



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, NOVEMBER 23, 2021 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

AWARDS:

Mayor’s Award

OLD BUSINESS

Consideration of Previous Meeting Minutes:

1. Minutes from November 9, 2021 Regular Meeting **Action:** Motion (pg. 2)

Second Consideration Ordinances:

2. Second Consideration Ordinance 8180 Amending Sec 8-139 Allowing Local Animal Boarding Facilities to Register Animals for the City **Action:** Roll Call Vote (pg. 9)
-

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.*

General Items:

3. Consider Cancellation of Outstanding Checks Prior to 2020 **Action:** Motion (pg. 11)

Bids, Contracts and Agreements:

4. Consider Award of Wastewater Treatment Plant Condition Assessment **Action:** Motion (pg. 13)
5. Consider Contract for Janitorial Services **Action:** Motion (pg. 15)

First Consideration Ordinance:

6. First Consideration Ordinance; Acquisition of Land for K-7 & Eisenhower Intersection Improvement Project **Action:** Consensus (pg. 16)
-

Consent Agenda:

Claims for November 6, 2021, through November 19, 2021, in the amount of \$788,916.84; Net amount for Payroll #23 effective November 19, 2021 in the amount of \$347,461.48 (Includes Police & Fire Pension in the amount of \$8,804.19). **Action:** Motion

Presentations to Out Going Commissioners

Other:

Adjournment **Action:** Motion



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 Mark Preisinger. Not present: Commissioner Jermaine Wilson.

Staff members present: Assistant City Manager Penny Holler, Police Chief Patrick Kitchens, Planning and Community Development Director Julie Hurley, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Bauder asked everyone to stand for the pledge of allegiance followed by silent meditation. Members of Boy Scout Troop 167 were in attendance and led the pledge of allegiance.

PROCLAMATIONS AND AWARDS:

Proclamations:

National American Indian Heritage Month – Pamela Sarles from the Captain Jesse Leavenworth Chapter, National Society of the Daughters of the American Revolution was present to accept the proclamation.

Small Business Saturday – Wendy Scheidt Main Street Director was present to accept the proclamation.

Awards:

Employee Service Awards – Eleven employees reached milestones in their career with the City of Leavenworth reaching ten (10) and twenty-five (25) years of service with the City. The Mayor read the names of the following employees:

10 Years

- Charity Frey – Executive Administrative Assistant
- Christopher Hendrickson- Fire
- Shawn Holland - Fire
- Richard Markovich - Fire
- Brandon Masur - Fire
- Shane Milburn – Streets

25 Years

- Deborah Gillespie – Courts
- Daniel Nicodemus – Police
- Michael Shore – Fire
- Eric Sundblom- Fire
- Christopher Wolters – Fire

Other milestones:

15 Years

- Eric Heim – Fire
- Jeffery Porter – Fire

- Nicholas Verbenec – Fire

20 Years

- Hal Burdette – Inspections
- Lee Burlison – Zoning and Code
- Tammy Metzgar – Community Center
- Neil Vogel – Police

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to accept the minutes from the October 26, 2021 regular meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8178 Rezoning 520 N 7th Street from Office Business District (OBD) to Neighborhood Business District (NBD) – Assistant City Manager Penny Holler presented the ordinance for second consideration. There have been no changes since first introduced on October 26, 2021.

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

Second Consideration Ordinance 8179 Amending Sec. 2-52 Changing Start Time of City Commission Meetings - Assistant City Manager Penny Holler presented the ordinance for second consideration. There have been no changes since first introduced on October 26, 2021.

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

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

Chandler Skahan – Member of Troop 167

- Working on Citizenship in the Community and Citizenship in the Nation merit badge
- Going to the State Capital later this month with Representative Pittman
- Present the Commission and some staff with their troop token

General Items:

Review Properties Given Time at the September 14, 2021 Meeting to Repair or Remove Structures – Planning and Community Development Director Julie Hurley reviewed the following properties:

- **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 progress since last review, fresh lumber delivered to front yard as of 11/2/2021.

- Clint Randolph-Owner addressed the Commission
 - Cleaned out inside

- Ceiling Joists in and rafters are being worked on
- Takes time and need time to let things settle
- Took a couple weeks after last time to get funding
- Only him working on the property

Commissioner Preisinger stated that he does not see noticeable progress as was promised at the meeting 2 months ago.

City Attorney Waters reminded the Commission that they have already given direction to demolish the property if sufficient repairs have not been made during the time provided. If the Commission's direction is to proceed with demolition no further action is required or they can give an additional extension.

No action was taken by the Commission on this property.

- **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. Significant progress since last review. Recommend removal from demolition list.

