 seconds East for a distance of 88.49 feet along said Westerly line; thence North for a distance of 24.09 feet; thence East for a distance of 43.00 feet to the Southerly right of way of Choctaw Street; thence North 90 degrees 00 minutes 00 seconds East for a distance of 106.31 feet along said right of way line to the point of beginning.

And more commonly referred to as 410 S 2nd Street, Leavenworth, Kansas

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

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

PASSED and APPROVED by the Governing Body on the 14th day of September 2021.

Nancy D. Bauder, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk


POLICY REPORT

Public Hearing for Unsafe and Dangerous Structures Resolution No. B-2292

September 14, 2021



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



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition, abandoned, or that have a blighting influence, pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 10, Article XI (Unsafe or Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

STRUCTURES FOR CONSIDERATION

Staff has compiled a list of dangerous structures, which have been evaluated by staff in accordance with State statute. The City Commission reviewed a list of 15 structures at the June 15, 2021 City Commission study session and reached consensus at that time to proceed with placing 13 of the structures as presented on a list for public hearing.

Owners were first sent notification on July 9, 2021 of possible demolition. Owners were requested to contact staff to discuss steps to bring structures into compliance and to sign a Remediation Agreement, with a deadline of September 10, 2021 to have repairs complete.

The Commission passed a Resolution setting the public hearing on July 26, 2021. After that time, notification was again provided to the owners of the properties, as required by statute, via certified mail, posting on the structure, and publication in the Leavenworth Times.

Additionally, property owners within 200' of each property were notified of the public hearing date and invited to provide comment.

1. **619 Ottawa** – Single family house, last water service 7/15/2020. No change, no contact from owner.
2. **620 Osage** – Single family house and accessory structure, active water service. Active building permit for repairs after fire issued on 10/7/2020. Owner spoke with staff on 6/18/2021 and stated he was going to repair the property, no contact since.

3. **733 Pawnee** – Accessory structure only, bank-owned foreclosed property. No change, no contact from owners other than an open records request submitted on 8/31/2021.
4. **869 Sherman** – Single family house and accessory structure, last water service 4/3/2019. Active building permit for renovations issued on 8/2/2021. Previously approved Special Use Permit to allow a two-family dwelling in a single-family district approved in 2019. Property has recently changed ownership, current owner has indicated intent to complete repairs.
5. **910 Sherman** – Single family house, last water service 4/17/2020. Owner has indicated that he does not intend to repair the property.
6. **918 Pottawatomie** – Single family house, last water service 8/25/2014. Owner indicated his intent to repair the property. No change, no active building permits.
7. **919 Pottawatomie** – Single family house and accessory structure, last water service 10/15/2020. No change, no contact from owner.
8. **927 Pottawatomie** – Accessory structure. Owner indicated his intent to repair the property. No change, no active building permits.
9. **706 Garfield** – Single family house, last water service 12/19/2014. Owner signed remediation agreement and has indicated intent to repair, no change, no active building permits. Owner has provided written plan for repair and cost estimates.
10. **767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Owner indicated his intent to self-demo property.
11. **1921 5th Ave** – Single family house, last water service 3/16/2011. No change, no contact from owner. This property was previously considered for demolition in 2017.
12. **204 N. 17th** – Single family house, last water service 6/9/2015. Building permit for interior renovations issues on 9/2/2021. Owner signed remediation agreement and indicated intent to complete repairs.
13. **1050 10th Ave** – Multi family structure, last water service 1/22/2014. No change, no contact from owner.

RECOMMENDED ACTION

1. Adopt Resolution B-2292 declaring structures presented during the public hearing of September 14, 2021 as eligible for demolition.
2. Remove structure(s) from the listing for demolition
3. Postpone any consideration for further information and consideration.
4. Reject the listing of structures for demolition.
5. Other action as deemed necessary by the City Commission.

(To Be Published in the Leavenworth Times on September 21, 2021)

RESOLUTION NO. B-2292

A FINDING THAT CERTAIN STRUCTURES HEREIN DESCRIBED ARE UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the environmental officer of the City of Leavenworth, Kansas, did on the 15th day of June, 2021 file with the Governing Body a statement in writing that certain structures hereinafter described are unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2287 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2287 was published in the official City newspaper on August 3, 2021 and August 10, 2021, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on September 14, 2021, the Governing Body heard all evidence submitted by the environmental officer of the City and heard any evidence submitted by the owner, agents, or lienholders of record.

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

Section 1. That the Governing Body hereby finds that the following structures are unsafe and dangerous structures. The owner of each structure is hereby directed to commence repair or removal of such structure on or before that date which is **ten (10) days** from the date of the publication of this resolution, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

1. A one-story wood frame house and any accessory structures on the property located at **204 N. 17th Street**, legally described as Lot 3, Amron Acres, a subdivision to the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0782704017008000.
2. A one-story wood frame house and any accessory structures on the property

located at **619 Ottawa Street**, legally described as Lots 12 and 13 in Block 79, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 077260410800700.

3. A one-story wood frame house and any accessory structures on the property located at **620 Osage Street**, legally described as Lots 23 and 24, Block 80, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772604109008000.
4. A one-story wood frame house and any accessory structures on the property located at **706 Garfield Street**, legally described as Lots C and D in Stout's Replat of Lots 1, 2, 3, 4 and 5 in Block 7 of Fenn's Broadway Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 1010201022011000.
5. A detached garage/shed located at **733 Pawnee Street**, legally described as Lot 30, Block 102, Day & Macaulay's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772601409007000.
6. A one-story wood frame house and any accessory structures on the property located at **767 Charles Street**, legally described as a tract in the Northeast Quarter of Southeast Quarter of Section 35, Township 8, Range 22, City of Leavenworth, Leavenworth County, Kansas, described as: Beginning at the Northeast corner of Lot 6, Block 8, Benz's Subdivision, thence East 50 feet; thence South 124 feet; thence West 50 feet to the East line of said subdivision, thence North 124 feet to the beginning. CAMA No. 0773504017002000.
7. A two-story brick frame house and any accessory structures on the property located at **869 Sherman Avenue**, legally described as the West 19 feet of Lot 13 and all of Lots 14 and 15, Block 12, Central Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773501017003000.
8. A one-and-a-half story wood frame house and any accessory structures on the property located at **910 Sherman Avenue**, legally described as Lots 16 and 17, Block 16, Central Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773501015006000.
9. A one-story wood frame house and any accessory structures on the property located at **918 Pottawatomie Street**, legally described as Lot 34, Block 24, Cochran and Mulligan's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772604210013000.
10. A one-story wood frame house and any accessory structures on the property located at **919 Pottawatomie Street**, legally described as Lots 13 and 14, Block 21, Cochran and Mulligan's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772604303006000.

11. A detached shed located at **927 Pottawatomie Street**, legally described as Lots 6 and 7, Block 21, Cochran and Mulligan's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772603401002000.
12. A two-story wood frame apartment building and any accessory structures on the property located at **1050 10th Avenue**, legally described as the North 50 feet of Lots 1, 2 and 3, Block 9, Stilling's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773503011001000.
13. A one-and-a-half story wood frame house and any accessory structures on the property located at **1921 5th Avenue**, legally described as Lots 10 and 11, Block 19, in Rees, Doniphan and Thornton Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, together with that portion of vacated alley accruing thereto. CAMA No. 1010102023011000.

Section 2. That the Governing Body hereby finds that the following structures are unsafe and dangerous structures. The owner of each structure is hereby directed to commence repair or removal of such structure on or before that date which is listed below, or within the number of days after publication of this resolution as listed below, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

The following properties are hereby given an extension for repair or removal at which time the Governing Body will review at their regular meeting to be held on **November 9, 2021**.

[Will move any property given extension to this section]

Section 3. Be it further resolved that the City Clerk shall cause this Resolution to be published once in the official City newspaper and a copy mailed to the owner, agents, and/or lienholder of record, and occupants or served personally as provided by law.

ADOPTED THIS 14th day of September 2021.

Nancy D. Bauder, Mayor

{seal}

ATTEST:

Carla K. Williamson, CMC City Clerk

Determination of Unsafe or Dangerous Structure

Address:	619 Ottawa Street		
Owner	Description	Taxes	Parcel Number
Tywan Poole	1 story	2017 delinquent	0772604108007000
Legal Description: LEAVENWORTH,PLT ORIG, BLOCK 80, Lot 23 - 24			
Date of Inspection	Zoning		Parcel Size
7/8/20	R1-6		6078 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
8	N/A		Kathy Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 7/15/20.



