



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

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, FEBRUARY 15, 2022 6:00 P.M.

Welcome to your City Commission Study Session – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

Study Session:

1. Pavement Management Plan (pg. 02)
2. City Refuse Operations Moving Forward (pg. 34)
3. Registration Deadline Policy for Youth Sports Programs (pg. 50)
4. Proposed MOU with Bird Scooters for Pilot Project (pg. 51)


POLICY REPORT PWD NO. 22-12

STUDY SESSION – PAVEMENT MANAGEMENT PLAN

City Project No. 2021-966

February 15, 2022

Prepared By:


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

Reviewed By:


Paul Kramer,
City Manager

ITEMS:

- Update and discussion on the Pavement Management Plan (PMP) and the process to build the programmatic approach to long-term pavement management for the City of Leavenworth.
- Review downtown City parking lots to be included in the 2022 pavement plan.

COMMISSION GOAL:

4. Roadways and Infrastructure
 - a. Roadways
 - i. Create a long-term pavement management plan for all City streets.

BACKGROUND:

A Pavement Management Plan is an asset management process used to allocate resources effectively and to maximize the service life of pavements. This process includes the systematic process for inspection, evaluation, project planning and maintenance of the entire street pavement network. The information collected as part of this process is used to identify appropriate maintenance strategies for each street based on pavement condition, expected service life, desired level of service and street classification.

Pavement Management Strategies include:

- *Preventative Maintenance:* application of crack seals, thin non-structural surface seals (granite seal/pressure pave/micro-surfacing) and other treatments used to maintain and extend the service life of the pavement.
- *Major Rehabilitation:* application of structural pavement overlays and other treatments to significantly improve the service life of the pavement.
- *Reconstruction:* replacement of existing pavement with new pavement and base materials on streets to restore the original service life of the pavement.
- *Stop-Gap Measures:* includes pothole patching and small-scale full depth patching projects to address localized severe pavement failures.

Advantages of the PMP include:

- Improving the quality of the City's street network in a financially responsible manner.
- Data-Driven Defendable Project Prioritization Process that helps:
 - Maximizes value and return on investment
 - Provides opportunity for stakeholder engagement
 - Maintains integrity and defend-ability in project selection process
 - Incorporates service levels

- Prioritizes projects not only on PCI (Pavement Condition Index), but considers other impacts to residents and motorists such as roadway classification, congestion, deterioration type, peripheral assets, traffic volumes, funding eligibility and many other factors
- Implementing a plan that considers both immediate and long-term needs.
- Improved identification and submittals of funding sources/opportunities to supplement local City resources.
- Track and improve design and construction processes associated with roadway maintenance and reconstruction.

Beginning in 2016, staff contracted with 'Stantec' to provide an independent objective pavement condition analysis of the City streets using digital evaluation techniques. The result of that effort was a pavement program between 2016 and 2019 that included a large number of streets that received a surface seal (granite seal) that concentrated on stabilizing streets City-wide. There was also a mill/overlay component that concentrated on repairs to 20th Street from Spruce Street to Eisenhower Road.

Staff again used the services of 'Stantec' in 2019 to re-evaluate and update the pavement condition of City streets. At that time, the stated goal was to improve street conditions with an emphasis on bringing the City's overall street PCI rating up to a range of 65 – 75 (fair to satisfactory).

The majority of streets selected for improvement were based primarily on the PCI. The following table is a comparison of the 2016 and 2019 PCI ratings for the various street classifications. The overall street condition, based solely on the PCI ratings, decreased from 54.2 in 2016 to 51.0 in 2019.

Street Classification	Lane Miles	% of Total	2016 PCI	2019 PCI	+/-
Residential	251.7	73.3	51.3	51.0	(0.3)
Collector	32.4	9.4	45.9	38.3	(7.6)
Arterial	59.2	17.2	71.9	59.8	(12.1)
(Average all Streets)	343.3	100	54.2	51.0	(3.2)

In November of 2021, the City contracted with Alfred Benesch & Company to develop a specific street project list for 2022 along with the first phase of developing a short and long-term Comprehensive Pavement Management Plan. While the PCI is an important component in an overall Pavement Management Plan, Benesch identified that a comprehensive plan should take into account, in addition to PCI, Level of Service and other factors to help prioritize pavement restoration decisions.

City staff and our consultant, Alfred Benesch, are developing a specific street project list for 2022 along with the first phase of developing a short and long-term Comprehensive Pavement Management Plan. This includes:

1. Leverage previous investments through improving processes to collect, compile, organize and prepare historic data for use in decision-making matrixes for the following:
 - a. 2022 Project identification with field visit for validation/verification
 - b. Identification of priority PCI data collection efforts (*Stantec* or others)
2. Enhance current City practices and strategies including standard plan details, City work actions, past cost estimates, bid tabulations, etc. to refine decision-making processes.
3. Streamline delivery of annual projects using asset management information to identify and prepare up to three (3) bid packages (mill & overlay, granite seal, and micro-surfacing or other.)

4. Build Level of Service (LOS) Prioritization Model structure with implementation plan. This will be the model used to identify future projects using the LOS method based on historic pavement data for 2023 and beyond. The model will incorporate input from the Governing Body.
5. Pavement Management Report Card summary, presentation and roadmap forward.

The 2nd phase (late 2022) of the development of the Comprehensive Pavement Management Plan will include the following items. This will be under a separate contract.

1. Pavement Management Forecasting & 10-year CIP planning effort. This will look at annual spending and impacts of budget shifts/adjustments on the overall LOS of the Cities' street inventory.
2. Plan will incorporate all project level costs into estimates through modeling and new PCI data received in 2022 for use in the 10-year CIP. Plan will provide the Governing Body with details on current and future financial needs.
3. Development of bid packages for 2023 will be identified by late fall/early winter 2022 for bidding in early 2023 to allow for summer construction.
4. Updated Pavement Management Report Card summary, presentation and roadmap forward.
5. Provide "Return-on-Investment" information to staff and the Governing Body to demonstrate what value is planned and realized for individual project actions.

2022 PLAN:

The streets to be included in the 2022 Pavement Plan have not been finalized; however, several locations that will likely be included in the overall 2022 plan are:

- Vilas – between 10th and 15th +/- . While the area will need to be reconstructed in the future, a mill/overlay with localized base patching and minor curb work will extend the life of the pavement and greatly improve the ride quality for many years.
- N. 7th between Metropolitan and Kiowa. There have been several businesses that have invested significant funding to construct new facilities or renovate existing structures. Improving N. 7th south of the main gate to Fort Leavenworth will help enhance the area.
- Garland Avenue just south of Rees Street.
- Continuation of downtown improvements. Several streets in our downtown were milled/overlaid in 2021. Continuing these improvements will tie in nicely to upgrades to 4th Street scheduled to start in 2023.
- Continuation of improvements to City-owned downtown parking lots.

The preliminary schedule for 2022 is to finalize the streets and pavement maintenance strategies in March with construction starting in late May and completion in September.

PRESENTATIONS:

A presentation on Pavement Management will be done by representatives from Alfred Benesch followed by a short presentation on downtown City parking lots.

ATTACHMENTS:

- Pavement Management PowerPoint Presentation
- Parking Lot PowerPoint Presentation

CITY OF LEAVENWORTH 2022 PAVEMENT MANAGEMENT PLAN

Project Number: 2021-966



BENESCH TEAM LEADERS



BRAD JOHNSON, PE
Project Manager

- 25+ Years' Municipal Experience
- City Engineer Experience
- PM on AM Projects in Topeka
- Managed Pvmt CIP in Salina
- Overseen Dozens of Street Maintenance Projects/Programs



CHRIS HARKER, PE, CAMP
Asset Management Specialist

- 19+ Years' Experience
- Certified Asset Management Professional (CAMP)
- Managed AM Projects at State, County, City Levels
- Oversees Asset Mgmt Services Firm Wide for Benesch



JARROD RUSSELL, PE, CAMP
Project Engineer

- 7+ Years' Experience
- Certified Asset Management Professional (CAMP)
- Expertise in Asset Mgmt ERM Software
- Leading Leavenworth's Bridge Inspection/Asset Efforts



JEFF SIMONS
Technical Lead

- 15+ Years' AM/GIS Experience
- Previous Public Agency Experience
- GIS Analyst & Lucity Expert
- AM ERM Across Mult. States
- Electronic Data Tool Experience

PROGRAM PHASES & MILESTONES



Field Data Collection Process

- Update Current Scope of Services
- Utilize 3rd-Party
- Tailor Data Fields
- Integrate Existing Database

Feb – Mar 2022



Street Maintenance Projects

- Leverage Data
- Based on PCI Rating
- Mill & Overlay & Microsurfacing
- Network Distribution By Classification

Mar – Apr 2022

2022 Street Maintenance Projects

- Field Validation Visits Scheduled for End of February
- Maintenance Sites Finalized By End of February
 - Vilas Street (10th Street to 15th Street)
 - North 7th Street (Metropolitan to Kiowa Street)
 - Garland Street (South of Rees Street)
- Planned Milestones (Preliminary):
 - Project Bid Advertisement = March
 - Project Bid Openings = April
 - Project Construction NTP = May
 - Project Completion = Sept

PROGRAM PHASES & MILESTONES

Phase 2 – Summer to Fall of 2022

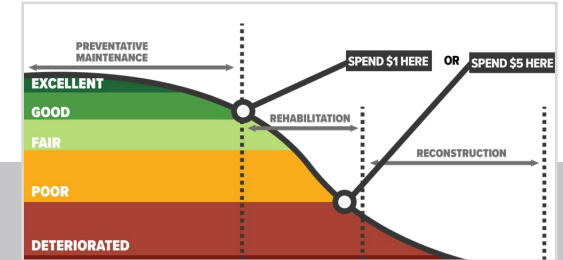
- Enhancing Prioritization & Forecasting Procedures
- New Procedure in Place for 2023 Street Maintenance Site Selections
- Still Incorporates PCI Data



Establish Level of Service Criteria

- Based on APWA
- Aligned w/City Plans
- Beyond PCI Ratings
- Involve Commission
- Facilitates Other AM Planning