Consensus to remove from demolition list.

- **918 Pottawatomie** – Single family house, last water service 8/25/2014. Owner indicated his intent to repair the property. Progress enclosing rear addition since last review.

Consensus to remove from the demolition list.

- **919 Pottawatomie** – Single family house and accessory structure, last water service 10/15/2020. No change, no contact from owner since last review.
 - Richard Beehler counsel for MidFirst Bank was present to discuss the property
 - Bank has only been in possession of the property for 2 months
 - Work is to begin 11/12 based on the contract that has been signed to repair the property
 - They have an offer to buy the property and buyer is aware of the municipal issues
 - Would request 30 day extension and if not impressed with the progress understands the need to proceed with demolition
 - If bank sells it would become the buyers responsibility to complete the work on their own

Commissioner Preisinger stated that he is not willing to give an extension.

No further action taken by the Commission.

- **706 Garfield** – Single family house, last water service 12/19/2014. Owner signed remediation agreement and has indicated intent to repair and provided written plan for repair and cost estimates. Owner of Swann's Painting has indicated that they are under contract to paint home with completion scheduled for 11/12/21. Recommend removal from demolition list.

Consensus by the Commission to remove this from the demolition list.

- **767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Owner indicated his intent to self-demo property. Siding has been partially removed from primary structure. Staff has been contacted by another individual indicating that he has reached a verbal agreement to purchase property from the current owner, pending ability to vacate a portion of unused ROW adjacent to property, as a portion of the detached garage is on the ROW.

Clayton Bollin - Owner addressed the commission

- Has a signed contract to sell the house and would close soon maybe this week
- New buyers intention is to rehab the property

Ms. Hurley recommended giving an extension for new owner.

There was a consensus to give a 60 day extension to review at the January 11, 2022 meeting.

- **1921 5th Ave** – Single family house, last water service 3/16/2011. No change, no contact from owner since last review. This property was previously considered for demolition in 2017.

No further action taken by the Commission.

- **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. No contact from owner since last review. Contractor hired by owner contacted staff and indicated his intent to remove himself from the project due the condition of the property.

Gary Nelson owner present

- Windows replaced by prior contractor and should not have been because the wall was rotten
- Decided to take out additional area of the wall to repair properly
- All windows have now been replaced
- House is structurally sound and safe

Ms. Hurley stated it no longer fits the criteria as dangerous and unsafe.

There was a consensus by Commission to remove from the demolition list.

Ms. Hurley recapped the actions by the Commission:

620 Osage – no action
 869 Sherman –remove
 918 Pottawatomie – remove
 919 Pottawatomie – no action
 706 Garfield – remove
 767 Charles – 60 day extension
 1921 5th Ave – no action
 204 N 17th – remove

Commissioner Griswold moved to accept the time line and actions that have been summarized by Ms. Hurley. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Mayor's Appointment:

Mayor Bauder moved to appoint to the Grow Leavenworth County Development Board, Ted Davis to an unexpired term ending May 31, 2022. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Consider Waiver to Allow Bow Hunting on Private Property Less than 3 Acres Under the Urban Deer Management Program (UDMP) and Authorize Hunting on City Owned Property – Chief Kitchens presented for consideration a waiver to hunt on property under 3 acres pursuant to Sec 8-302 of the Municipal Code of Ordinances. The Police Department received a requested to allow hunting on three privately owned parcels of land that equals 2.48 acres. Those properties are 401, 403 and 501 S 14th Street owned by Bart Julian. In addition the property adjacent to these properties at 351 S 14th Street is owned by the City of Leavenworth which is 1.5 acres. Staff conducted an on-site inspection of all 4 properties and found it to be acceptable to hunt under the UDMP. Staff recommends that the City Commission grant a waiver to allow hunting on all 4 properties (3 privately owned and 1 city owned).

Commissioner Preisinger moved to grant a waiver to allow bow hunting under the Urban Deer Management Program on the private and city properties as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Resolutions:

Resolution B-2299 Authorizing Serving Complimentary Alcoholic Liquor at Main Street Alive After Five Events in 2022 – City Clerk Carla Williamson presented for approval and adoption Resolution B-2299. The resolution allows unlicensed businesses to serve complimentary alcoholic liquor or cereal malt beverage to members of the general public during Main Street Alive after Five events in 2022.

Commissioner Leonhard moved to approve Resolution B-2299 as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Resolution B-2300 Declaring the Necessity to Appropriate Private Property Connected with the K-7 and Eisenhower Intersection Improvement Project – Public Works Director Brian Faust presented for approval and adoption Resolution B-2300 to start the appropriation of private property owned by Home Depot of the needed temporary construction easement, a permanent drainage easement and additional right-of-way for the K-7 and Eisenhower Intersection Improvement Project to move forward. The City has been working with Home Depot but the efforts have been unsuccessful. KDOT requires that all easements are obtained or condemnation be initiated prior to bidding of the work. The approval of the resolution is simply the first step of a larger process of eminent domain.