July 9, 2021

Tywan Poole
4933 Highland
Kansas City, KS 64110

RE: 619 Ottawa Street

Tywan Poole:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680 -2622



PROPERTY REMEDIATION AGREEMENT

Owner: Tywan Poole
 Site Address: 619 Ottawa Street
 Leavenworth, KS 66048

The owner(s) of the property located at 619 Ottawa Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace/repair entire roof
2)	September 10, 2021	Siding - replace/repair all damaged exterior walls and sidings. Soffits & eaves - replace/repair all damaged soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all damaged or missing windows & doors.
4)	September 10, 2021	Paint - remove all peeling paint & repaint entire exterior.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

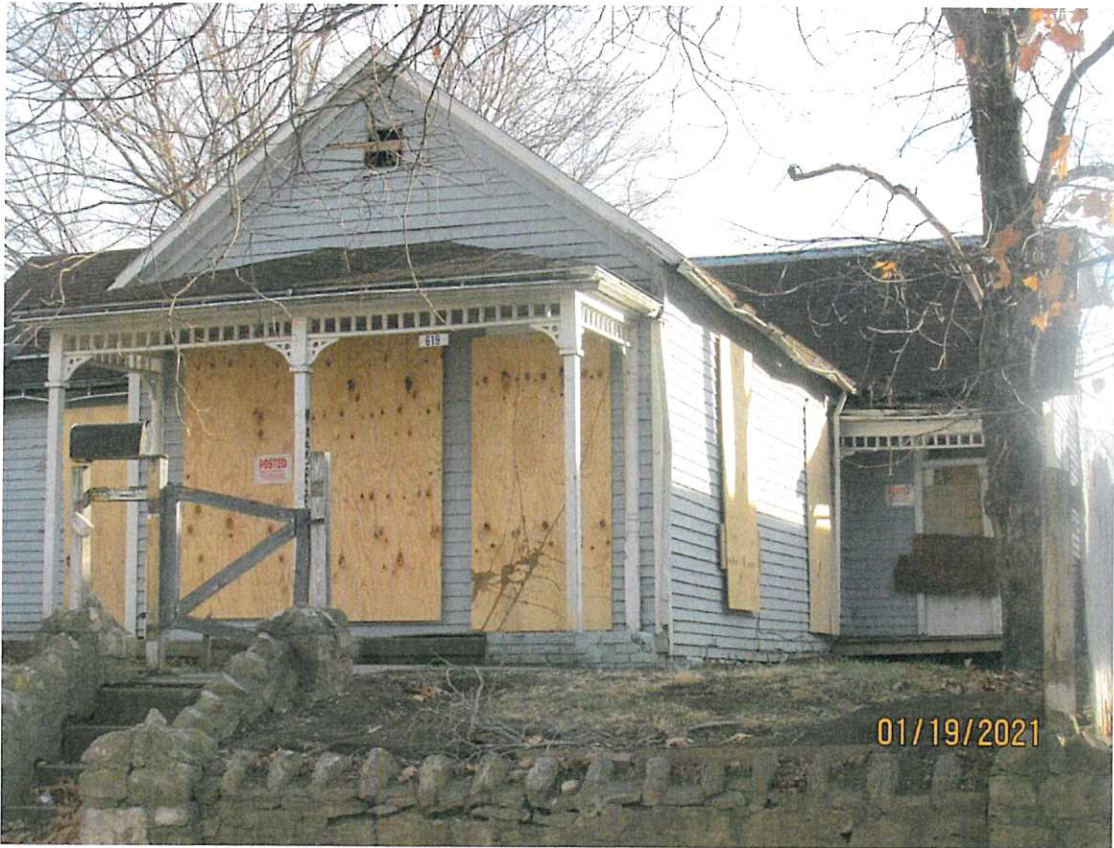
Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
 www.lvks.org

619 Ottawa



Determination of Unsafe or Dangerous Structure

Address:	620 Osage Street		
Owner	Description	Taxes	Parcel Number
Edward C Randolph	1 story	Current	0772604109008000
Legal Description: LEAVENWORTH,PLT ORIG, BLOCK 79, Lot 12 - 13			
Date of Inspection	Zoning		Parcel Size
3/3/20	R1-6		5954 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
7	N/A		Kathy Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
 - Lack of adequate ventilation
 - Air pollution
 - Light or sanitary facilities
 - Dilapidation
 - Disrepair
 - Structural defects
 - Uncleanliness
 - Overcrowding
 - Inadequate ingress and egress
 - Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
 - Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
 - Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
 - Vermin infestation
 - Inadequate drainage
 - Any other violation of health, fire, building or zoning regulations
- Other:

This structure burned significantly March of 2020.



July 9, 2021

Edward C Randolph
620 Osage Street
Leavenworth, KS 66048

RE: 620 Osage Street (House & Shed)

Edward C Randolph:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,



Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680 -2622



PROPERTY REMEDIATION AGREEMENT

Owner: Edward C Randolph
 Site Address: 620 Osage Street
 Leavenworth, KS 66048

The owner(s) of the property located at 620 Osage Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace entire roof
2)	September 10, 2021	Siding - replace/repair all damaged exterior walls and sidings. Soffits & eaves - replace/repair all damaged soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all damaged or missing windows & doors.
4)	September 10, 2021	Paint - remove all peeling paint & repaint entire exterior.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

620 Osage



Determination of Unsafe or Dangerous Structure

Address:	733 Pawnee Street		
Owner	Description	Taxes	Parcel Number
Allen Dwyer	1 story detached shed only	2017-2019 delinquent	0772601409007000
Legal Description: DAY & MACAULAY'S SUB, BLOCK 102, Lot 30			
Date of Inspection	Zoning		Parcel Size
1/13/21	R1-6		3453 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
9	N/A		Kathy Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:



July 9, 2021

Allen Dwyer
733 Pawnee Street
Leavenworth, KS 66048

RE: 733 Pawnee Street (Shed Only)

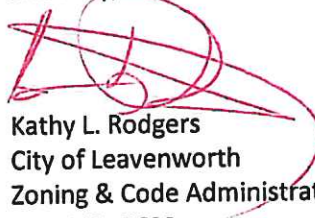
Allen Dwyer:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,



Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680-2622



PROPERTY REMEDIATION AGREEMENT

Owner: Allen Dwyer
 Site Address: 733 Pawnee Street (Accessory Structure ONLY)
 Leavenworth, KS 66048

The owner(s) of the property located at 733 Pawnee Street recognize that the property is in violation of the City’s Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof – replace/repair entire roof
2)	September 10, 2021	Siding – replace/repair all damaged exterior walls and sidings. Soffits & eaves – replace/repair all damaged soffits and eaves.
3)	September 10, 2021	Doors - replace/repair all damaged doors.
4)	September 10, 2021	Paint – remove all peeling paint & repaint entire exterior.

I (Print the Owner’s Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

733 Pawnee



Determination of Unsafe or Dangerous Structure

Address:	869 Sherman Avenue		
Owner	Description	Taxes	Parcel Number
F & F Properties LLC	1 story + detached shed	Current	0773501017003000
Legal Description: CENTRAL SUBDIVISION, BLOCK 12, W19'LT 13 & ALL LTS 14-15			
Date of Inspection	Zoning	Parcel Size	
7/15/19	R1-6	8934 sq ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
4	N/A	Kathy Rodgers	

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Structure fire July 2019, property not secured. Last water service 4/3/19



July 9, 2021

Aitkens Contracting LLC
25200 Metro Avenue
Tonganoxie, KS 66046

RE: 869 Sherman Avenue (House & Shed)

Aitkens Contracting LLC:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680 -2622



PROPERTY REMEDIATION AGREEMENT

Owner: Aitkens Contracting LLC
Site Address: 869 Sherman Avenue
Leavenworth, KS 66048

The owner(s) of the property located at 869 Sherman Avenue recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

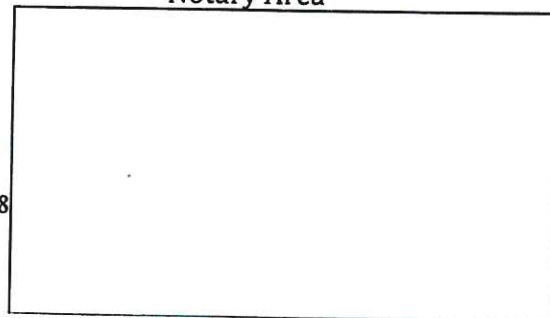
	DEADLINE	TASK
1)	September 10, 2021	Siding - replace/repair all damaged exterior walls and sidings. Soffits & eaves - replace/repair all damaged soffits and eaves.
2)	September 10, 2021	Windows & doors - replace/repair all damaged or missing windows & doors
3)	September 10, 2021	Paint - remove all peeling paint & repaint entire exterior.