May – June 2022



Build Out Priority & Forecasting Tools

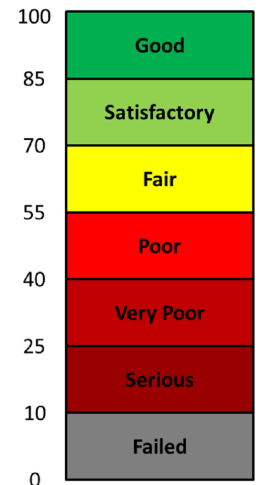
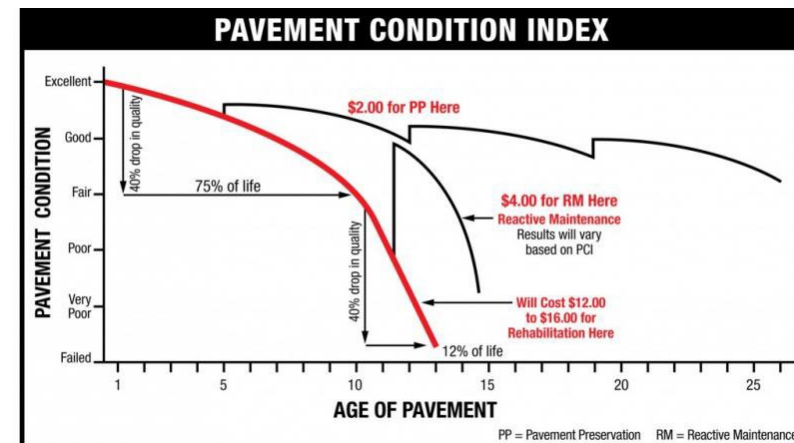
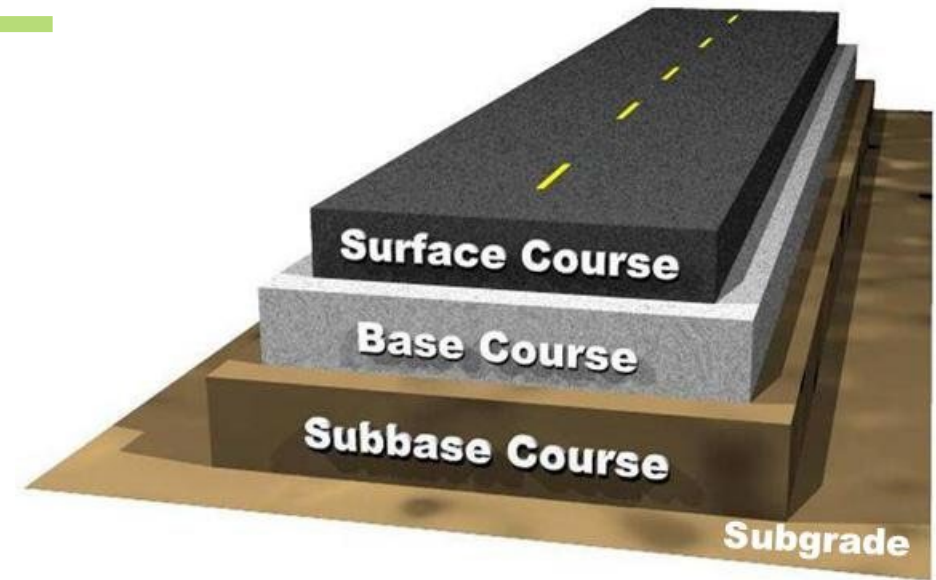
- Future Deterioration & Work Actions
- Utilize Regional Data
- Integrate Risk Mgmt
- Create CIP

July – Aug 2022

PAVEMENT CONDITION INDEX (PCI)

Generic Cross-Section of Pavement

- Traditional City Methodology = PCI Rating
- Industry Recognized Procedure/Process
- One of Multiple Condition Indices Available
- Numeric Value (0-100) Indicating General Surface Condition of Pavement
- Provides Indirect Information on Base/Subbase Integrity and Capacity
- Based on Defect Severity & Density + Smoothness
- Context Matters Regarding Significance of PCI Value
- Value From - Historical Data, Trends & Forecasting



HOW CITY IS ENHANCING PAVEMENT MANAGEMENT

- APWA Endorsed New Asset Management Planning Strategy in 2017
- Builds Upon FHWA MAP 21 Requirements
- Includes Future Demand, Lifecycle Management, Long-Range Financial Plans
- Describes What Needs to be Done and What Can't be Done with Given Resources
- ...the Challenge of our Generation is Not Expansion but Maintenance and Extension of Service Lives



“AMP is a Comprehensive Process to Ensure Delivery of Services From Infrastructure is Provided in a Financially Sustainable Manner”

CORE OBJECTIVE & PERCEPTION

- Extend Service Lives of Streets with Cost Efficient Strategies
- Reallocate Street Resources to Preventative, Repair and Rehab Activities
- Enhance Public Perception of Maintenance Projects
- Ensure Equity Across Network (Local/Collector/Arterial)
- **Key to Funding:** Transparency, Consistency, Relatable
- **Messaging is Key:** How Do We Affect People's Lives

Telling the Story...it Begins with:

We Don't Manage Assets...We Manage the Services Those Assets Provide to the Public



DEFINING SERVICE LEVELS

- Based Upon APWA and FHWA Strategy
- Services are the “Function” the Asset Provides the Public
 - What Do/Should our Street Assets Provide?
 - How Well are our Street Assets Performing?
- **Service Driven Approach:**
Balancing Community and Technical Service Levels
- **Community Service Levels:**
Measures How the Public Receives the Service and Whether Value is Provided
- **Technical Service Level:**
Defined By Operational/Condition Data and Performance vs. Desired Outcomes



BASIC LEVEL VERSUS PREFERRED LEVEL



Clearly Define What is the Basic Service and What is Preferred

PAVEMENT MGMT PLAN DEFINES

- What Services are Provided
- How Services are Provided
- What the Service Levels are
- How Service Performance is Measured
- What Funds are Required



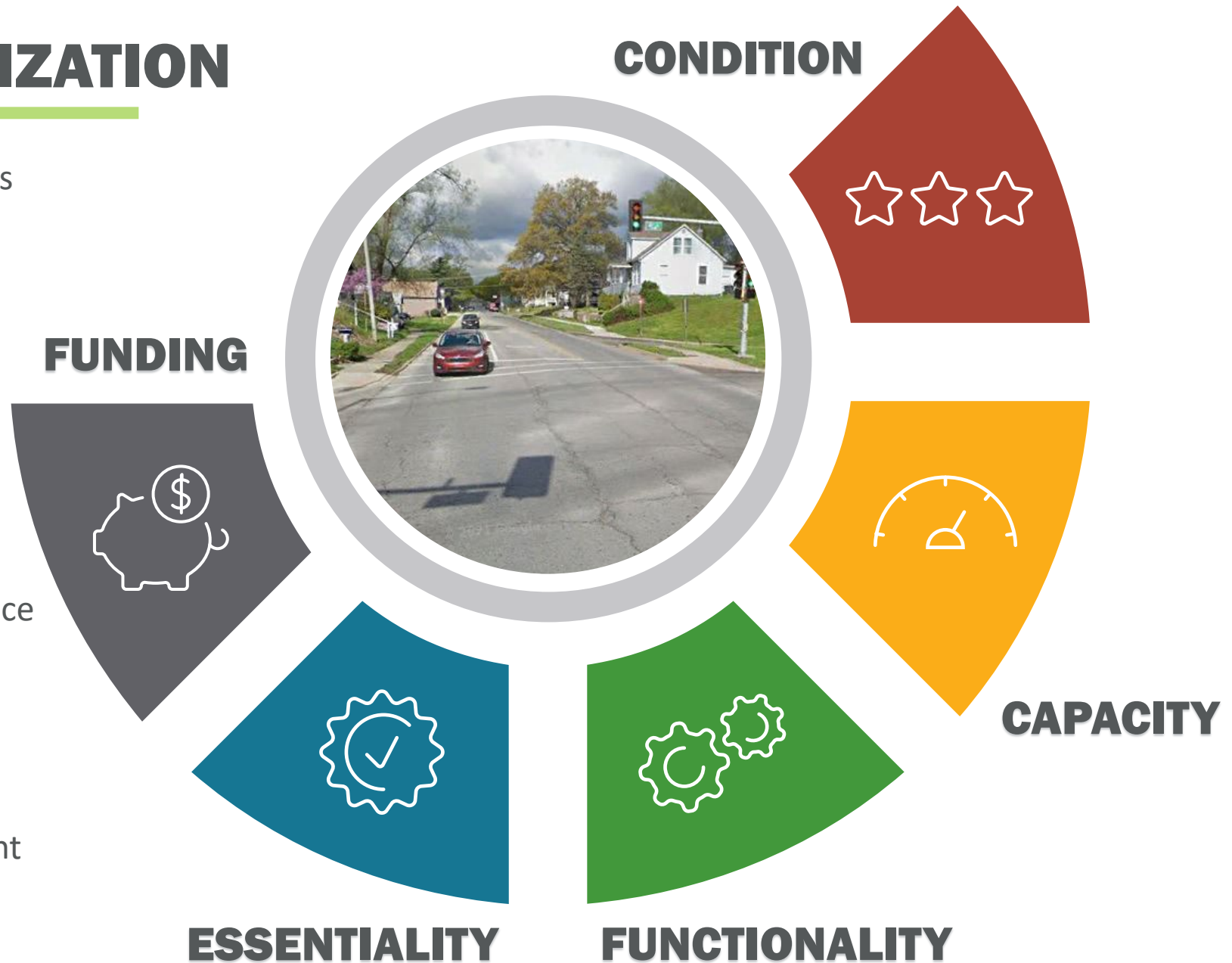
Service Levels Have Various Prices – What is Really Needed

STAKEHOLDER ENGAGEMENT

- Buy-In and Input
- Messaging
- Branding
- City Commission Districts

PAVEMENT PRIORITIZATION

- End User Needs & Desires Not Always Reflected By Condition Rating
 - ✓ Ex. (Congestion, Parking, Drainage, Lighting, Multi-Modal, ADA, Operations/Signal Delays, Noise)
- LOS “Functions” Align Pavement Management w/Strategic Planning
- Prioritization Rating will be a Composite of Scores From Each Service Component
- Component Scores Likely to Use “Weighted Average”
- Planned City Commission Engagement for Components & Relative Weights



BENEFITS OF ENHANCEMENT

PROACTIVE VS. REACTIVE

- Looking Beyond the “Current PCI Snapshot”
- Incorporate Street Maintenance Benefits
- Future Street Finance Management