Commissioner Preisinger moved to approve Resolution B-2300 regarding appropriation of private property for public purposes connected with the K-7 and Eisenhower Intersection Improvement Project.

Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider 3-Party Agreement with Kansas Department of Transportation (KDOT) and BHC for the 4th Street Project between Choctaw Street and Seneca Street - Public Works Director Brian Faust presented authorization for the Mayor to sign the contract for preliminary engineering design services with Brungardt Honomichl & Company (BHC) and KDOT for the 4th Street Improvements (US-73 from Choctaw to Seneca). This project is part of the Connecting Link Improvement Program (CCLIP). At the September 21, 2021 City Commission meeting, the Commission authorized staff to work with KDOT and BHC to create the agreement that is before the Commission this evening. The cost of the design services is estimated at \$325,331.54 with KDOT covering up to \$276,531.81 (85%).

Commissioner Leonhard moved to authorize the Mayor to sign the contract for preliminary engineering design services. This is the three-part agreement between the City, BHC and KDOT for a total design services cost of \$325,331.54. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Consider Bids for Lakeview Court Sanitary Sewer Repair Project - Public Works Director Brian Faust presented for approval the low bid from Utility Solutions LLC for the base bid only in the amount of \$42,805.25. Bids received were as follows:

<u>Company</u>	<u>City</u>	<u>Bid</u>
Utility Solutions LLC	Basehor KS	\$42,805.25
Linaweaver Construction	Lansing KS	\$55,300.00
Westland Construction Inc	Basehor KS	\$74,350.00
LEXECO	Leavenworth KS	\$95,210.00
FIT Excavating	Topeka KS	\$113,350.00
Engineer's Estimate		\$76,720.00

Commissioner Preisinger moved to award the Lakeview Court Sanitary Sewer Repair contract to Utility Solutions LLC in the amount of \$42,805.25. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Consider Design Services Contract with Alfred Benesch & Company for the 2022 Pavement Management Plan - Public Works Director Brian Faust presented for approval the contract with Benesch & Company for development of the 2022 Pavement Management Plan (PMP) and to build the programmatic approach to long-term pavement management for the City. Staff recommends approval of the contract in an amount not to exceed \$123,518.00. GIS Tech Mitch Braget gave a presentation of the GIS dashboard he set up to track streets programs/repairs over the years.

Commissioner Griswold moved to approve the design services contract with Alfred Benesch & Company for developing a comprehensive pavement management program in an amount not to exceed \$123,518.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance to Allow Additional Businesses to Sell City Dog Tags – City Clerk Carla Williamson presented for first consideration an ordinance that would allow animal boarding facilities within the City to issue City animal license.

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

Consent Agenda:

Commissioner Preisinger moved to approve claims for October 23, 2021, through November 5, 2021, in the amount of \$1,402,238.84; Net amount for Payroll #22 effective November 5, 2021 in the amount of \$342,434.58 (No Police & Fire Pension). Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Other:

Assistant City Manager Penny Holler:

- City offices closed for Veteran's Day
- No trash service on Thursday and delayed the remainder of the week

Commissioner Preisinger:

- Other roads will need to be looked at in future for repairs
- Questions on Alliance Against Family Violence-rumors are that they have no money and are closed; Disappointed if that happens they are very helpful to the Police Department

Commissioner Leonard

- JROTC became National Champions

Executive Session:

Executive Session-Personnel Matters of Non-Elected Personnel

Commissioner Preisinger moved to recess into executive session to discuss the annual evaluation of the City Manager pursuant to the nonelected personnel matters exception K.S.A. 75-4319 (b) 1. The open meeting to resume in the City Commission Chambers at 8:57 by the clock in the City Commission Chambers. Human Resources Director Lona Lanter is requested to attend. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

The Commission returned to open session at 8:57.

Commissioner Griswold moved to approve a 2% merit increase for City Manager Paul Kramer effective with the first check of the 2022 payroll. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Adjournment:

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

Time Meeting Adjourned **8:58** p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8180
AMENDING SEC. 8-139 OF THE CODE OF ORDINANCES TO ALLOW LOCAL ANIMAL BOARDING
FACILITIES TO REGISTER ANIMALS FOR THE CITY.**

NOVEMBER 23, 2021



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the November 9, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LEAVENWORTH, KANSAS; CHAPTER 8 ANIMALS, ARTICLE IV DOGS, DIVISION 2
LICENSE AND REGISTRATION; SECTION 8-139 FEES. PROVIDING SUBSTITUTE
PROVISIONS AND REPEALING THE SECTION AMENDED.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8180 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8180

(Summary Publish in the Leavenworth Times on November 26, 2021)

ORDINANCE NO. 8180

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 8 ANIMALS, ARTICLE IV DOGS, DIVISION 2 LICENSE AND REGISTRATION; SECTION 8-139 FEES. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.