I (Print the Owner's Name) Ron Aitkens agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.


Signature

8-6-21
Date

Notary Area



100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

869 Sherman



Determination of Unsafe or Dangerous Structure

Address:	910 Sherman Avenue		
Owner	Description	Taxes	Parcel Number
Richard L & Mary J Jeff	1 story	Current	0773501015006000
Legal Description: CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 16, Lot 16 - 17, (SCALED)			
Date of Inspection	Zoning		Parcel Size
3/23/17	R1-6		8574 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
6	N/A		Kathy Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
 - Lack of adequate ventilation
 - Air pollution
 - Light or sanitary facilities
 - Dilapidation
 - Disrepair
 - Structural defects
 - Uncleanliness
 - Overcrowding
 - Inadequate ingress and egress
 - Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
 - Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
 - Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
 - Vermin infestation
 - Inadequate drainage
 - Any other violation of health, fire, building or zoning regulations
- Other:

This is a burned structure. Last water service 4/17/20.



July 9, 2021

Richard L & Mary J Jeffries
910 Sherman Avenue
Leavenworth, KS 66048

RE: 910 Sherman Avenue

Richard L & Mary J Jeffries:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680-2622



PROPERTY REMEDIATION AGREEMENT

Owner: Richard L & Mary J Jeffries
 Site Address: 910 Sherman Avenue
 Leavenworth, KS 66048

The owner(s) of the property located at 910 Sherman Avenue recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace/repair entire roof.
2)	September 10, 2021	Siding - replace/repair all damaged exterior walls and sidings. Soffits & eaves - replace/repair all damaged soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all damaged or missing windows & doors.
4)	September 10, 2021	Paint - remove all peeling paint & repaint entire exterior.
5)	September 10, 2021	Front Porch Structure - replace/repair front porch structure.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

910 Sherman



Determination of Unsafe or Dangerous Structure

Address:	918 Pottawatomie Street		
Owner	Description	Taxes	Parcel Number
William D Wallace	1 story	2018, 2019	0772604210013000
Legal Description: COCHRAN & MULLIGAN'S SUB, BLOCK 24, Lot 34			
Date of Inspection	Zoning	Parcel Size	
12/10/19	R1-6	3125 sq ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
5	N/A	Kathy Rodgers	

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
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- Light or sanitary facilities
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- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 8/25/14



July 9, 2021

William D Wallace
1415 Marion Street
Leavenworth, KS 66048

RE: 918 Pottawatomie Street

William D Wallace:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,



Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680-2622



PROPERTY REMEDIATION AGREEMENT

Owner: William D Wallace
 Site Address: 918 Pottawatomie Street
 Leavenworth, KS 66048

The owner(s) of the property located at 918 Pottawatomie Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace/repair entire roof.
2)	September 10, 2021	Soffits & eaves - replace/repair all soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all damaged windows & doors.
4)	September 10, 2021	Addition - complete addition on rear or remove existing framing.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

918 Pottawatomie



Determination of Unsafe or Dangerous Structure

Address:	919 Pottawatomie Street		
Owner	Description	Taxes	Parcel Number
Sam & Marie Bias	1 story + detached shed	Current	0772604303006000
Legal Description: COCHRAN & MULLIGAN'S SUB, S26, T08, R22E, BLOCK 21, Lot 13 - 14			
Date of Inspection	Zoning	Parcel Size	
1/4/21	R1-6	6378 sq ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
2	N/A	Kathy Rodgers	

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

This is a burned structure. Last water service 10/15/20



July 9, 2021

Sam & Marie Bias
919 Pottawatomie Street
Leavenworth, KS 66048

RE: 919 Pottawatomie Street (House & Shed)

Sam & Marie Bias:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,



Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680 -2622



PROPERTY REMEDIATION AGREEMENT

Owner: Sam & Marie Bias
 Site Address: 919 Pottawatomie Street
 Leavenworth, KS 66048 (House & Shed)

The owner(s) of the property located at 919 Pottawatomie Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace/repair entire roof.
2)	September 10, 2021	Soffits & eaves - replace/repair all soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all windows & doors.
4)	September 10, 2021	Shed Only - replace/repair all damaged siding and remove all peeling paint & repaint entire exterior.
5)	September 10, 2021	Front Porch -- replace/repair front porch.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

919 Pottawatomie



Determination of Unsafe or Dangerous Structure

Address:	927 Pottawatomie Street		
Owner	Description	Taxes	Parcel Number
Ryan & Andrea Box	detached shed ONLY	Current	0772603401002000
Legal Description:			
COCHRAN & MULLIGAN'S SUB, S26, T08, R22E, BLOCK 21, Lot 6 - 7			
Date of Inspection	Zoning		Parcel Size
1/15/20	R1-6		6807 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
4	N/A		Kathy Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:



July 9, 2021

Ryan & Andrea Box
12515 Nelson LN
Kansas City, KS 66109

RE: 927 Pottawatomie Street (Shed Only)

Ryan & Andrea Box:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Kathy L. Rodgers
City of Leavenworth
Zoning & Code Administrator
913-680-2622



PROPERTY REMEDIATION AGREEMENT

Owner: Ryan & Andrea Box
 Site Address: 927 Pottawatomie Street (Accessory Structure ONLY)
 Leavenworth, KS 66048

The owner(s) of the property located at 927 Pottawatomie Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace entire roof.
2)	September 10, 2021	Siding - replace/repair all exterior walls and sidings. Soffits & eaves - replace/repair all soffits and eaves.
3)	September 10, 2021	Windows & doors - replace/repair all windows & doors.

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

927 Pottawatomie



Determination of Unsafe or Dangerous Structure

Address:	706 Garfield		
Owner	Description	Taxes	Parcel Number
ORVENA BUSEY	1 Story house	Current	052-101-02-0-10-22-011.00-0
Legal Description: STOUT'S REPLAT , BLOCK 7 , Lot C - D			
Date of Inspection	Zoning		Parcel Size
06/14/2021	R1-6		6,434 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
1	N/A		Lee Burleson

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 12/19/14



July 9, 2021

Orvena Busey
5455 Kansas Ave
Omaha, NE 68104

RE: 706 Garfield

Orvena Busey:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Lee Bureson
City of Leavenworth
Zoning & Code Administrator
913-680-2680



PROPERTY REMEDIATION AGREEMENT

Owner: Orvena Busey
 Site Address: 706 Garfield
Leavenworth, KS 66048

The owner(s) of the property located at 706 Garfield recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Repair or replace damaged siding & paint house
2)	September 10, 2021	Replace door & all screens on screened in porch

I (Print the Owner's Name) Dorothy M Busey agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Dorothy M Busey
 Signature Date

Notary Area

Eric Raiti
 GENERAL NOTARY - State of Nebraska
 ERIC RAITI
 My Comm. Exp. March 26, 2023

Lee Burleson
City of Leavenworth
Zoning & Code Administrator

Planning Statement for 706 Garfield

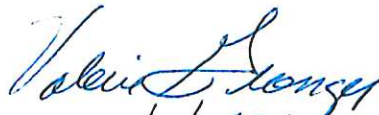
The home located at 706 Garfield shows that the home is in need of painting and replacement of the porch door and porch screen. Our plan is to have these items taken care of by November 1, 2021, if not sooner.

Unfortunately due to circumstances beyond my control, I am unable to attend the public hearing scheduled for September 14, 2021.

I do understand the importance of getting the property up to conformity and have contacted a local contractor in helping me do this in a timely fashion.

Therefore, it is my request to the City of Leavenworth to be given additional time to get the property in compliance and fulfill the property remediation agreement.