IMPROVING RETURN-ON-INVESTMENT

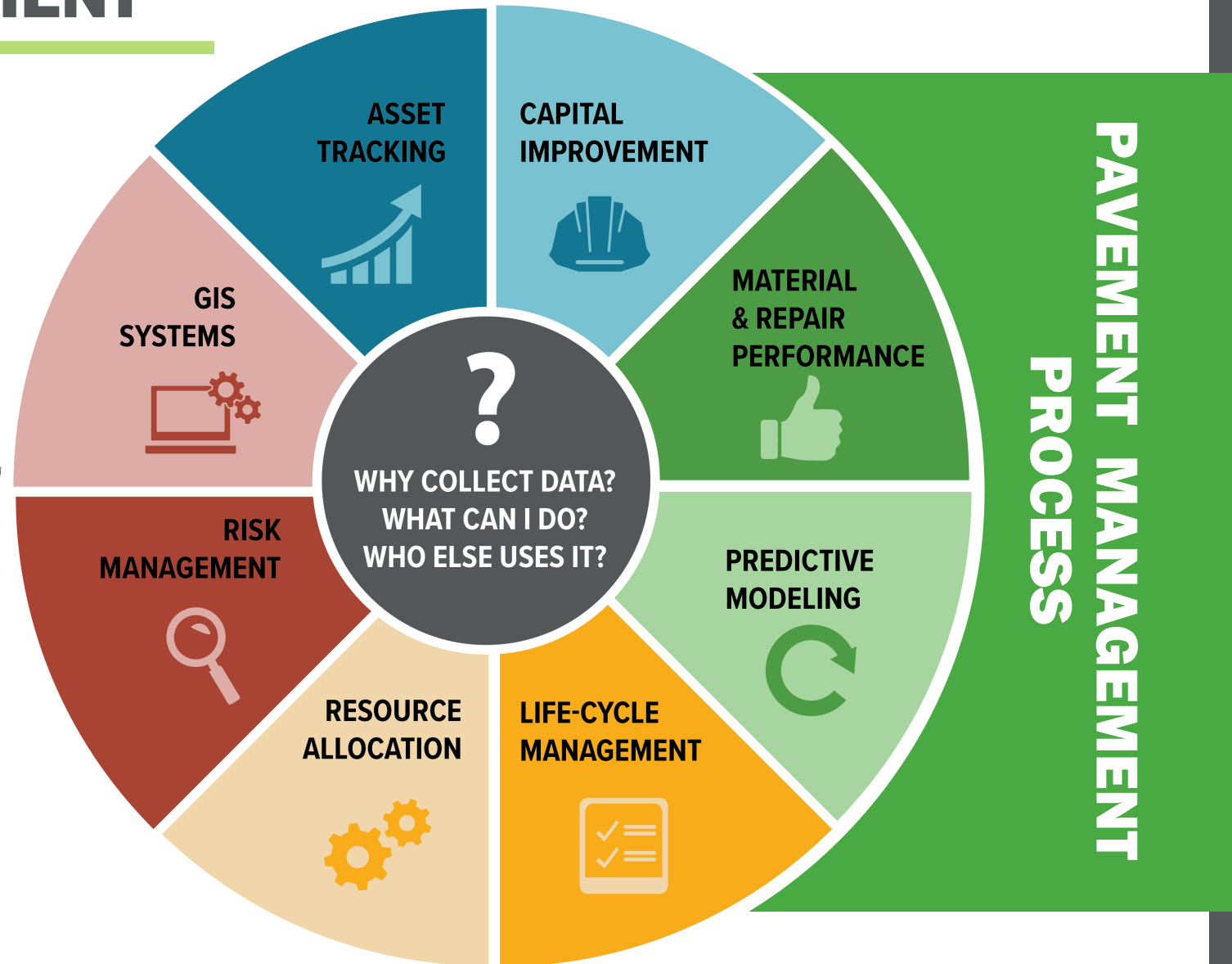
- Tracking Performance of Street Rehab/Repairs
- Quantifying Additional Street “Functional Life”
- Knowing What and When to Take Action

MINIMIZING/CONTROLLING RISK

- Tracking Performance of Street Rehab/Repair

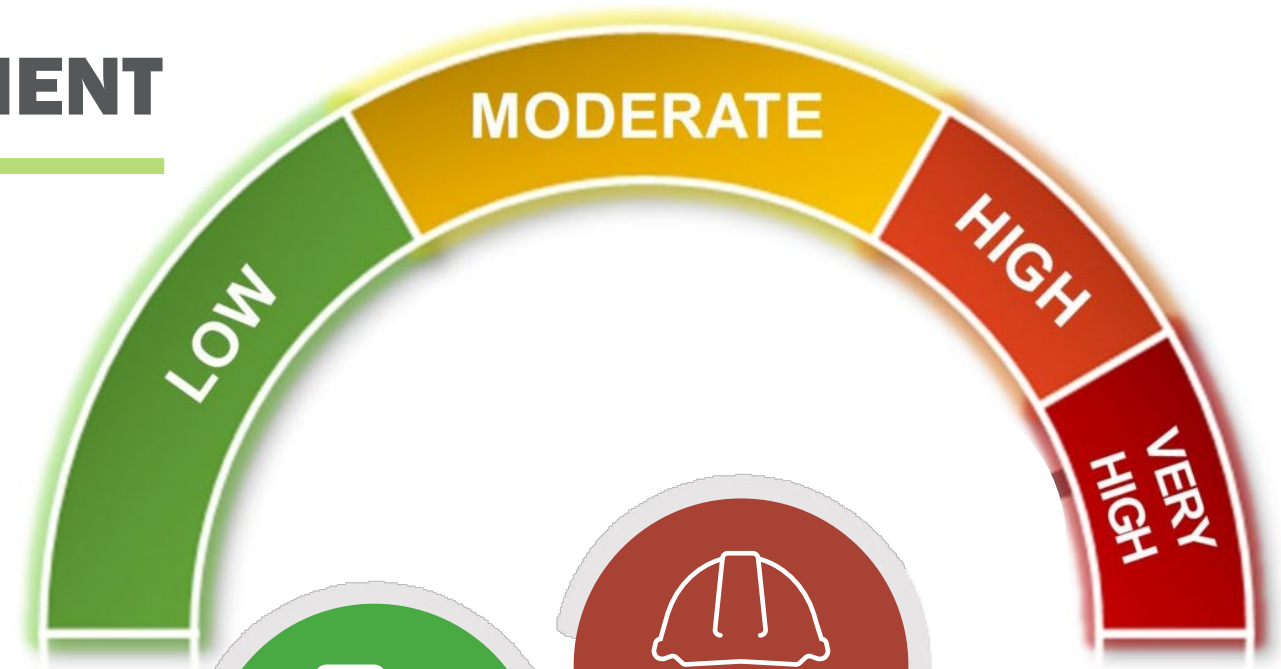
AVOIDING EMERGENCIES

- Pavement Life-Cycle and Deterioration Based Planning



PAVEMENT RISK MANAGEMENT

- APWA and FHWA Risk-Based Decision Making
- Risk is Inherent with Every Street and Action
- Owner Assumes Risk with Every Pavement Management Decision
- No Decision, or a Deferred Decision, is a Decision



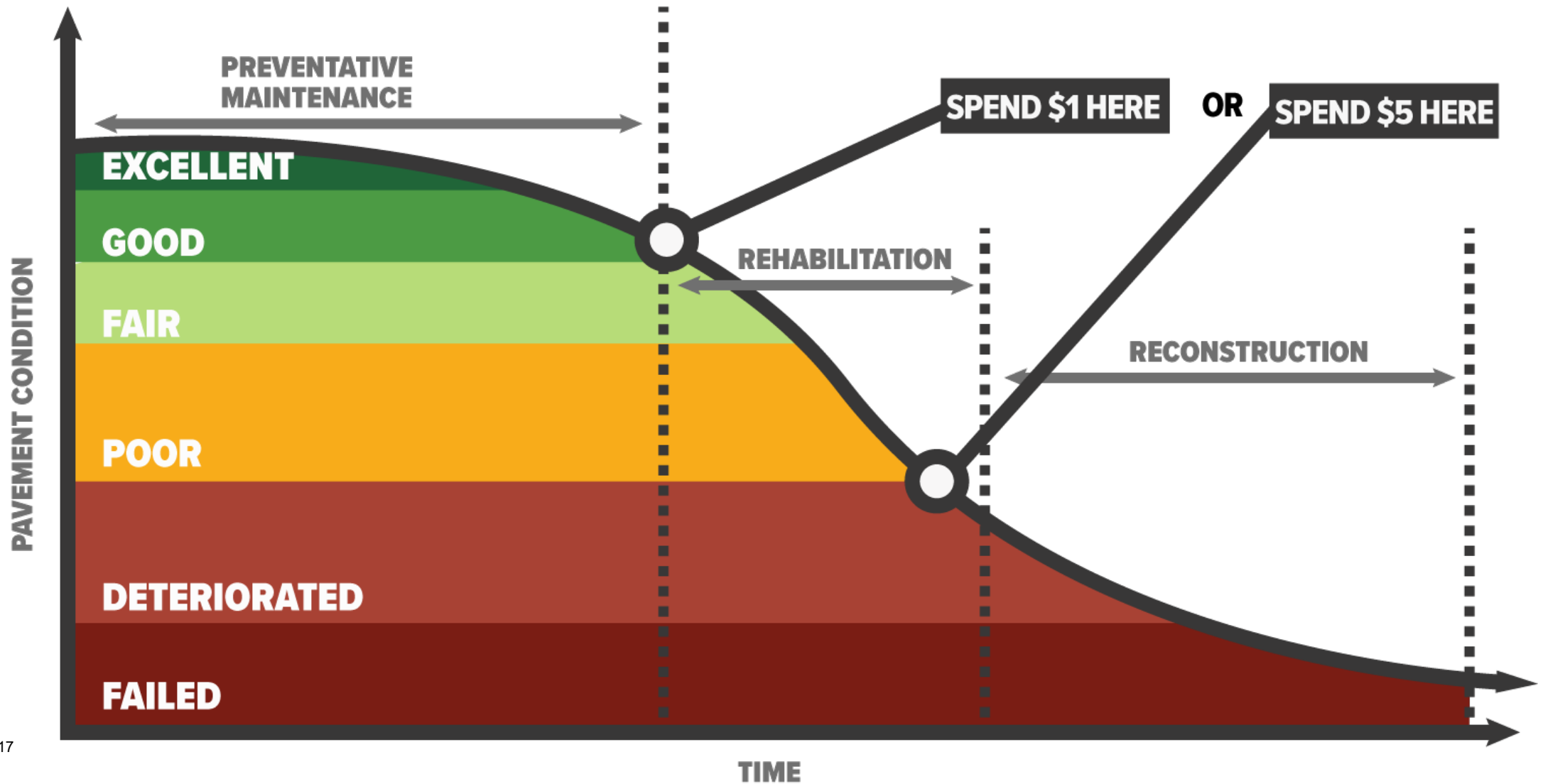
APWA DEFINES FIVE RISK CATEGORIES:

- Triple Bottom Line – Financial, Social, Environmental
- New Categories = Safety and Functional

APWA Provides Guidelines for Defining and Quantifying Risk Categories

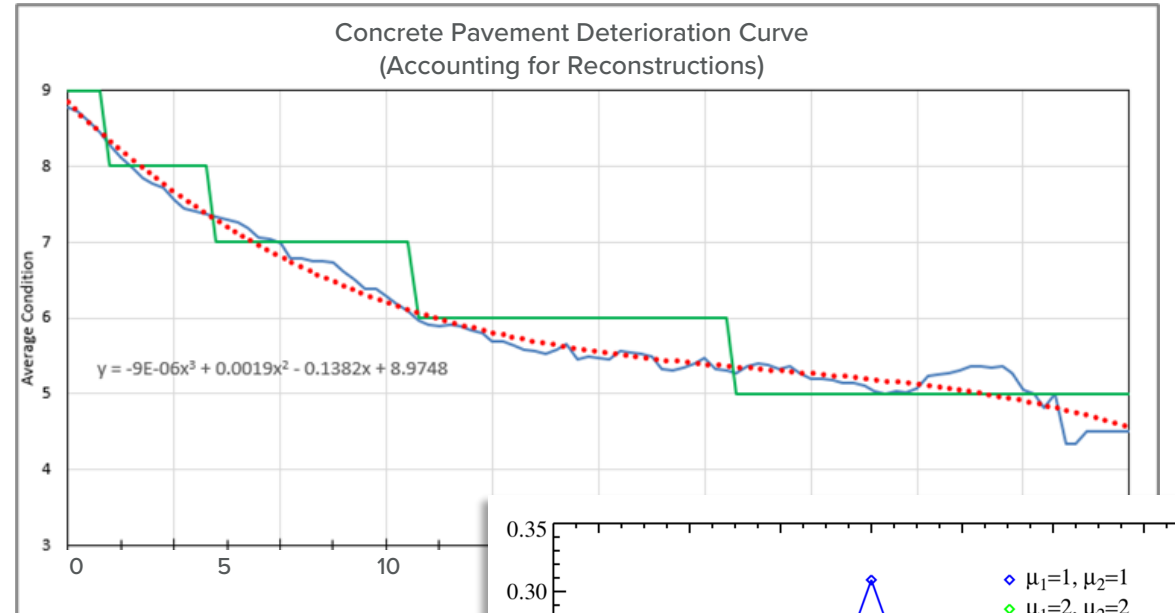


PAVEMENT PERFORMANCE FORECASTING

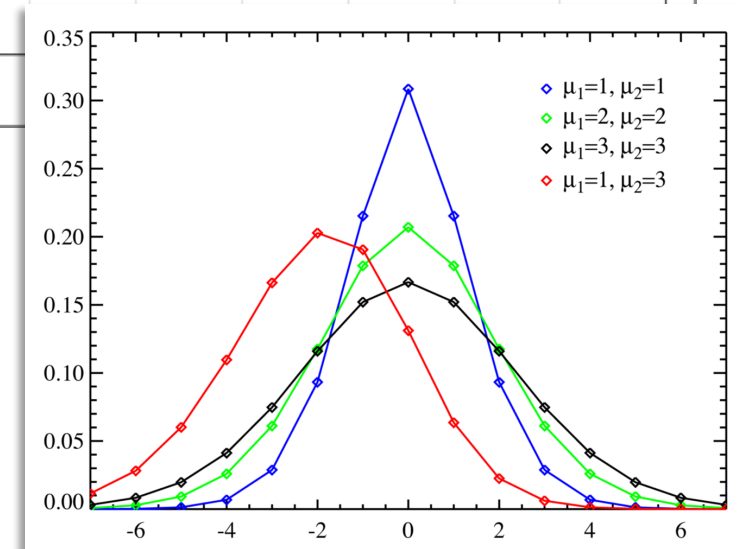


PAVEMENT FORECASTING

- Deterioration Models & Work Action Benefits
- Leverage Local, Regional & National Databases
- Tailored Models for Local, Collector, Arterial Roads + Different Pavement Material
- Select Condition “Triggers” or Thresholds
- Automated Process Based on Condition & Other LOS Components
- Forecasts “Planned” Work Actions for Pavement
- Defendable, Repeatable Process



Historical Trends & Statistical Modeling



DATA-DRIVEN PAVEMENT DECISION MAKING

PM PLAN

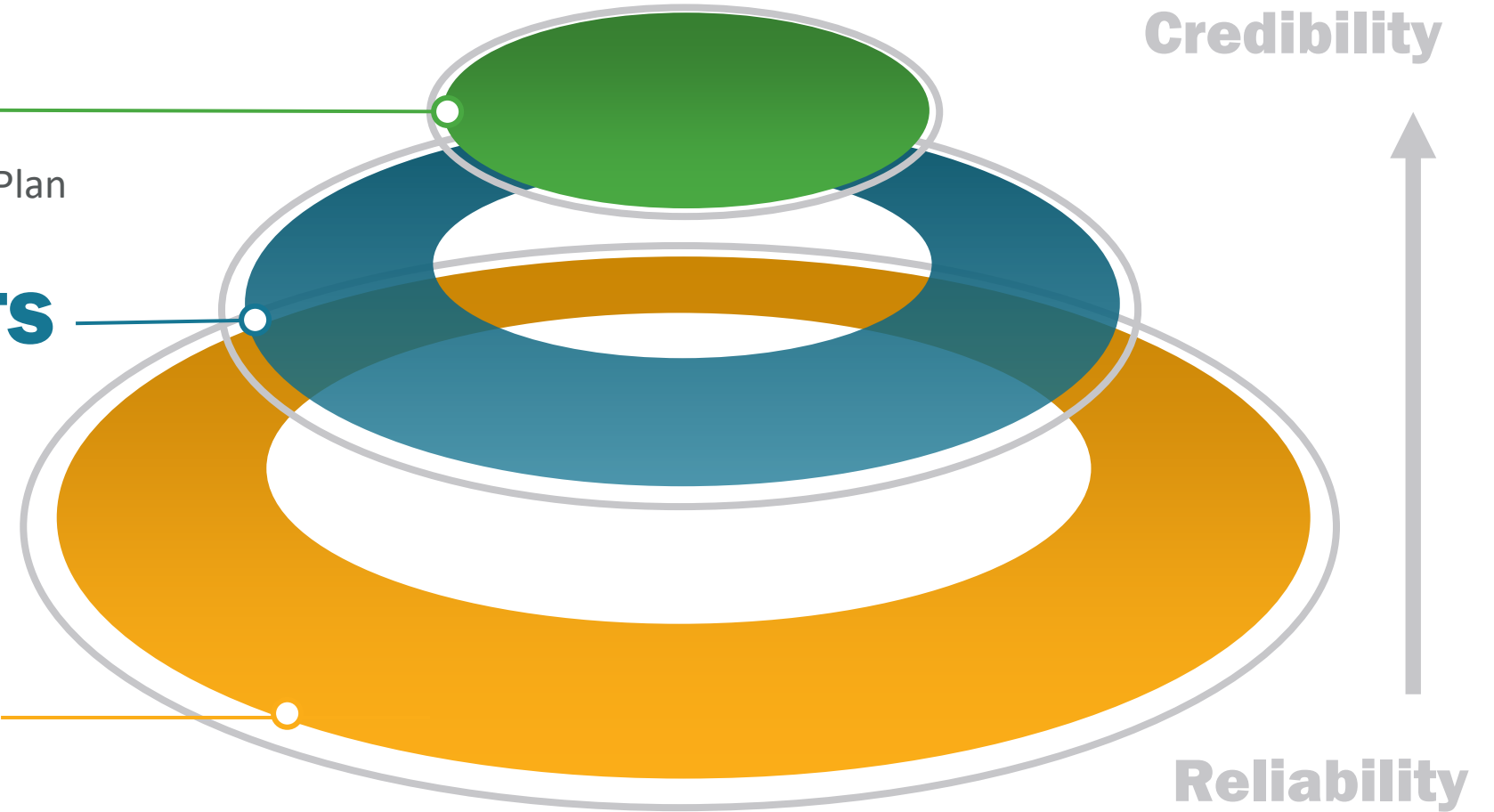
Reliable, Credible and Functional PM Plan

PM PLAN ELEMENTS

- CIP/STIP
- Budget
- Forecasting
- O&M Methodology
- Repair Options
- Deterioration Modeling
- Life-Cycle Planning