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

Section 1. That the Code of Ordinances of the City of Leavenworth, Kansas, Chapter 8 Animals, Article IV Dogs, Division 2 License and Registration; Sec. 8-139 Fees, is hereby deleted in its entirety and amended to read as follows:

Sec. 8-139. Fees.

There shall be a yearly registration fee for spayed and neutered animals and for unaltered animals, as provided in the city fee schedule. An additional fee as provided in the city fee schedule will be charged for late registration after March 31. All fees shall be paid either to the city clerk, the animal control facility or an authorized local licensed veterinarian or local animal boarding facility. Requests from local licensed veterinarians and local animal boarding facilities to register animals for the city shall be reviewed and approved by the city clerk and police chief. From each registration fee collected by a local licensed veterinarian or local animal boarding facility, \$2.00 will be retained by the veterinarian or boarding facility as a service fee.

Section 2. REPEAL. Chapter 8 Animals, Article IV Dogs, Division 2 License and Registration; Sec. 8-139 Fees, 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 February 1, 2022 and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 23rd day of November 2021.

Nancy D. Bauder, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

*Policy Report No. FIN-21-11
Cancellation of Outstanding City Checks*

November 23, 2021

Prepared By:



Ruby Maline
Finance Director

Approved By:



Paul Kramer
City Manager

Issue:

According to KSA 10-816a, checks that remain outstanding after a period of two years of issuance may be canceled by the City Commission. The City has a total of 19 checks in the amount of \$1,527.45 that remain outstanding after two years of issuance (see attached listing).

Recommendation:

It is recommended that the City Commission cancel checks that remain outstanding after two years of issuance and that these balances – in accordance with KSA 10-816c- revert back to the City Fund upon which such checks were drawn.

Background:

It is appropriate to cancel outstanding checks after two years. After cancellation by the City Commission, if a check is presented for payment, the Finance Department would honor the obligation and issue a new check.

The funds revert back to the original City Fund upon which they were drawn.

City of Leavenworth
Cancellation of
Outstanding AP Checks

Issue Date	Check #	Payee	Amount
12/03/18	290024212	Nancy Poff	163.00
01/11/19	290024612	Anthony Brown	14.00
02/01/19	290024844	Ana Dejesus	31.00
02/15/19	290024983	Roxanne Joslin	50.00
03/01/19	290025182	Jacquelyn Jackson	8.00
03/01/19	290025241	LaCarol Kennedy	46.00
04/19/19	290025766	Jerrica Renee Peace	100.00
05/15/19	290026043	Stephanie Key	300.00
05/15/19	290026104	David Griffith	115.55
05/17/19	290026125	Katelynn Johnson	0.85
06/07/19	290026368	John Allen	5.00
06/28/19	290026582	Joseph Bollin	25.00
07/01/19	290026702	Mercedes Wilson	4.00
07/19/21	290026882	Kevin or Brandy Crockett	5.00
08/02/19	290027048	Wanda Morris	5.42
08/16/19	290027275	Leavenworth Masonic Build	500.00
08/30/19	290027349	Emmanuel L Ross	0.63
09/03/19	290027487	Reginald Miller	54.00
09/19/19	290027607	Demetria Bedeaux	100.00
Total checks to be cancelled			1,527.45

POLICY REPORT PWD NO. 21-41


CONSIDER APPROVAL OF A DESIGN CONTRACT WITH HDR
FOR THE WWTP CONDITION ASSESSMENT

City Project No. 2021-962

November 23, 2021

Prepared By:

Reviewed By:



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



Paul Kramer,
City Manager

ISSUE:

Consider approval of the contract with HDR, Inc. for a Condition Assessment for the Waste Water Treatment Plant (WWTP). The Condition Assessment includes a complete equipment inventory with estimated remaining life and replacement cost, structural evaluation of components, life safety evaluation of the belt filter press building/administrative offices, and a process and regulatory evaluation.