Sincerely,


9/11/2021

706 Garfield



Determination of Unsafe or Dangerous Structure

Address:	767 Charles		
Owner	Description	Taxes	Parcel Number
CLAYTON BENEDICT BOLLIN	1 Story house with garage	Current	052-077-35-0-40-17-002.00-0
Legal Description: S35, T08, R22E, PT SE1/4 BEG NE COR LT 6 BLK 8 BENZ'S ADD, E50', S124', W50', N124' TO POB			
Date of Inspection	Zoning		Parcel Size
06/14/2021	R1-6		6,170 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
2	N/A		Lee Burleson

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 2/18/18



July 9, 2021

Clayton Benedict Bollin
312 Birch Ln
Lawrence, KS 66044

RE: 767 Charles

Clayton Benedict Bollin:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Lee Burleson
City of Leavenworth
Zoning & Code Administrator
913-680-2680



PROPERTY REMEDIATION AGREEMENT

Owner: Clayton Benedict Bollin
 Site Address: 767 Charles
Leavenworth, KS 66048

The owner(s) of the property located at _____ recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Roof - replace entire roof
2)	September 10, 2021	Siding - replace/repair all damaged exterior walls & siding Soffits & Eaves - repair/replace all damaged soffits and eaves
3)	September 10, 2021	Windows & doors - replace/repair all damaged windows & doors and associated trim
4)	September 10, 2021	Paint - remove all peeling paint and repaint entire exterior.
5)	September 10, 2021	Replace/repair front porch

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date

767 Charles



Determination of Unsafe or Dangerous Structure

Address:	1921 5th Ave		
Owner	Description	Taxes	Parcel Number
DOUGLAS LEE NEU	1 Story house	\$2680 2015-2020	052-101-01-0-20-23-011.00-0
Legal Description: REES' DONIPHANPTON'S , BLOCK 19 , LTS 10&11 & W1/2 VAC ALLEY ADJ			
Date of Inspection	Zoning	Parcel Size	
06/14/2021	R1-6	14,175 sq ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
3	N/A	Lee Burleson	

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 3/16/11



July 9, 2021

Douglas Lee Neu
17271 Hollingsworth Rd
Basehor, KS 66007

RE: 1921 5th Ave

Douglas Lee Neu:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Sincerely,

Lee Burlison
City of Leavenworth
Zoning & Code Administrator
913-680-2680



PROPERTY REMEDIATION AGREEMENT

Owner: Douglas Lee Neu
 Site Address: 1921 5th Ave
 Leavenworth, KS 66048

The owner(s) of the property located at _____ recognize that the property is in violation of the City’s Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10, 2021	Repair structural damage to correct sagging in middle of house
2)	September 10, 2021	Repair/replace damaged windows & doors & associated trim
3)	September 10, 2021	Paint – Remove all peeling paint and repaint entire exterior

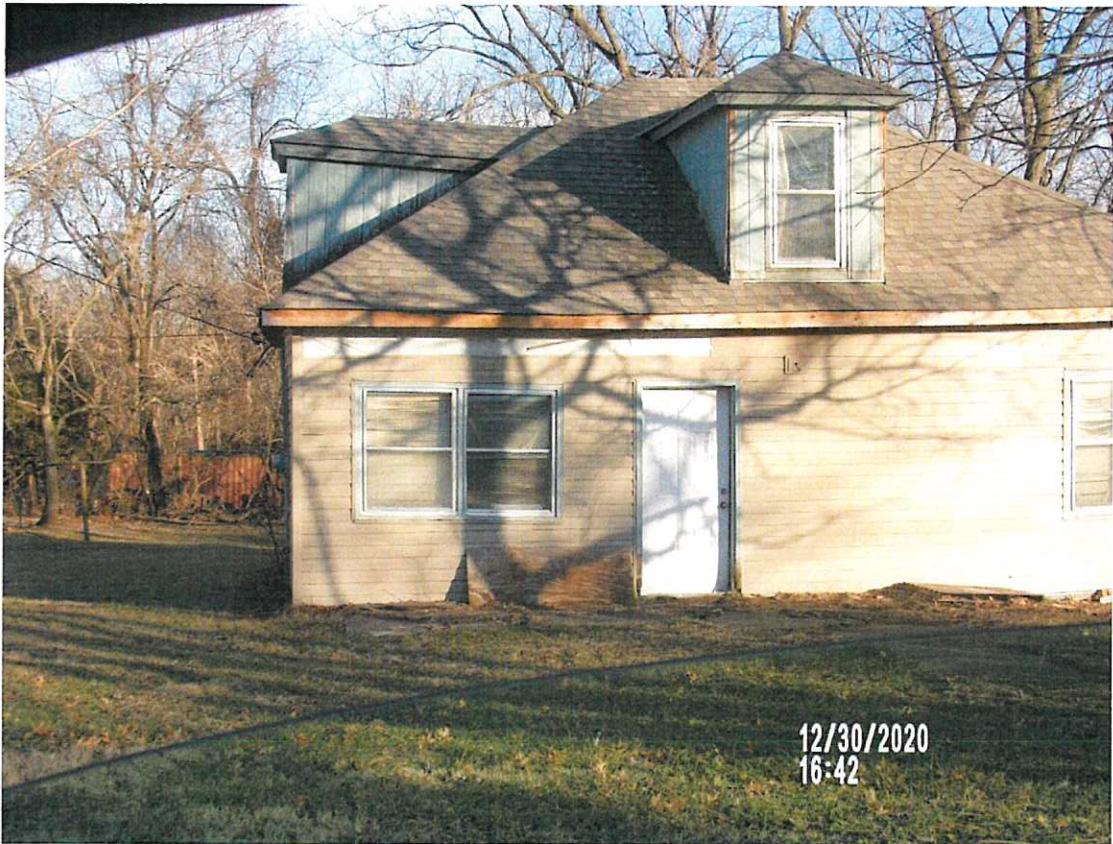
I (Print the Owner’s Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Signature

Date

Notary Area

1921 5th Ave



Determination of Unsafe or Dangerous Structure

Address:	204 N 17th Street		
Owner	Description	Taxes	Parcel Number
ASIX LLC	Single family	Current	0782704017008000
Legal Description: AMRON ACRES, Lot 3			
Date of Inspection	Zoning		Parcel Size
12/09/2020	R1-9		6,276 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	07/09/2020		Mariah Lietzen

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 6/9/15



July 9, 2021

ASIX LLC
A604 S 4TH ST
LEAVENWORTH, KS 66048

RE: 204 N 17TH Street

ASIX LLC:

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Respectfully,

Mariah Lietzen
City of Leavenworth
Zoning & Code Administrator
913-680 -2624
mlietzen@firstcity.org



PROPERTY REMEDIATION AGREEMENT

Owner: ASIX LLC
Site Address: 204 N 17th Street
Leavenworth, KS 66048

The owner(s) of the property located at 204 N 17th Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	September 10 th , 2021	Replace damaged or missing exterior siding and trim
2)	September 10 th , 2021	Re-paint entire structure
3)	September 10 th , 2021	Repair/replace front porch awning
4)	September 10 th , 2021	Repair/replace any damaged windows or doors and associated trim

I (Print the Owner's Name) Asix LLC agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