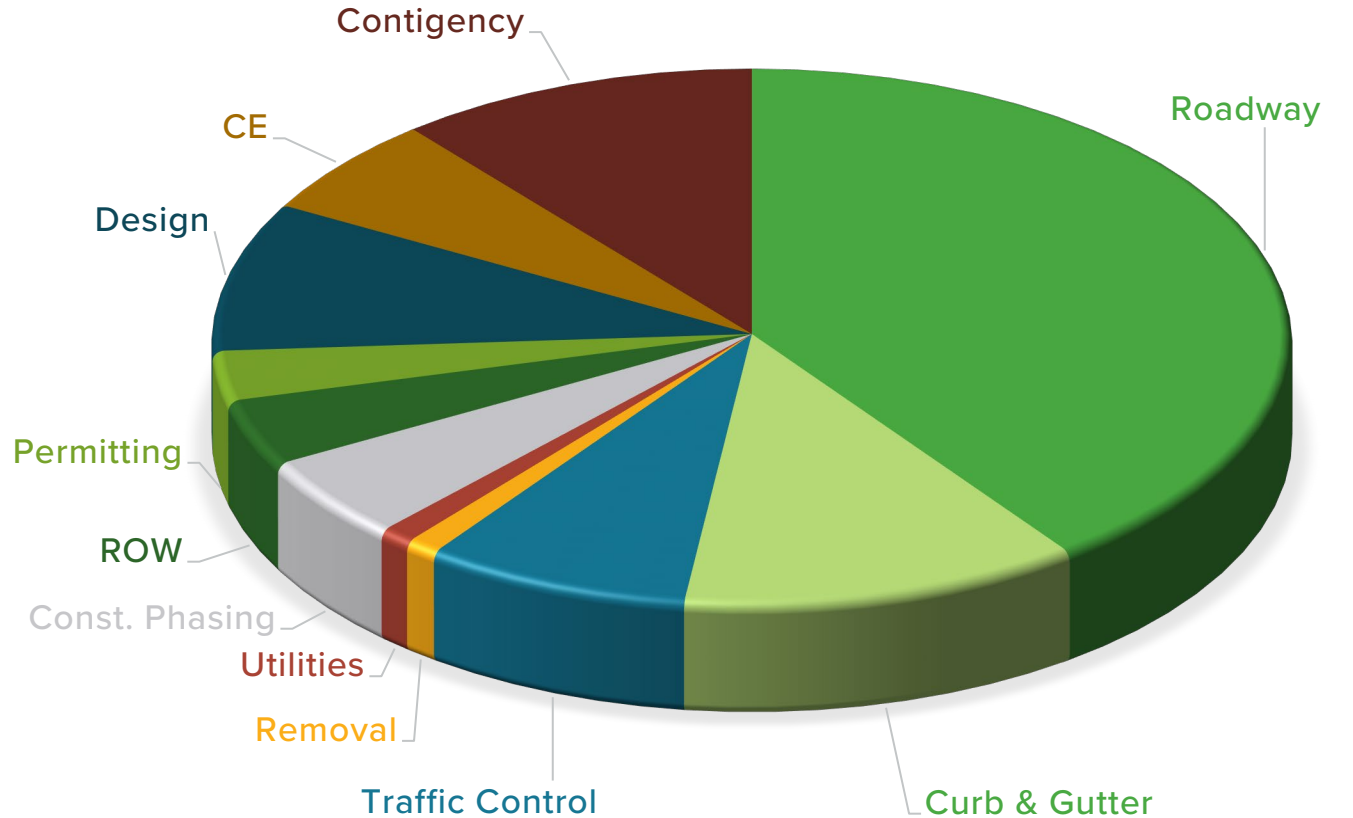
DATA COLLECTION

Data Gathering is the **Foundation** for Pavement Management



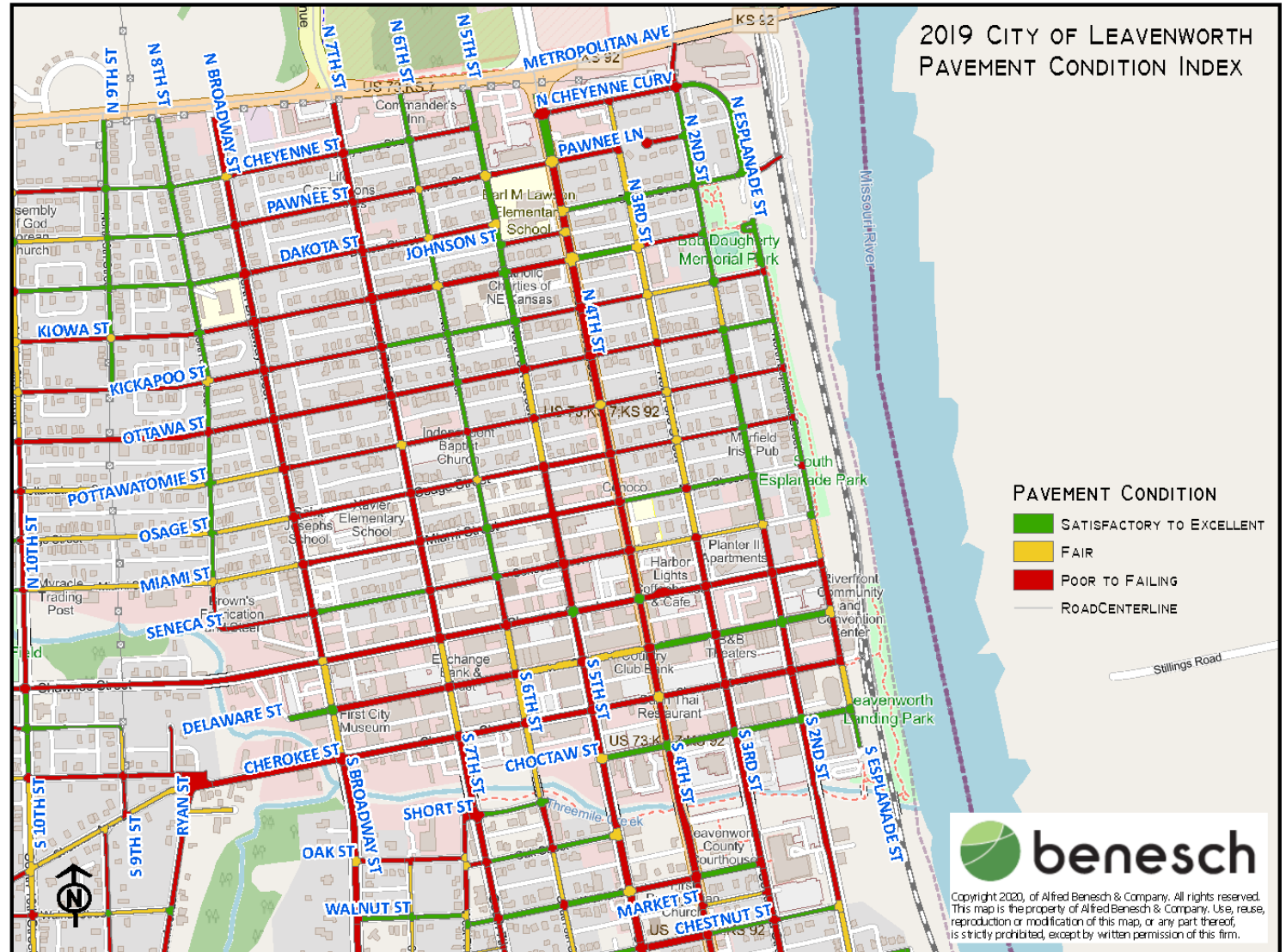
FINANCIAL MANAGEMENT

- Project vs Roadway Cost Projections
- Present vs Future Value of Money & Cost of “Deferred Action”
- Automated CIP Cost Updates
- Screening for Funding Pools & Referenced Grant Forms
- Scenario Evaluation

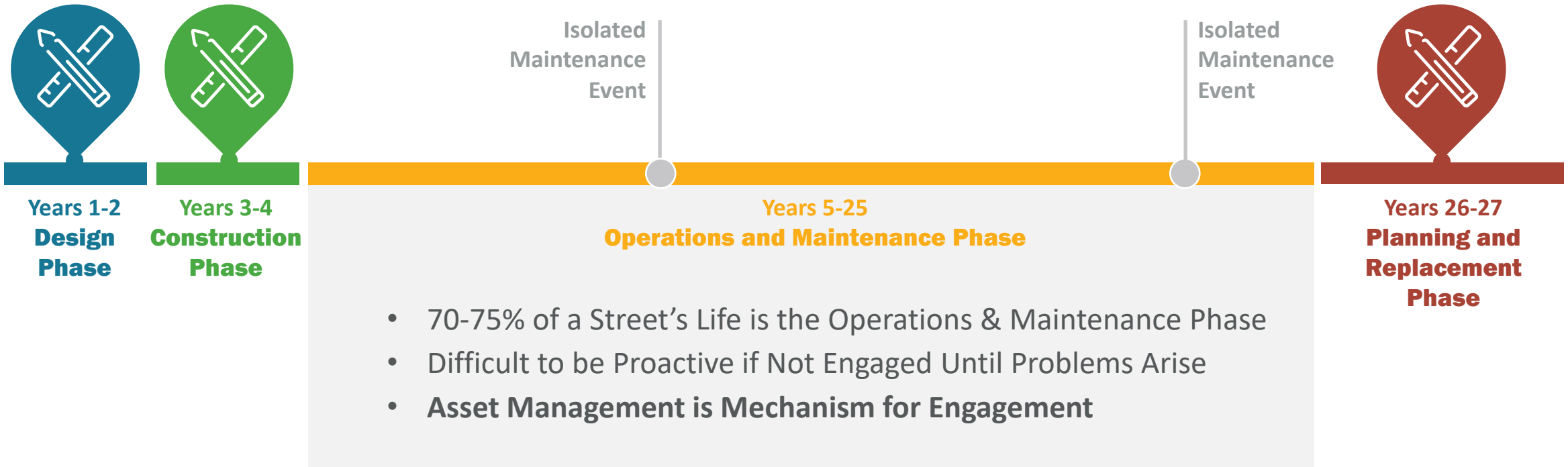


INTEGRATING WITH OTHER INITIATIVES

- Current & Future PCI Data
- Condition Data for Adjacent Asset Groups
- Cross-Referencing with Bridge AM Prog. Underway
- Creating GIS Interfaces
- Automated Reports
- Connecting Work Actions Through GIS

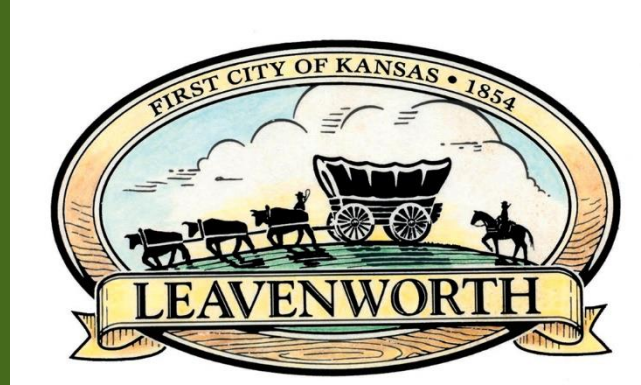


QUESTIONS?