BACKGROUND:

The City of Leavenworth WWTP was originally constructed in the early 1970s. The facility has had several upgrades and currently consists of the following: influent screening and pumping, aerated grit removal, primary clarification, intermediate pumping (settled sewage), trickling filters, final clarification, sludge dewatering (belt filter press), and UV disinfection. As the plant and equipment age, the likelihood of failure of individual components increases. Many of the systems have original components that are now obsolete. Finding replacement parts and integrating them into the system can be challenging and costly. In addition, changing regulatory requirements and advancements in treatment methodologies need to be reviewed and the appropriate changes incorporated into the day-to-day plant operations.

Moving forward, it is critical to assess our equipment to determine remaining life, replacement costs and the consequence of failure for components within the plant.

POLICY:

The City generally uses the Qualifications Base Selections process to select engineers for project design and evaluations. The City requested proposals from qualified firms that were interested in helping the City complete the following:

- Condition Assessment (Rapid Assessment) and equipment inventory to build a computerized maintenance management system (CMMS) from scratch. Once the condition assessment and remaining useful life tasks are complete, an equipment replacement schedule and costs will be developed. This will include structural repairs, costs and prioritized list.
- Life safety evaluation of the belt filter press building which houses the administrative offices and lab facilities. Options will be evaluated to separate the admin/lab from the belt filter press. A Space Needs Workshop will be part of the alternative evaluation.

- Process evaluation to review existing plant performance and evaluate alternatives for both liquids and solids.
- Regulatory evaluation will look at several permit cycles to anticipate possible discharge permit changes.
- Review and update of the 2010 Master Plan. It will include recommendations for treatment improvements to meet anticipated discharge permit changes, including cost estimates for the recommended improvements.

The City received four (4) submittals:

- | | |
|-------------------|---------------------|
| • HDR Corporation | • Burns & McDonnell |
| • Black & Veatch | • Alfred Benesch |

The review committee consisted of the following:

- | | |
|---|--|
| • Brian Faust, Director of Public Works | • Michael Stephan, Project Manager |
| • Tim Guardado, WPC Superintendent | • Hal Burdette, Chief Building Inspector |
| • Jon Lemke, WPC Assistant Superintendent | |

The four (4) submittals were evaluated and the top three (3) firms were interviewed. Based on the final ranking, HDR was identified as the top firm. City staff worked with HDR to negotiate a detailed project scope of services along with an estimated engineering fee for the work.

DELIVERABLES:

- Prioritized list for equipment replacement needs, replacement schedule and cost. This information will be used in upcoming CIPs to proactively schedule and budget for equipment replacement. While unanticipated failures will still occur, a prioritized list, schedule and costs contained within the CIP should help reduce our exposure to significant unplanned events.
- Life safety evaluation of the Administration Building with options and costs to separate the structure.
- Recommended improvements to plant processes and operations to increase efficiency. Options to dispose of sludge that do not include hauling to the landfill will also be evaluated.
- Budget planning numbers for future upgrades to meet possible discharge permit changes.

RECOMMENDATION:

Staff recommends approval of the Condition Assessment contract with HDR, Inc. for an amount not to exceed \$178,810.

[Faint signature and text, likely a stamp or signature block, mostly illegible]


POLICY REPORT PWD NO. 21-42


2022 JANITORIAL SERVICES

November 23, 2021

Prepared by:

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE:

Consider entering into an agreement for janitorial services for four (4) City-owned facilities managed by Public Works and the Police Department. These facilities are the Leavenworth City Hall at 100 N. 5th Street, the Animal Control Building at 2019 S. 3rd Street, the Municipal Service Center at 790 Thornton Street and the Waste Water Treatment Plant (WWTP) at 1800 2nd Street.

BACKGROUND:

In 2018, the City selected Allbright Cleaning Midwest LLC to provide janitorial services for the Municipal Service Center and the WWTP. At that time, LV Cleaning, Inc. was providing services at City Hall and at Animal Control. In September 2020, LV Cleaning notified staff that they would no longer be providing janitorial services. As a result, the City requested proposals from interested firms to provide janitorial services for the four (4) buildings.

In December of 2020, the City selected Jani-King of Kansas City to provide Janitorial Services for 2021. The contract was for one year; however, there was an option for two (2) additional one-year renewals. After reviewing the services defined in the contract and the performance of the vendor, staff felt that rebidding janitorial services for 2022 was appropriate.

On November 2, 2021, the City held a mandatory pre-proposal meeting that was attended by five (5) firms. The City received proposals from three (3) firms on November 12th.

- Southwest Janitorial Service LLC
- Allbright Cleaning Midwest LLC
- Jani-King of Kansas City

RECOMMENDATION:

Based on the proposals received, reference checks and past experience with janitorial services, staff recommends awarding the 2022 Janitorial Services to Southwest Janitorial with the option of two (2) one-year renewals for the subsequent fiscal years in the amount of \$89,160.00.