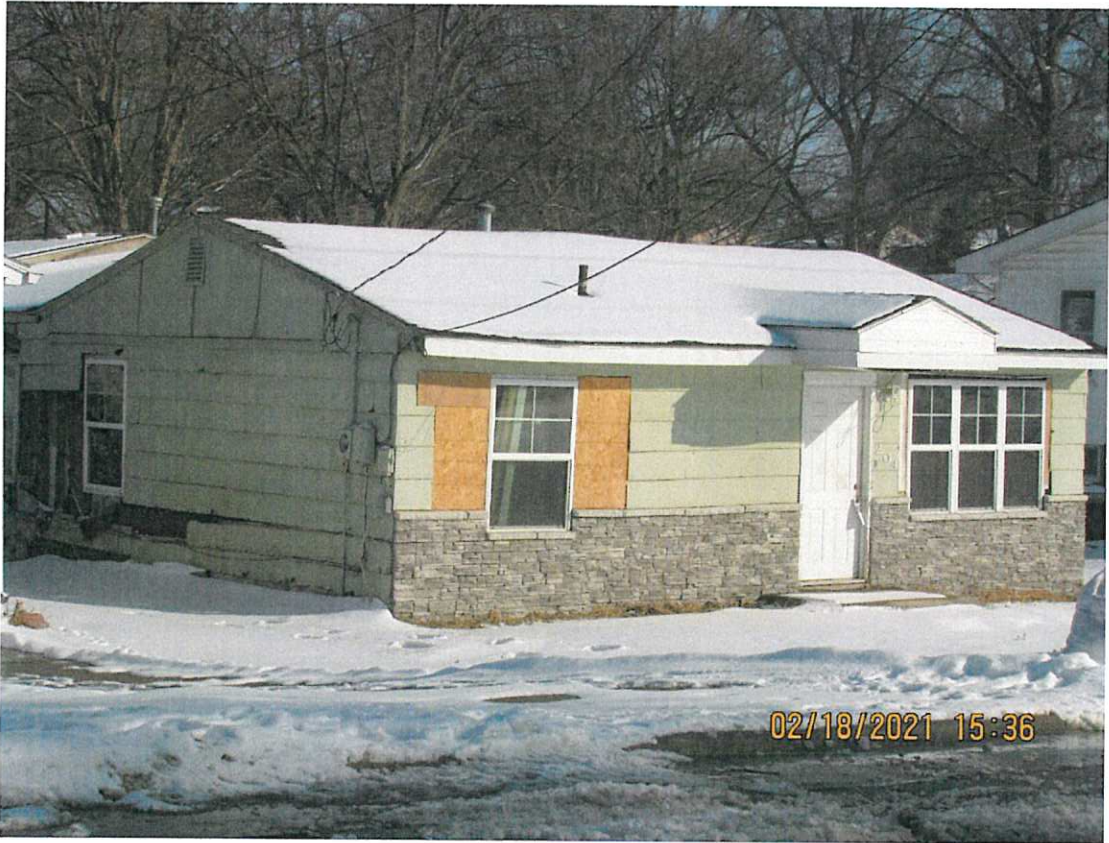
Notary Area

Sam Nelson, member 08/06/2021
Signature Date

100 N. 5th Street • Leavenworth, Kansas 66048
www.lvks.org

10-24-21
Sam Nelson

204 N. 17th



Determination of Unsafe or Dangerous Structure

Address:	1050 10th Avenue		
Owner	Description	Taxes	Parcel Number
Marion Gould	2 story dwelling converted into 3 apts	2017 Delinquent	0773503011001000
Legal Description: STILLING'S BLKS 7-11 , BLOCK 9 , N50'LTS; 1-3			
Date of Inspection	Zoning	Parcel Size	
4/15/2021	R1-6	3,707 sq ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
4	N/A	Mariah Lietzen	

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Last water service 1/22/14



July 9, 2021

Marion F Gould
1700 W 119th St
Olathe, KS 66061

RE: 1050 10th Avenue

Marion Gould,

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist which are dangerous or injurious to the health, safety or morals of the occupants or other residents of the City of Leavenworth, or which have a blighting influence on properties in the area. One of the activities of the City of Leavenworth Code Enforcement department is to identify such structures and work with owners to bring them into code compliance. If compliance cannot be reached, the city may proceed with demolition procedures.

Your property located at the above-referenced address has been identified as being a dangerous structure and/or having a blighting influence on the surrounding neighborhood. Please contact me at your earliest convenience so that we may review steps which must be undertaken to bring the structure into compliance, as outlined in the attached Remediation Agreement. The deadline for signing and returning the Remediation Agreement, along with scope of work and proof of funds, is Monday, August 9, 2021, and the deadline for having repairs completed is Friday, September 10, 2021.

The City Commission will hold a public hearing at which time you will have the opportunity to discuss your property and your progress on making necessary repairs. At this time, the public hearing is tentatively scheduled for September 14, 2021.

Respectfully,

Mariah Lietzen
City of Leavenworth
Zoning & Code Administrator
913-680 -2624
mlietzen@firstcity.org



PROPERTY REMEDIATION AGREEMENT

Owner: Marion F Gould
 Site Address: 1050 10th Avenue
Leavenworth, KS 66048

The owner(s) of the property located at 1050 10th Avenue recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

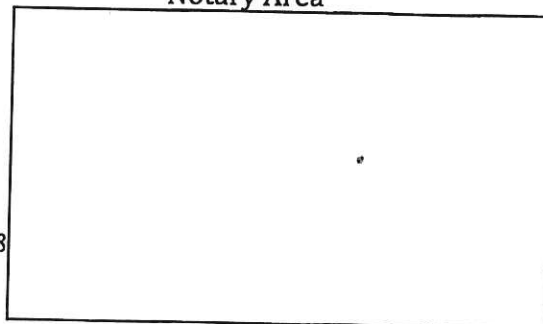
	DEADLINE	TASK
1)	September 10 th , 2021	Replace roof and damaged siding
2)	September 10 th , 2021	Restore structural integrity of porch and paint rear porch on south side
3)	September 10 th , 2021	Repair guttering and paint trim
4)	September 10 th , 2021	Replace broken windows

I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Notary Area

Signature

Date



1050 10th Ave



City of Leavenworth, Kansas
Parks & Recreation Department
Riverfront Park Water Line Replacement
POLICY REPORT NO. P&R 04-21

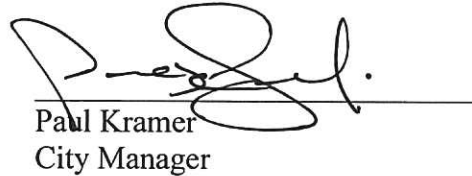
September 14, 2021

PREPARED BY:


Brian Bailey
Park Superintendent

REVIEWED BY:


Steve Grant
Parks and Recreation Director


Paul Kramer
City Manager

ISSUE:

Review proposals submitted for replacement of Riverfront Park Water Line Replacement Project No. 2021-RFWATER.

BACKGROUND:

Over the past several years, we have had multiple water line breaks each year that have been very costly to repair and with extremely high water bills. This water line is extremely thin walled and brittle. Staff believes this line was installed when the park was built. If these breaks keep happening, we will need to adjust our yearly water budget and if one of the breaks is bad enough and we are unable to find it, it may cause for closure of the campground for the season.

As a result, staff formulated a set of guidelines from which to receive proposals for replacement of the water line. Interested firms were given the guideline of horizontal drilling the majority of the water line, a mandatory pre-bid meeting on August 31, 2021, start date of November 1 or after, and must be completed by December 30, 2021. The Riverfront Water Line Project was published for two weeks by city approver publishing venders.

On September 8, 2021, the submitted proposals were opened. One firm submitted a proposal. The results are as follows:

BIDDER	Bid Amount
JF Denny	\$49,801.00

RECOMMENDATION:

Staff recommends the bid from J.F. Denny in the amount of \$49,801 for Riverfront Park Water Line Replacement Project No. 2021-RFWATER.

BUDGET IMPACT:

There is \$57,500 allocated in the America Recue Plan Act (ARPA) for this project.

ATTACHMENTS:

J.F. Denny Bid Form

BID FORM
Water Line Replacement
Project No: 2021-RFWATER

Bid Price – includes all permits, insurance and bond costs, equipment, materials, appurtenances, and labor for the installation of the items as identified. All City of Leavenworth permit fees will be waived.

ITEM

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Cut and haul street next to water meter for access 2. Horizontal directional drill from the meter location to the first tee in the grass near the manager's trailer 3. Install tee and connect hose bib with ¾" Utility PEX 4. Install a shut off/isolation valve just on the north side of the tee for the hose bib 5. Horizontal directional drill from the first tee to the yard hydrant near the dump station 6. Open trench from yard hydrant to water connection in rear of bathroom building 7. Install tee and connect hose bib with ¾" Utility PEX 8. Install tee and connect dump station water with ¾" Utility PEX 9. Install tee and shut off valve and connect bathroom building with 2" utility PEX 10. Horizontal direction drill to first yard hydrant in campground | <ol style="list-style-type: none"> 11. Install tee and connect hose bib with ¾" Utility PEX 12. Horizontal direction drill to middle yard hydrant location in campground 13. Install reducer and connect new frost freeze hose bib with ¾" Utility PEX (Location need to be field verified) 14. Horizontal directional drill to last yard hydrant 15. Install reducer and connect hose bib with ¾" Utility PEX 16. Main water line to be 2" HDPE pipe and fittings 17. Install tracer wire along all new pipe 18. Backfill holes in grass areas with spoils removed 19. Backfill street with compacted AB3 20. Pour concrete cap and asphalt to match surrounding area 21. Fill and test lines and flush to remove any contaminants 22. Include all material and labor cost. |
|--|--|

TOTAL BID PRICE \$ 49,801

Bidder: <u>IF DENNEY INC.</u>	FEIN: <u>48-0720577</u>
Address: <u>76 ASH STREET</u>	
City/State/Zip <u>LEAVENWORTH KS 66048</u>	
By: <u>KYLE WHELPLEY</u>	Title: <u>PROJECT MANAGER</u>
Telephone No. <u>913-682-2182</u>	
Fax No. <u>913-682-1437</u>	
Email Address: <u>KYLE@IFDENNEY.COM</u>	

IF DENNEY INC. HEREBY agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of \$ _____ Dollars (Certified check, cashier's check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

Completion date to be sixty (60) calendar days after the Project Manager has given "Notice to Proceed" or liquidated damages shall be in the amount of Two-Hundred-Fifty Dollars (\$250.00) per day for each calendar day until project completion.