...Challenge of Our Generation is Not Expansion but Maintenance

CITY OF LEAVENWORTH



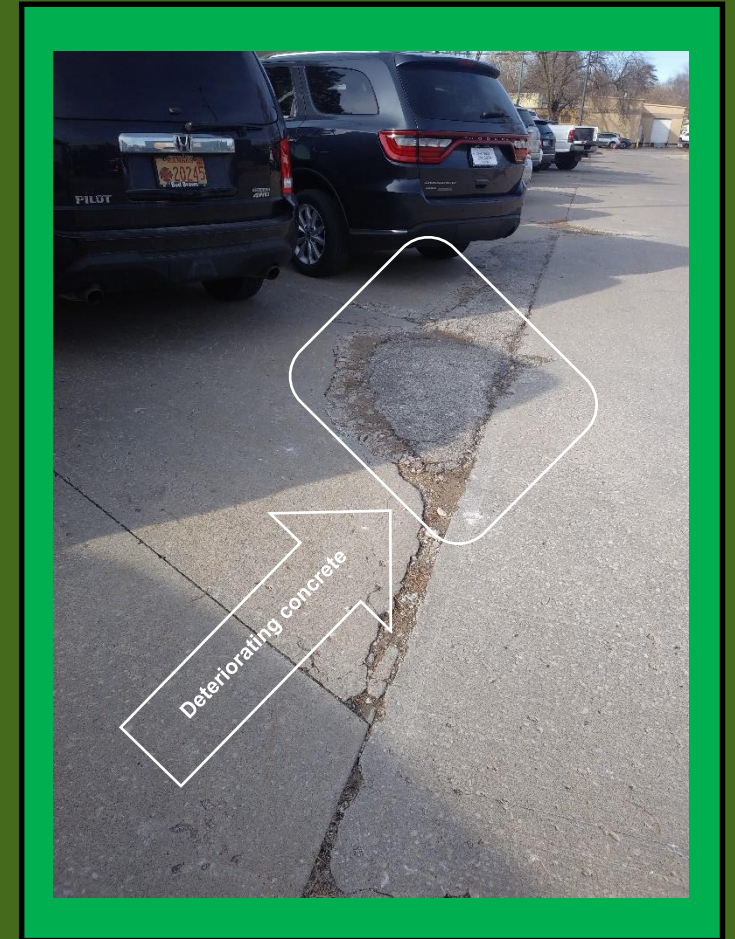
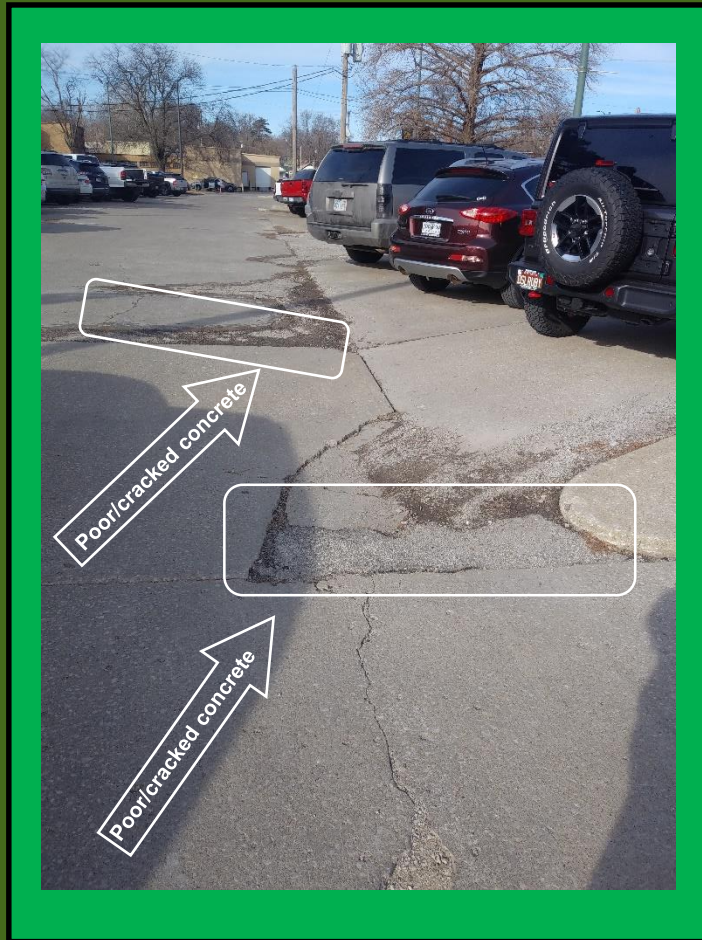
CITY COMMISSION MEETING
FEBRUARY 15, 2022

CITY PARKING LOTS

CITY PARKING LOTS



100 N. 5TH STREET (EAST OF CITY HALL)

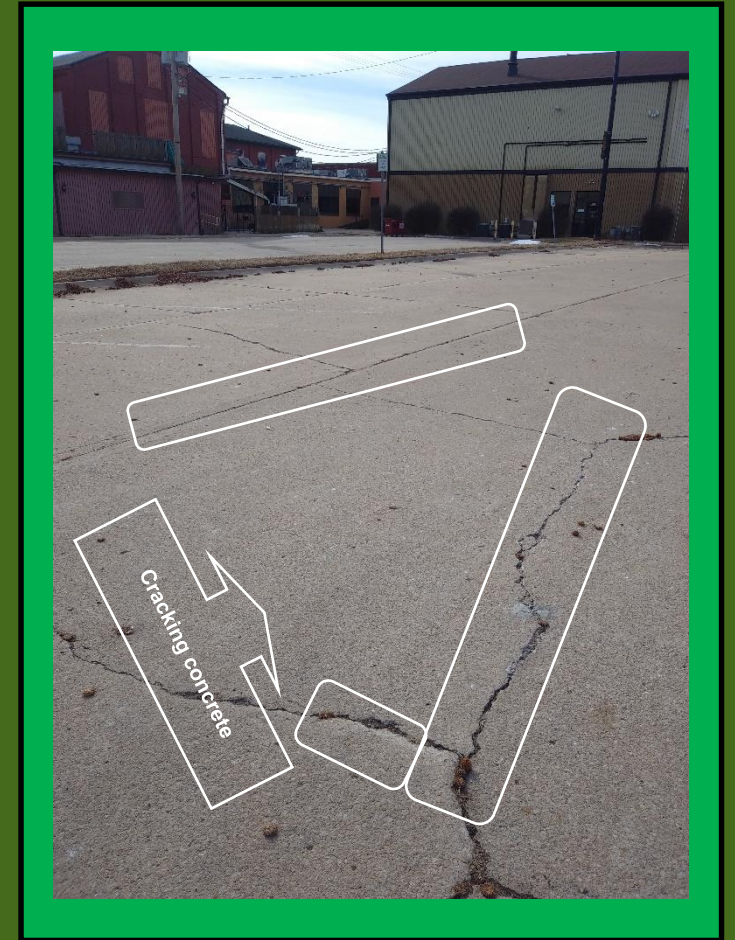
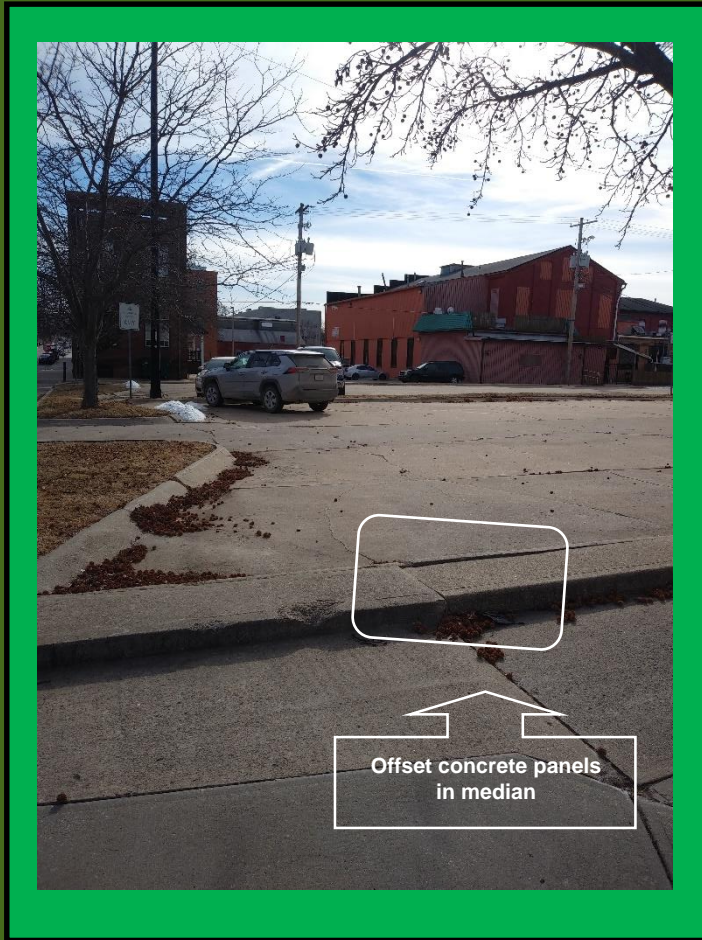


100 N. 5TH STREET (EAST OF CITY HALL)

RECOMMENDATIONS:

- SHOULD DO THIS LOT IN 2022/2023 TO BE FIXED FOR CITY HALL CENTENNIAL IN 2024?