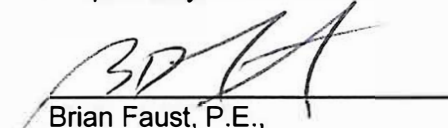
**POLICY REPORT PWD NO. 21-43
CONSIDER AN ORDINANCE FOR FIRST CONSIDERATION DECLARING THE NECESSITY
OF APPROPRIATING PRIVATE PROPERTY BY CONDEMNATION
CONNECTED WITH THE
K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT**

**KDOT Project Number 52 KA-5575-01
City Project 2019-922**

November 23, 2021

Prepared by:

Reviewed by:



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



Paul Kramer, ~~er,~~
City Manager

ISSUE:

Consider an ordinance authorizing and providing for acquisition of private property by condemnation for the K-7 and Eisenhower Intersection Improvement Project.

BACKGROUND:

Following the procedure as outlined by state statutes, the City Commission adopted Resolution B-2300 at the November 9, 2021 meeting. The resolution declared the necessity of acquiring property through eminent domain and authorized a survey and description of the land to be condemned. The next action requires the adoption of the proposed ordinance as prepared by the City Attorney.

The tracts to be acquired in this area by condemnation are described in the attached ordinance. The City needs to acquire a Temporary Construction Easement (TCE), a Permanent Drainage Easement (PDE) and Right-of-Way (ROW). The property is generally described as:

<u>Owner</u>	<u>Property</u>
HD Development of Maryland, Inc.	5000 A. 4th Street
HD Development of Maryland, Inc.	0000 Eisenhower Road

Detailed legal descriptions and map for these parcels have been prepared by a land surveyor licensed in the State of Kansas. They are included in the ordinance.

SMH Consultants has maintained contact with the property owner and they are continuing in their efforts to reach agreements on the easements and right-of-way. Staff opinion is that it is necessary to proceed with the condemnation action until the easements and right-of-way are obtained.

The cost of court-appointed appraisers, payments of calculated values of the easements to be acquired, attorney and any related expenses would be paid from the project budget. The City is entirely responsible for these expenses.

STAFF RECOMMENDATION:

Staff recommends placing the ordinance on first consideration.

ATTACHMENTS:

Resolution B-2300 & Affidavit of Publication

Draft Ordinance

(Publish in the Leavenworth Times on November 12, 2021)

RESOLUTION NO. B-2300

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED

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

Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the K-7 and Eisenhower Intersection Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents.

Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk.

Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201.

Section 4: This resolution shall be effective upon passage and publication as provided by law.

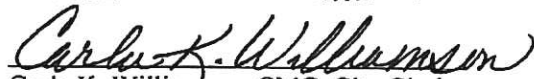
Passed and approved this 9th day of November 2021.



{Seal}


Nancy D. Bauder, Mayor

ATTEST:


Carla K. Williamson, CMC, City Clerk

AFFP

RESOLUTION NO. B-2300 A RESOLU

Affidavit of Publication

STATE OF KANSAS }
COUNTY OF } SS
LEAVENWORTH }

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 12, 2021

RESOLUTION NO. B-2300 A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS: Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the K-7 and Eisenhower Intersection Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents. Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk. Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201. Section 4: This resolution shall be effective upon passage and publication as provided by law. Passed and approved this 9th day of November 2021. Nancy D. Bauder, Mayor (Seal) ATTEST: Carla K. Williamson, CMC, City Clerk. Published in the Leavenworth Times on November 12, 2021.

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson
Tammy Lawson

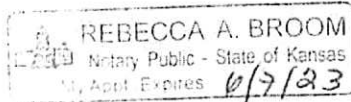
Subscribed to and sworn to me this 12 day of Nov, 21

Rebecca A. Broom
Rebecca A. Broom, , Leavenworth County, Kansas

My commission expires: June 07, 2023

00000105 00041383

Deputy City Clerk
City of Leavenworth - Legals
100 North 5th Street
Leavenworth, KS 66048



LEAVENWORTH
KANSAS

LEAVENWORTH
KANSAS

(Publish in *The Leavenworth Times* on _____, 2021)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, ALSO REFERRED TO AS KDOT PROJECT NO.: KDOT #52 KA-5575-01, IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, on November 9, 2021, and pursuant to K.S.A. 26-201, the Governing Body of the City of Leavenworth, Kansas, did by Resolution No. B-2300 declare the necessity for, and authorize the completion of, a survey and description of lands or interests therein to be condemned by the City, for the purpose of for the use of the City for the purpose of rights-of-way, permanent easements, and temporary construction easements, including but not limited to for the completion of the K-7 and Eisenhower Intersection Improvement Project, also referred to as KDOT Project No.: KDOT #52 KA-5575-01 to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents;

WHEREAS, a survey and legal descriptions of the land or interests therein to be condemned have been made and prepared by a competent engineer and filed with the Clerk of the City of Leavenworth, Kansas, such legal description and interests being as shown and/or described on **Exhibit A**, which is attached hereto and incorporated herein by this reference.