**POLICY REPORT PWD/MSC NO. 21-29
CONSIDER AWARD OF THE 2021/2022 SALT BID**

September 14, 2021

Prepared by:

Reviewed by:



Derek Burleson,
Operations Superintendent



Brian Faust, P.E.,
Director of Public Works



Paul Kramer,
City Manager

ISSUE: Consider award of the 2021/2022 Salt Bid.

BACKGROUND: This procurement is for 1,500 tons of crushed deicing rock salt. Leavenworth County advertised for salt bids for their needs. The bid specifications allowed the City of Leavenworth and other cities in the county to purchase salt at the bid price.

Leavenworth County's bid opening was held on August 23, 2021 and submissions are shown below. The County Commission approved the low bid from Independent Salt Company during their meeting on September 1, 2021.

<u>Bids submitted</u>	<u>Cost Per Ton</u>
Cargill Deicing Technology, North Olmstead, OH.....	No Bid
Central Salt, Lyons-Rice	\$60.74
Compass Minerals, Overland Park, KS – Johnson	No Bid
Hutchinson Salt Co., Inc., Baxter Springs-Cherokee	\$58.80
Independent Salt, Kanapolis, KS	\$54.26

City staff conducted informal price verification with several salt vendors and found the low bid provided to the county to be very competitive.

STAFF RECOMMENDATION: Staff recommends that the City Commission approve the Leavenworth County bid for rock salt at \$54.26/ton for 1,500 tons, totaling \$81,390 with Independent Salt Company.

Below is a recap of salt purchases and costs from previous years:

<u>YEARS</u>	<u>VENDOR</u>	<u>TONS PURCHASED</u>	<u>COST PER TON</u>
1998/1999	Hutchinson Salt Company	600	\$24.50
1999/2000	Hutchinson Salt Company	700	\$24.50
2000/2001	Cargill Salt Company	800	\$24.29
2001/2002	Cargill Salt Company	800	\$29.14
2002/2003	True North Distribution	400	\$29.85
2003/2004	Cargill Salt Company	430	\$31.95
		300	\$32.75
		200	\$32.95
2003/2004	Hutchinson Salt Company	320	\$32.31
		250	\$37.31
2004/2005	Cargill Salt Company	600	\$32.95
2005/2006	Cargill Salt Company	600	\$33.95
2006/2007	Cargill Salt Company	600	\$35.44
2007/2008	Hutchinson Salt Company	700	\$43.85
2008/2009	Independent Salt Company	1,000	\$55.61
2009/2010	Independent Salt Company	700	\$53.39
2011	Cargill Incorporated	582	\$54.62
2013/2014	Central Salt	647	\$56.48
2014/2015	Independent Salt Company	509	\$57.97
2015/2016	Central Salt	314	\$58.97
2018/2019	Independent Salt Company	800	\$53.68
2019/2020	Independent Salt Company	1,200	\$62.38
2020/2021	Independent Salt Company	1,500	\$60.13

This 1,500-ton purchase will fill the dome and ensure an adequate resupply during the winter season. Annual usage is dependent on storm types and frequency.

ATTACHMENTS:

County Award Documents



COUNTY OF LEAVENWORTH
Department of Public Works



Leavenworth County Department of Public Works
 23690 187th Street
 Leavenworth, KS 66048

September 2, 2021

Independent Salt Company
 Attn: Chris Tully
 PO Box 36
 Kanapolis, KS 67454

RE: Salt Bids for Leavenworth County

We are pleased to announce that Independent Salt Company has been awarded the bid for Leavenworth County.

On 08.23.2021 bids were opened for 3,000 tons of medium rock salt (with the option to purchase more if necessary) for Leavenworth County. In addition, the City of Tonganoxie, City of Basehor and City of Leavenworth and the City of Lansing are added as bulk bids. Each municipality would make arrangements and purchase their requested amount of rock salt directly from Independent Salt Co. The following is a bid tabulation of the bids received:

2021 Salt Bid Tabulation

<u>Vendor</u>	<u>Bid Price per ton</u>	<u>Bid Alternate per ton</u>
Compass Minerals	No bid	No bid
Hutchinson Salt	\$58.80	\$58.80
Independent Salt	\$54.26	\$54.26
Cargill	No bid	No bid
Central Salt	\$60.74	\$60.74

We are pleased that Independent Salt Company was awarded the bid, and look forward to working with you this upcoming winter. If you have any questions or concerns, please feel free to contact either myself or Vincent Grier, Rd & Br Superintendent at 913-727-1800.

Sincerely,

Bill Noll
 Infrastructure and Construction Services Director

POLICY REPORT PWD NO. 21-33

CONSIDER CONSTRUCTION CONTRACT APPROVAL FOR
THE LAKEVIEW DRIVE STREET IMPROVEMENTS PROJECT
(ASSOCIATED WITH CULVER'S RESTAURANT PROJECT)


City Project 2021-960

September 14, 2021

Prepared by:


Michael Stephan,
Project Manager

Reviewed by:


Brian Faust, P.E.,
Director of Public Works


Paul Kramer,
City Manager

ISSUE:

Consider bids received and possible contract award of the Lakeview Drive Street Improvements Project adjacent to the new Culver's restaurant.

BACKGROUND:

The Culver's Commercial Development is at the northwest corner of the Eisenhower Road and Lakeview Drive intersection. The existing Lakeview Drive is a narrow, open ditch unimproved roadway and will be used as the primary entrance for drive-thru traffic. As part of an agreement with the developer of the Culver's property, the City agreed to design and construct an improved road section to extend just past the Culver's entrance. The project will be paid for through funds set aside for economic development.

Staff completed a sole source selection for Napier Engineering to complete the design of the road improvements. The design includes widening of Lakeview Drive and the addition of a dedicated center turn lane. The improvements extend just past the new Culver's entrance on Lakeview Drive.

The project plans were sent to area Plan Rooms, Drexeltech.com and advertised in the Leavenworth Times and at Drexel Technologies. Bids were opened on September 8, 2021 with results shown below and in the attached bid tabulation.

Linaweaver Construction was the low bidder and met all bidding requirements. Linaweaver Construction has completed similar projects for the City in the past. Their prior work was completed within the required timeframe and specifications. The company has done numerous projects for other cities in Kansas and Missouri.

Company	City	Base Bid
Linaweaver Construction	Lansing, KS	\$150,363.00
Amino Brothers Construction	Kansas City, KS	\$184,805.50
Lexeco, Inc.	Leavenworth, KS	\$189,841.90
Baker Construction	Leavenworth, KS	\$207,913.54
Mega KC Corporation	Kansas City, MO	\$210,259.00
Primetime Contracting	Riverside, MO	\$222,929.00
Base Bid Engineer's Estimate		\$184,345.00

To help ensure the project is completed on or before the opening date for the new Culver's, the contract specifies that the start date, "Notice to Proceed" shall be no later than October 4, 2021.

Substantial Completion date shall be no later than November 5, 2021 with final completion no later than November 12, 2021.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City.

RECOMMENDATION:

Staff recommends that the City Commission award the Lakeview Drive Street Improvements Project to Linaweaver Construction for the base bid amount of \$150,363.