201 CHEROKEE STREET



201 CHEROKEE STREET

RECOMMENDATIONS:

- REPLACE BROKEN CURBS
- REMOVE TREES AND RE-DO SIDEWALK
- REPLANT TREES
- REPLACE NUMEROUS CONCRETE PANELS

100 DELAWARE STREET

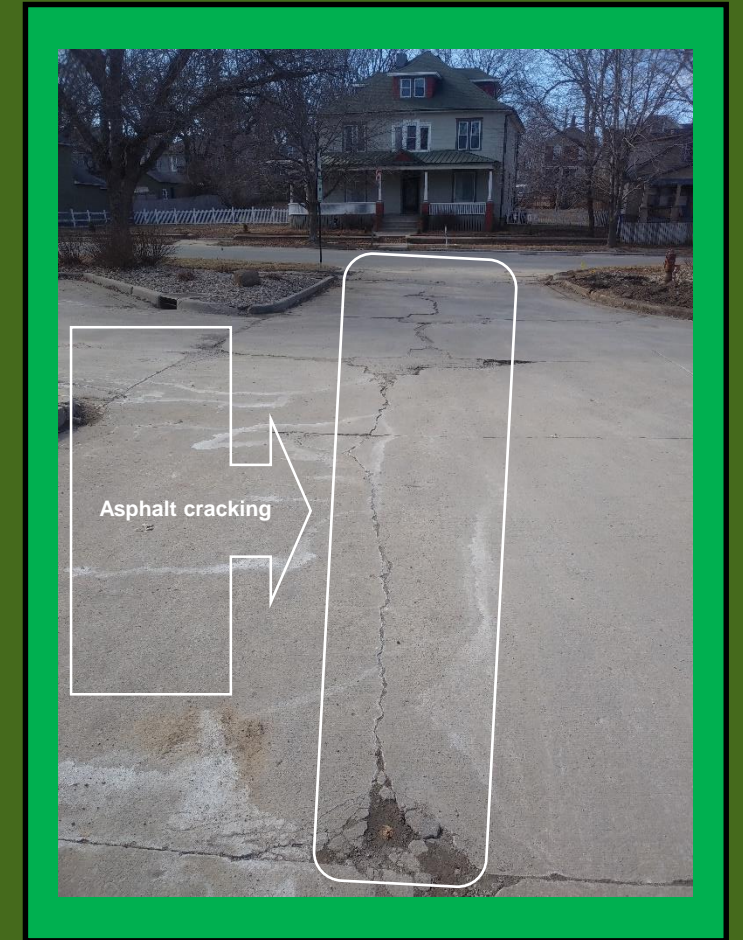


100 DELAWARE STREET

RECOMMENDATIONS:

- SOME CURB AND SIDEWALK REPLACEMENT
- POSSIBLY LOOK AT SOME TREE REMOVAL OR REPLACE TREES
- MILL & OVERLAY ASPHALT SURFACE
- COULD BE DONE IN PHASES

417 SPRUCE STREET (LIBRARY)



417 SPRUCE STREET (LIBRARY)

RECOMMENDATIONS:

- CONCRETE JOINT REPAIRS
- CONCRETE CURB REPAIRS
- POSSIBLY RESURFACING WITH ASPHALT

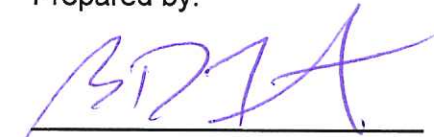
QUESTIONS?

POLICY REPORT PWD NO. 22-05

STUDY SESSION - REFUSE OPERATIONS MOVING FOWARD

February 15, 2022

Prepared by:



Brian Faust
Director of Public Works

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

The City has been providing for residential solid waste collections for many decades. As part of this vital service, the City provides trash bags for residents in the spring and fall of each year and disposes of virtually everything left at the curb.

The City places no limits on the volume of material that staff will collect. While the vast majority of households produce a typical amount of refuse, it is common, every day of the week in different areas of the community, to see the contents of entire households dumped at the curb. These piles are often put out well ahead of the appropriate time for a given trash day and over the course of days before service, the trash is displaced by weather, animals and pickers, often stretching into the street and into neighboring properties. This is a true blighting factor on our community.

The current monthly trash rate is \$19.31/month, or roughly \$4.46/week (calculated over 52 weeks). This fee alone pays for all equipment, maintenance, personnel and hauling/landfill fees associated with refuse collection and disposal. There is no subsidization of this service from sales or property taxes. The City has worked to keep this fee as low as possible to meet the goal of disposing of standard household trash. While there are natural times of the year when volumes rise, such as leaf season and after the Christmas holiday, the city provided residential trash service was never designed to be the solution for the removal of extreme quantities of discarded items.

The City of Leavenworth has an excellent Refuse Division that strives to clear all trash on a given trash day, regardless of quantity, weather or staffing levels. The ability to achieve these goals is severally hampered when residential refuse service is used as a substitute for an individual renting a dumpster, contracting a junk hauling firm or making alternative arrangements.

In an attempt to be proactive and address concerns voiced by residents and elected officials, staff started looking into how other communities addressed solid waste collections and how their residents responded if changes were proposed.

In that evaluation process, there seemed to be one method that was the most successful: forming a Solid Waste Citizens Task Force to evaluate options and make recommendation to the Commission. Refuse removal is a service that touches every resident in the City, and this approach ensures that changes are made that reflect what the residents want. While this does not ensure that any changes will be universally accepted, it does provide the opportunity for true public guidance.

At this time, staff is not proposing any changes to volume, frequency, type, fees, methods of collection (such as poly-carts), but instead looking for a discussion among the Commission, with multiple courses of action possible. Those courses of action could include, but are not limited to:

- Leave as is – no restrictions or limitations on what or volume.
- Create a citizen task force to look at this issue and offer recommendations.
- Have the City Commission evaluate all options, presented by staff, receive public feedback and make a determination on any changes to service.

If the Commission determines that a Solid Waste Citizen's Task Force to help evaluate and make recommendations is appropriate, a tentative schedule could be as follows:

- Committee members appointed in April/May 2022
- Monthly task force meetings with staff participation
- Presentation to Commission in October/November 2022
- Decision by Commission on path forward – December 2022/January 2023.

Photographs at various locations across the city.



CITY OF LEAVENWORTH



**CITY COMMISSION MEETING
FEBRUARY 15, 2022**

SOLID WASTE DIVISION - COLLECTIONS

4 DAYS IN SPRING 2021

























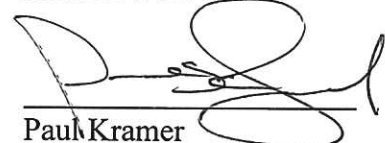
QUESTIONS?

POLICY REPORT NO. P&R 03-22
Parks & Recreation Department
Registration Deadline Policy for Youth Sports Programs
February 15, 2022

PREPARED BY:


Steve Grant
Parks and Recreation Director

REVIEWED BY:


Paul Kramer
City Manager

ISSUE:

Review the registration deadline policy currently in place for parks and recreation youth sports programs.

INFORMATION:

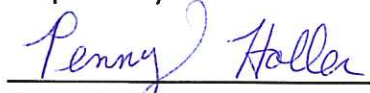
The Leavenworth Parks and Recreation Department currently sets a deadline for registration for youth sports programs administered by the department. After the arrival of that deadline, citizens are able to register for the program and are assessed a \$25 late fee. Currently, this late registration period lasts through the entirety of the program, allowing registration by individuals all the way up to the last day of the program.

The consequences of allowing registration through the entirety of a program negatively impacts the experience of the program for the participants. To administer the programs, staff must formulate teams and get coaches in place in time to conduct coaches meetings, set practice times/dates, and begin practicing. As late registrations come in following the formulation of teams, individuals are placed on teams as registrations are received. The parks and recreation department experiences a high number of late registrations resulting in high numbers of individuals on teams to the point that it negatively impacts the players. Playing time/participation time is drastically reduced due to sheer numbers on a team. This also places a burden on the coaches to manage the team, playing time, and to try and maximize the experience of each participant.

DISCUSSION

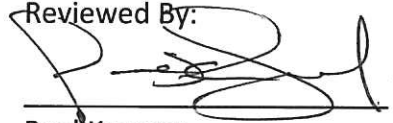
Study Session Policy Report
Discuss Proposed MOU with Bird Scooters for Pilot Project
February 15, 2022

Prepared By:



Penny Holler
Assistant City Manager

Reviewed By:



Paul Kramer
City Manager

ISSUE:

Receive the request from Bird Scooters for a pilot project.

BACKGROUND:

Bird Scooters contacted the City in 2021 about the possibility of a 12-month pilot project to bring 75 electric scooters to Leavenworth. A proposed Memorandum of Understanding (MOU) was submitted to outline the terms for the trial period. The MOU is an example of the types of terms that might be included should the City decide to pursue a pilot project.

Staff have held preliminary conversations with Bird Scooters to gain a better understanding of the proposed pilot project. Those conversations have included questions regarding pilot projects in over a dozen other Kansas cities including Fort Scott and Atchison. Should the City decide to pursue a pilot project, staff would conduct a thorough review of the safety and liability considerations, as well as contact other cities to learn about their experience with electric scooters.

ATTACHMENTS:

1. Draft MOU with Bird Scooters
2. Bird Scooter Proposal

Memorandum of Understanding

The City of Leavenworth will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until December, 2022 unless terminated as set forth below.

AGREEMENT

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within Leavenworth jurisdictional boundaries. No person shall deploy a Stand-up electric scooter sharing system in the City in violation of this Agreement.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by Leavenworth consistent with fines for cyclists.
- 3) Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Stand-up electric scooters will be made available to rent from 4 a.m. to midnight (local time)
- 5) Bird Rides, Inc. shall provide a minimum of 50 vehicles at launch.
- 6) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 7) Data sharing: Bird Rides, Inc. will provide data to the City as necessary to assist with monitoring program usage.
- 8) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless Leavenworth (and City's employees, agents and affiliates) from and against all actions, damages or claims brought against City arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of City's (or City's employees', agents' or affiliates') negligence or willful misconduct. Leavenworth City expressly acknowledges that in no event shall Bird Rides, Inc. be liable for any special, indirect, consequential or punitive damages. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after the expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by the City's negligent construction or maintenance of public infrastructure. Leavenworth's right to indemnification shall be contingent on City notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Rides, Inc. shall have sole

control of any defense; City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Rides, Inc.

9) Insurance: Bird Rides, Inc. shall provide Leavenworth with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

10) Notices: All notices and communications to the City from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.

11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.

12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

13) The parties acknowledge that Bird Rides, Inc. may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Bird Rides, Inc. remains responsible for all obligations and requirements under this Agreement.

14) This agreement shall be governed by and construed in accordance with the laws of Kansas.

Leavenworth, KS

Bird Rides, Inc.