WHEREAS, the Resolution was published once in the official City newspaper as shown in **Exhibit B**, which is attached hereto and incorporated herein by reference; and

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

SECTION I. It is hereby authorized and provided that the above-described lands and interests be acquired by condemnation pursuant to K.S.A. 26-201 and K.S.A. 26-501, *et seq.*, for the above described purposes.

SECTION II. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

[Signature Page Follows Directly]

Ordinance No. _____

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON THIS ____ DAY OF _____ 2021.**

Nancy D. Bauder, Mayor

[SEAL]

ATTEST:

Carla K. Williamson, CMC, City Clerk

Ordinance No. ____

EXHIBIT A

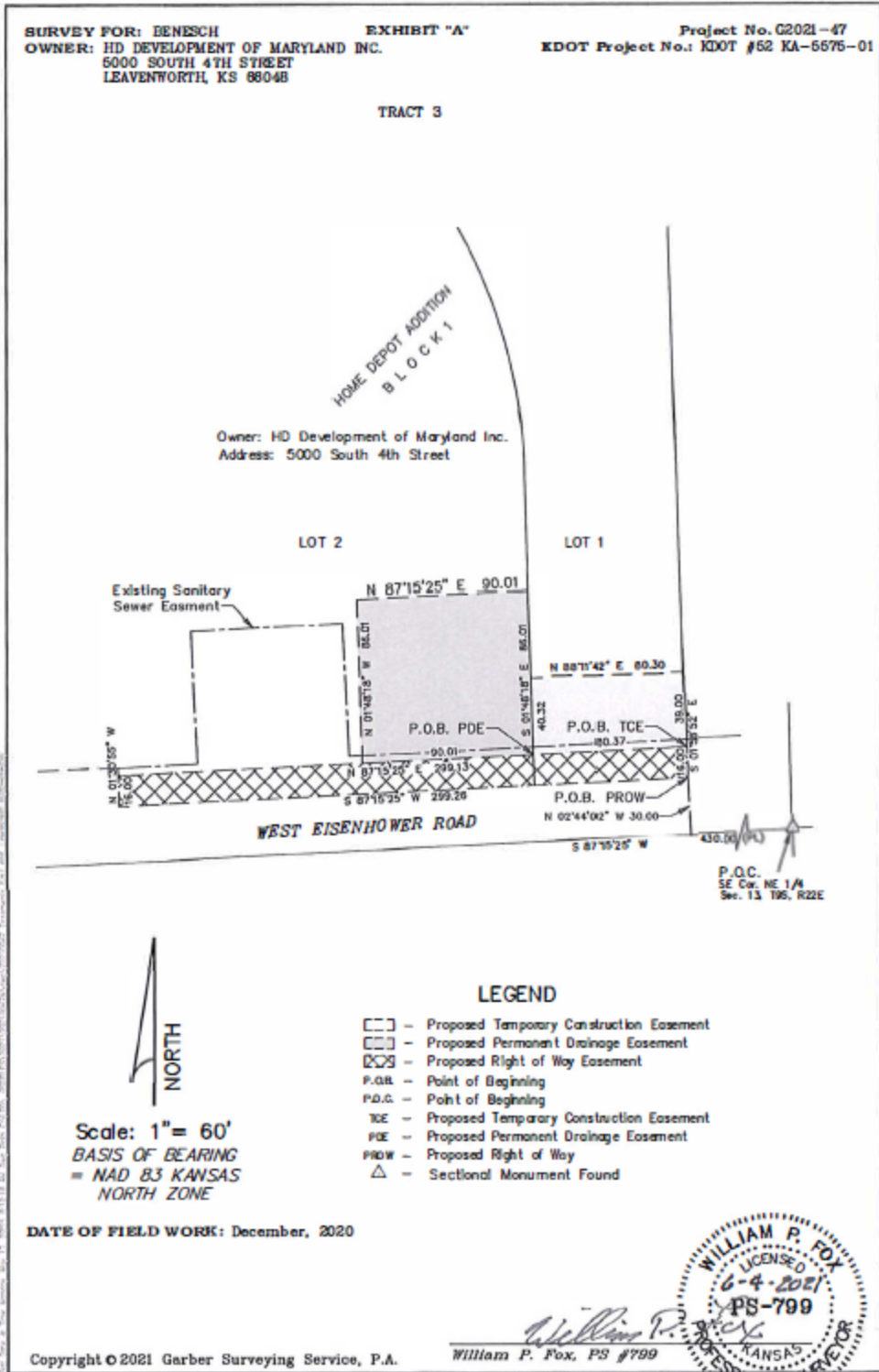
[Survey and Legal Descriptions]

Main Office
 2908 North Plum Street
 Hutchinson, KS 67502
 Office: (620) 665-7032
 Fax: (620) 663-7401



Garber Surveying Service, P.A.