ATTACHMENTS:

Bid Tabs

Intersection Location Map



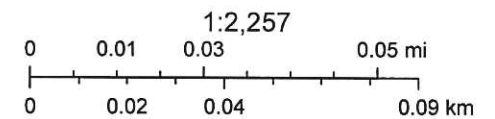
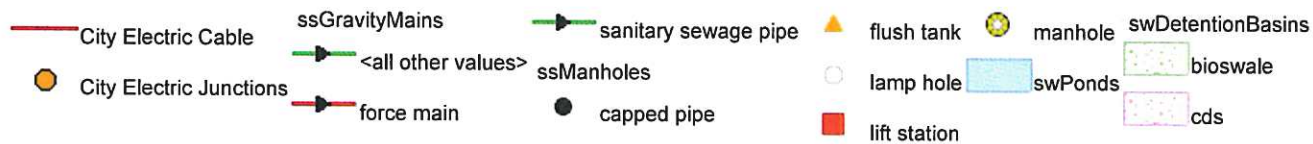
CITY OF LEAVENWORTH
 Project No. 2021-960
 Lakeview Drive Street Improvements Project
 September 8, 2021

BASE BID				Engineer's Estimate		LINAWEAVER		AMINO BROTHERS		LEXECO		BAKER		MEGA KC		PRIMETIME	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$7,808.00	\$7,808.00	\$9,510.00	\$9,510.00	\$15,000.00	\$15,000.00	\$21,000.00	\$21,000.00	\$19,035.00	\$19,035.00
2	Demolition, Clearing & Grubbing	LS	1	\$10,500.00	\$10,500.00	\$4,000.00	\$4,000.00	\$10,760.00	\$10,760.00	\$10,430.00	\$10,430.00	\$25,000.00	\$25,000.00	\$10,000.00	\$10,000.00	\$14,000.00	\$14,000.00
3	Grading & Excavation	LS	1	\$25,000.00	\$25,000.00	\$5,500.00	\$5,500.00	\$19,660.00	\$19,660.00	\$9,825.00	\$9,825.00	\$15,000.00	\$15,000.00	\$32,000.00	\$32,000.00	\$25,000.00	\$25,000.00
4	Construction Staking	LS	1	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$3,326.00	\$3,326.00	\$1,620.00	\$1,620.00	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
5	Traffic Control	LS	1	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$3,650.00	\$3,650.00	\$3,780.00	\$3,780.00	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00	\$7,500.00	\$7,500.00
6	Erosion Control	LS	1	\$3,000.00	\$3,000.00	\$3,300.00	\$3,300.00	\$2,993.00	\$2,993.00	\$5,775.00	\$5,775.00	\$7,500.00	\$7,500.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
7	Seeding	LS	1	\$1,500.00	\$1,500.00	\$2,200.00	\$2,200.00	\$2,772.00	\$2,772.00	\$2,235.00	\$2,235.00	\$5,000.00	\$5,000.00	\$2,700.00	\$2,700.00	\$3,000.00	\$3,000.00
8	Demobilization	LS	1	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$0.95	\$0.95	\$4,305.00	\$4,305.00	\$2,500.00	\$2,500.00	\$14,300.00	\$14,300.00	\$2,500.00	\$2,500.00
9	4" Sub-Base Asphalt (KDOT SR-12.5A Spec)	SY	895	\$22.00	\$19,690.00	\$30.20	\$18,079.00	\$29.25	\$26,178.75	\$32.50	\$29,137.50	\$22.88	\$20,477.60	\$19.60	\$17,542.00	\$30.00	\$26,850.00
10	4" Base Asphalt (KDOT SR-12.5A Spec)	SY	783	\$22.00	\$17,226.00	\$19.00	\$14,877.00	\$24.60	\$19,251.60	\$23.20	\$18,166.60	\$23.63	\$18,502.29	\$18.00	\$14,094.00	\$31.00	\$24,273.00
11	2" Surface Asphalt (KDOT SR-12.5A Spec)	SY	783	\$12.00	\$9,396.00	\$22.00	\$17,226.00	\$18.55	\$12,958.65	\$18.75	\$13,115.25	\$17.05	\$13,350.15	\$21.00	\$16,443.00	\$23.00	\$18,000.00
12	6" AB-3 Gravel	SY	1099	\$12.00	\$13,188.00	\$8.00	\$8,792.00	\$15.80	\$17,364.20	\$17.15	\$18,847.85	\$7.50	\$8,242.50	\$13.00	\$14,287.00	\$15.00	\$16,485.00
13	Tensar TX-160 Geogrid	SY	1099	\$15.00	\$16,485.00	\$8.00	\$8,792.00	\$7.65	\$8,407.35	\$9.10	\$10,000.90	\$12.00	\$13,188.00	\$8.00	\$8,792.00	\$5.00	\$5,495.00
14	Type-1 Curb & Gutter	LF	122	\$25.00	\$3,050.00	\$33.00	\$4,026.00	\$33.70	\$4,111.40	\$45.55	\$5,557.10	\$35.00	\$4,270.00	\$48.00	\$5,812.00	\$48.00	\$5,856.00
15	Type-1 Dry Curb & Gutter	LF	22	\$25.00	\$550.00	\$33.00	\$726.00	\$48.85	\$1,069.70	\$43.85	\$964.70	\$35.00	\$770.00	\$55.00	\$1,210.00	\$45.00	\$990.00
16	Type-C Curb & Gutter	LF	63	\$25.00	\$1,575.00	\$33.00	\$2,079.00	\$42.55	\$2,680.65	\$45.05	\$2,838.15	\$35.00	\$2,205.00	\$69.00	\$4,347.00	\$40.00	\$2,520.00
17	Curb Transition from Type-1 to Ribbon	LF	24	\$25.00	\$600.00	\$33.00	\$792.00	\$33.70	\$808.80	\$38.90	\$933.60	\$35.00	\$840.00	\$49.00	\$1,176.00	\$25.00	\$600.00
18	Ribbon Curb	LF	313	\$25.00	\$7,825.00	\$33.00	\$10,329.00	\$31.95	\$10,000.35	\$34.55	\$10,814.15	\$35.00	\$10,955.00	\$28.00	\$8,764.00	\$30.00	\$9,390.00
19	Curb Transition from Type-C to Type-1	LF	5	\$25.00	\$125.00	\$33.00	\$165.00	\$33.70	\$168.50	\$32.55	\$162.75	\$35.00	\$175.00	\$63.00	\$315.00	\$150.00	\$750.00
20	6" Reinf. Concrete Residential Drives	SY	30	\$100.00	\$3,000.00	\$88.00	\$2,640.00	\$112.00	\$3,360.00	\$208.55	\$6,195.60	\$100.00	\$3,000.00	\$73.00	\$2,190.00	\$105.00	\$3,150.00
21	8" Reinf. Concrete Commercial Entrance	SY	117	\$130.00	\$15,210.00	\$95.00	\$11,115.00	\$116.00	\$13,572.00	\$140.20	\$16,403.40	\$90.00	\$10,530.00	\$71.00	\$8,307.00	\$120.00	\$14,040.00
22	5' Wide Concrete Sidewalk	LF	83	\$35.00	\$2,905.00	\$45.00	\$3,735.00	\$32.80	\$2,722.40	\$48.35	\$4,013.05	\$40.00	\$3,320.00	\$35.00	\$2,905.00	\$40.00	\$3,320.00
23	8' Wide Concrete Sidewalk	LF	17	\$60.00	\$1,020.00	\$70.00	\$1,190.00	\$115.00	\$1,955.00	\$169.20	\$2,876.40	\$64.00	\$1,088.00	\$75.00	\$900.00	\$98.00	\$1,666.00
24	ADA Sidewalk Ramps	EA	2	\$2,000.00	\$4,000.00	\$4,500.00	\$9,000.00	\$2,474.00	\$4,948.00	\$2,725.00	\$5,450.00	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00	\$1,750.00	\$3,500.00
25	Signage & Striping	LS	1	\$5,500.00	\$5,500.00	\$3,800.00	\$3,800.00	\$3,991.00	\$3,991.00	\$3,885.00	\$3,885.00	\$9,500.00	\$9,500.00	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00
TOTAL BASE BID:				\$184,345.00		\$150,363.00		\$184,805.50		\$189,841.80		\$207,813.54		\$210,259.00		\$222,929.00	

Lakeview Drive Street Improvements Project



9/9/2021, 7:46:32 AM



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

Web AppBuilder for ArcGIS
Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, INCREMENT P, USGS, EPA |

Policy Report No. 9-2021
37th Edition of the Uniform Public Offense Code
September 14, 2021

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 37th Edition of the Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Every year the League of Kansas Municipalities produces a Uniform Public Offense Code for cities in Kansas. It is designed to provide a comprehensive public offense ordinance and the City of Leavenworth has used it for many years. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it as prescribed in Kansas Statutes.

The following changes are noted:

Section 1.1 Definitions modified

Class A Club

Drinking Establishment

Section 3.2.1 Sexual Battery

Section 5.5 Watercraft

Section 6.2 Intent, Permanently Deprive

New Section 6.7.2 Trespassing on a critical infrastructure facility

New Section 7.1 Unlawfully tampering with electronic monitoring equipment

New Section 7.5 Distribution of unattributed applications for advance voting ballots

Section 7.14 Electioneering

New Section 9.3 Violation of Executive Order under K.S.A. 48-925 mandating a curfew or prohibiting public entry

Section 11.3 Commercialization of Wildlife

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 37th Edition of the Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth including the noted exemptions.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" 37th EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 30, Offenses, Sections 30-1, 30-2 and 30-3, are hereby deleted in its entirety and amended to read as follows:

Sec. 30-1. Uniform Public Offense Code adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city that certain code known as the Uniform Public Offense Code for Kansas Cities, 37th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. _____ and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- (b) *Amendments and omissions.*
 - (1) Notwithstanding the foregoing, section 5.7 and section 10.6 of the adopted Uniform Public Offense Code are deleted in their entirety and amended to read as provided in sections 30-2 and 30-3.
 - (2) Section 3.2.1, pertaining to sexual battery, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (3) Section 4.1, pertaining to lewd, lascivious behavior, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (4) Section 4.3, pertaining to selling sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (5) Section 4.5, pertaining to buying sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (6) Section 11.15, pertaining to permitting a dangerous animal to be at large, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.

Sec. 30-2. Selling, giving or furnishing cigarettes or tobacco products to a person under 21 years of age.

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products; or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under subsection (a) of this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (c) It shall be a defense to a prosecution under subsection (a) of this section if:
 - (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.
- (d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age, or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (e) Notwithstanding any separate definition in section 1.1 of the Uniform Public Offense Code for Kansas Cities, the term electronic cigarette means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. Electronic cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

- (f) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.
- (g) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER." Retailer shall mean any person, firm or corporation engaged in the business of selling tobacco products, alternative nicotine products, or vapor products by personal handling to an ultimate customer or consumer.
- (h) Violation of this section is a class B violation punishable by a minimum fine of \$200.00.

Sec. 30-3. Air guns, air rifles, bows and arrows, slingshots and BB guns.

- (a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except by permit authorized by the city for deer hunting or within the confines of a building or other structure from which to projectiles cannot escape; provided, that a bow and arrow may be used in an open air archery range meeting the following requirements.
 - (1) An open, flat plain with a clear and unobstructed field of distance. The maximum distance between archer and target shall be no more than 40 yards.
 - (2) Target shall be situated so that any path, target, road or building is located with a 30 degree arc centered perpendicular with the shooter and target extending a minimum of 40 yards behind the target.
 - (3) A target backstop be constructed which is at least 12 feet wide and eight feet high behind each target. The backstop is to be constructed and maintained using a material which would capture and trap arrows shot into it. The material used must not cause arrows to be deflected in another direction.
 - (4) A secondary earthen backstop consisting of an earthen berm, material hill or excavated face shall be provided. The secondary backstop should be at least 30 feet wide and 16 feet high.
 - (5) Operation of an archery range shall be allowed between the hours of sunrise and sunset.
- (b) Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a class C violation.

Section 2. REPEAL. Sections 30-1, 30-2, and 30-3 of Chapter 30, Offenses, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 14th day of September 2021.

Nancy D. Bauder, Mayor

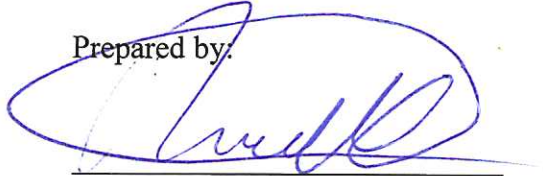
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ATTEST:

Carla K. Williamson, CMC, City Clerk

Policy Report No. 10-2021
48th Edition of the Standard Traffic Ordinance
September 14, 2021

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:


Paul Kramer, City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 48th Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Every year the League of Kansas Municipalities produces a Standard Traffic Code for cities in Kansas. It is designed to provide a comprehensive traffic code and the City of Leavenworth has used it for many years. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it as prescribed in Kansas Statutes.

The Changes are listed below:

Article 1. Definitions

Added: Authorized Utility or Telecommunication Vehicle
Funeral Escort
Funeral Lead Vehicle
Funeral Procession

Amended: All-Terrain Vehicle
Antique
Golf Cart
Recreational Off-Highway Vehicle

Section 10.1 Funeral Procession

Section 30.4 Impounded Motor Vehicle (New Editor's Note)

Section 31 Fleeing or Attempting to Elude a Police Officer

Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle

Section 106 Transportation of Alcoholic Beverage (New Editor's Note)

Section 119 Parades and Processions

Section 126.1.1 Display of License Plate

Section 179 Spilling Load on Highway

Section 201 Penalties Citation added

Section 201.1 Failure to Comply with a Traffic Citation

Appendix B

40.2 Passing a stationary authorized utility or telecommunication vehicle

135.1 Updated Statute

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 48th Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES" 48th EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 44, Traffic and Vehicles, Section 44-1, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-1. Standard traffic ordinance adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 48th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed.
- (b) *Marked copies on file.* One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____ " with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. _____ , and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) **Omitting.** Section 69(d): Article II, Pedestrians, of said Standard Traffic Ordinance relating to city permits for soliciting of contributions is hereby declared to be omitted and deleted.
- (d) **Amendments.** The standard traffic ordinance adopted in this section is adopted subject to the following local amendments:
 - (1) Article 14. Miscellaneous Rules, section 114.5, is amended as follows by, adding, (e):

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway; or
 - (2) Within the corporate limits of any city unless authorized by such city.

- (b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
 - (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- (d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)
- (e) As provided by subsection (a) (2), it shall be unlawful to operate a worksite utility vehicle except for public safety and city maintenance staff within the corporate limits of the city.
- (2) Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles, section 135.1 is amended as follows by adding (e):

Sec. 135.1. Electric-Assisted Scooters, Traffic Law Application.

- (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.
- (b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles, Sections 127 to 133, inclusive, shall be applicable to electric-assisted scooters.
- (c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.
- (d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.(2019 Kansas Laws Ch. 61(SB63)
- (e) As provided in subsection (c), "it is unlawful to operate or for the owner to permit the operation of an electric-assisted scooter upon a street, highway, public parking lot, or public parks area."

Section 2. REPEAL. Section 44-1 of Chapter 44, Traffic and Vehicles, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

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

Nancy D. Bauder, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**Policy Report No. 11-2021
2021 Intersection Traffic Control Device Master Index
September 14, 2021**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

Place an ordinance on first consideration that adopts the 2021 Intersection Traffic Control Device Master Index.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

On an annual basis, the Intersection Traffic Control Devices is presented to the City Commission for approval. (Master list attached)

Two updates from the West Glen Subdivision:

West Glen/Shady Bend Road
Shady Bend Road/Shadow Drive

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 2021 Intersection Traffic Control Device Master Index.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX”.

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

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas Chapter 4, Traffic and Vehicles, Article I In General, Section 44-3 shall be amended to read as follows:

Section 44-3. Intersection traffic control device master index adopted by reference.

The “2021 Intersection Traffic Control Device Master Index” prepared and published by the city in book form for the purpose of regulating intersection traffic control devices within the city, is adopted as though fully set forth herein. One copy of the adopted index, marked “Official Copy as Adopted by ordinance _____” and to which shall be attached a copy of said ordinance, shall be filed with the city clerk and available to the public for inspection at all reasonable business hours.

Section 2. That Section 44-3 amended herein and all ordinances found to be in conflict are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

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

{SEAL}

Nancy D. Bauder, Mayor

ATTEST:

Carla K. Williamson, CMC City Clerk