Branch Offices
 Ashkanan 785-320-4810
 McPherson 620-241-4441
 Newton 316-283-5053
 Sedona 785-404-6302
 Wichita 316-260-9933



KDOT Project No: 52 KA-5575-01
Tract No.: 3
Parcel ID No. 1061301001032010
Owner: HD Development of Maryland Inc.
Situs Address: 5000 S 4th Street
Leavenworth, KS. 66043

Exhibit "A"

TEMPORARY CONSTRUCTION EASEMENT:

Containing 3186 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas thence N 1°58'52" W along an Easterly line of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas for a distance of 16.00 feet to THE POINT OF BEGINNING: thence S 87°15'25" W a distance of 80.37 feet to a point on the West line of Lot 1, Block 1; thence N 01°48'18" W along the West line of said Lot 1, Block 1, a distance of 40.32 feet; thence N 88°11'42" E a distance of 80.30 feet; to a point on an Easterly line of Lot 1, Block 1, Home Depot Addition; thence S 01°53'26" E a distance of 39.00 feet to THE POINT OF BEGINNING.

PERMANENT DRAINAGE EASEMENT:

Containing 7741 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas; thence S 87°15'25" W along the South line of said Lot 1, Block 1 a distance of 80.42 feet to a common corner between Lot 1 and Lot 2 as platted in Home Depot Addition to Leavenworth, Kansas; thence N 1°48'18" W along the East line of said Lot 2, Block 1 Home Depot Addition to Leavenworth, Kansas for a distance of 16.00 feet to THE POINT OF BEGINNING; thence S 87°15'25" W a distance of 90.01 feet; thence N 01°48'18" W a distance of 86.01 feet; thence N 87°15'25" E a distance of 90.01 feet to a point on the East line of said Lot 2, Block 1; thence S 01°48'18" E along the East line of said Lot 2, Block 1 a distance of 86.01 feet to THE POINT OF BEGINNING.

KDOT Project No: 52 KA-5575-01
Tract No.: 3
Parcel ID No. 1061301001032010
Owner: HD Development of Maryland Inc.
Situs Address: 5000 S 4th Street
Leavenworth, KS. 66043

PERMANENT RIGHT-OF-WAY:

Containing 4787 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas and the POINT OF BEGINNING; thence S 87°15'25" W along the South line of Lots 1 and 2, Block 1 Home Depot Addition to Leavenworth, Kansas for a distance of 299.26 feet to a Southwest corner of said Lot 2, Block 1, Home Depot Addition; thence N 01°30'55" W along a West line of said Lot 2, Block 1, Home Depot Addition a distance of 16.00 feet; thence N 87°15'25" E parallel with the South line of said Lots 2 and 1, Block 1, Home Depot Addition to Leavenworth, Kansas a distance of 299.13 feet to a point on an East line of said Lot 1, Block 1, Home Depot Addition; thence S 01°58'52" E along an East line of said Lot 1, Block 1, a distance of 16.00 feet to THE POINT OF BEGINNING.



Ordinance No. _____

EXHIBIT B

[Proof of Publication]

AFFP
RESOLUTION NO. B-2300 A RESOLU

Affidavit of Publication

STATE OF KANSAS)
COUNTY OF) SS
LEAVENWORTH)

RESOLUTION NO. B-2300 A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS: Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the K-7 and Eisenhower Intersection Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents. Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk. Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201. Section 4: This resolution shall be effective upon passage and publication as provided by law. Passed and approved this 9th day of November 2021. Nancy D. Bauder, Mayor (Seal) ATTEST: Caria K. Williamson, CMC, City Clerk. Published in the Leavenworth Times on November 12, 2021.

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 12, 2021

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson
Tammy Lawson

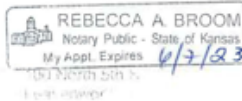
Subscribed to and sworn to me this 13 day of Nov, 21

Rebecca A. Broom
Rebecca A. Broom, , Leavenworth County, Kansas

My commission expires: June 07, 2023

00000105 00041383

Deputy City Clerk
City of Leavenworth - Legals
100 North 5th Street
Leavenworth, KS 66048



100 North 5th St
Leavenworth, KS