Signed By:

Signature: _____

Print Name: _____

Title: _____

Signature: _____

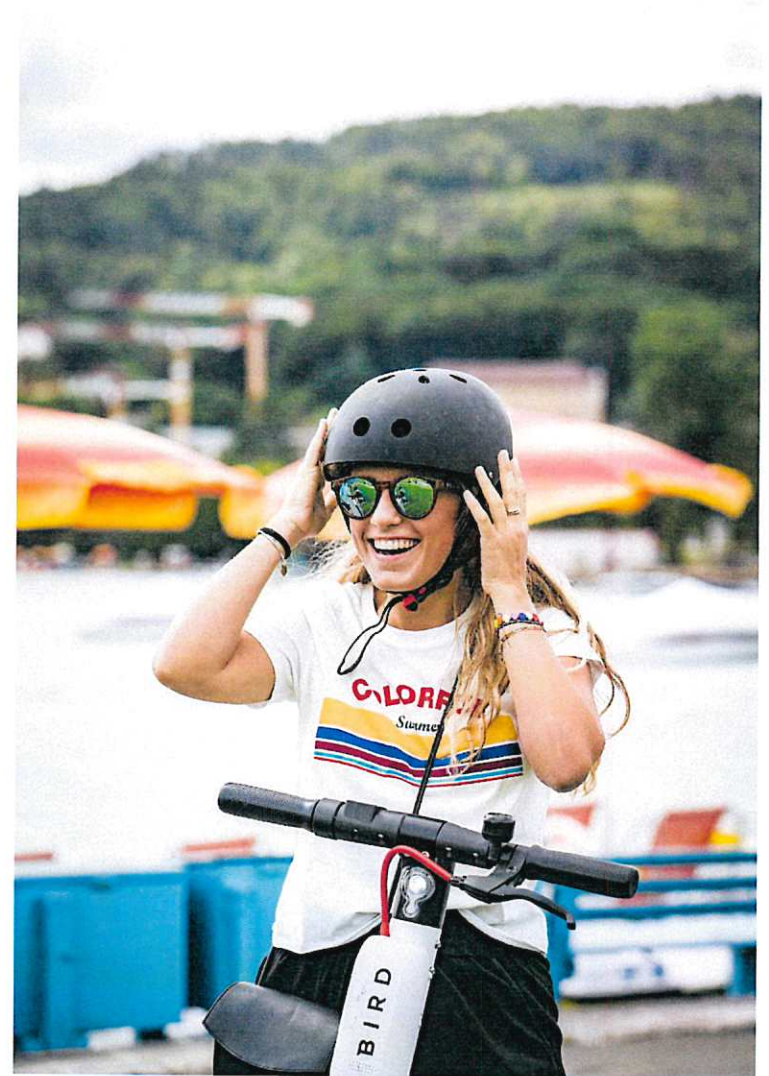
Print Name: _____

Title: _____



Hello, Leavenworth

2021



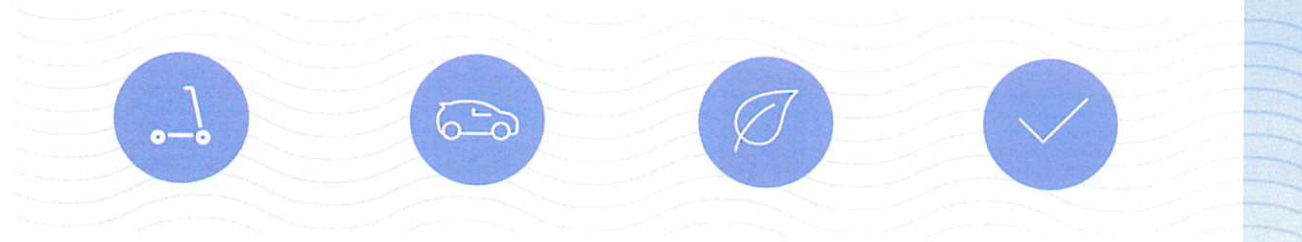


Why:

**Improve our communities and
the lives of those around us.**

What is Bird?

A micromobility company with a focus in shared electric vehicles.

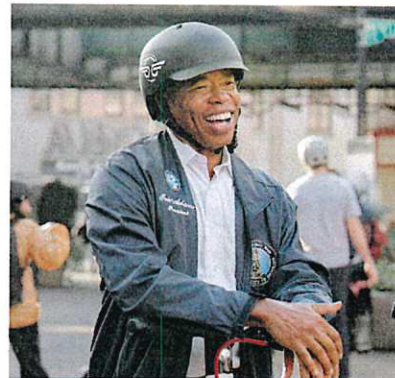


BIRD



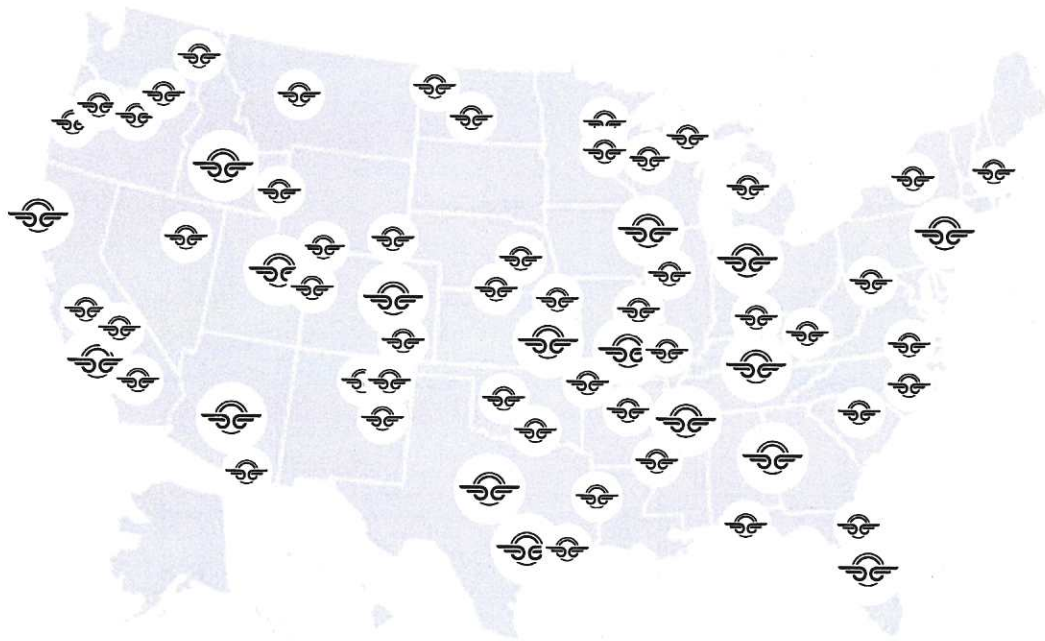
Bird's Story

- Founded in 2017, Bird saw instant success as a pioneer in the space.
- Most-trusted micromobility provider in the world.
- Over 100M rides.
- 5 Continents. 25 Countries. 300 Cities.



BIRD

Cities, Big & Small



City	Population
Fort Scott, KS	7,700
New Ulm, MN	12,200
Great Bend, KS	15,300
Elko, NV	20,300
Garden City, KS	26,000
Russellville, AR	29,100
Tooele, UT	34,500
Coachella, CA	45,100
Enid, OK	50,300
Pueblo, CO	110,000

How it works



Download the Bird app



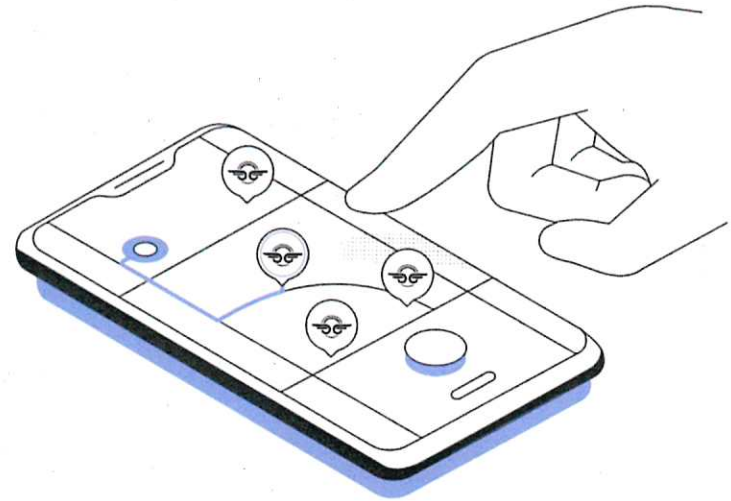
Sign agreement & verify age of 18+



Add credit card



Complete educational tutorials & enjoy the ride!



BIRD

Confidential and proprietary information

6

Pricing

Standard Pricing

\$1+ a per minute fee. Averaging ~\$7 a ride.

Equitable Pricing Options

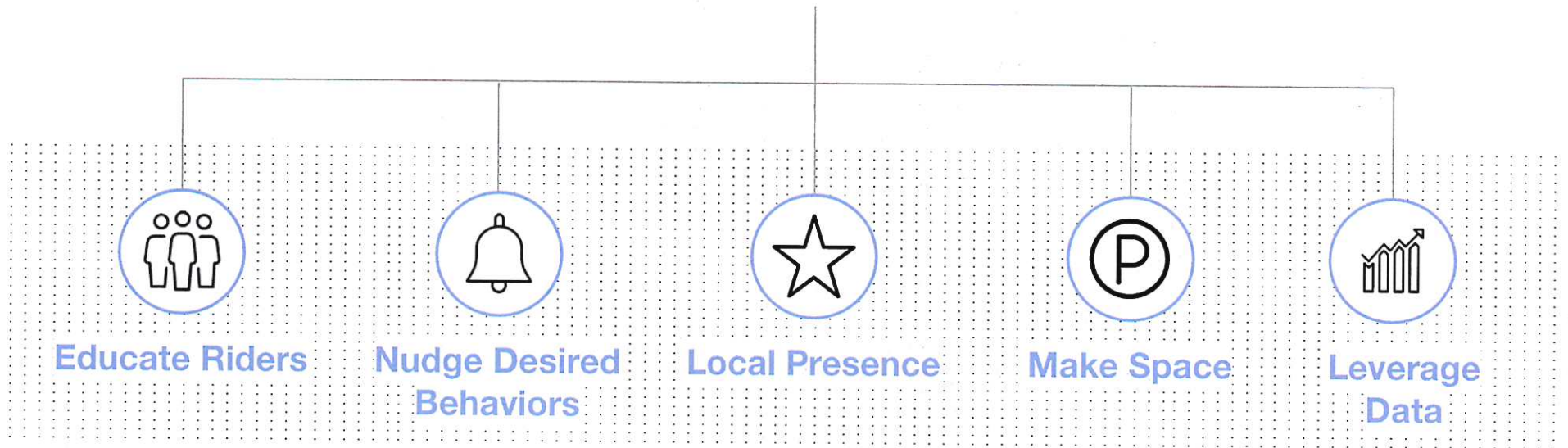
Discounts available to those in government assistance programs, veterans, senior citizens, healthcare workers, students with pell grants, etc.

BIRD



Focus on Reducing Clutter

Bird's future relies on properly integrating dockless micromobility into our communities



The Dockless Model

Freedom to choose where to pick up and drop off.

Available for use within the designated 'operating zone'.

Vehicle waits for next rider or is moved by the 'Fleet Manager'.



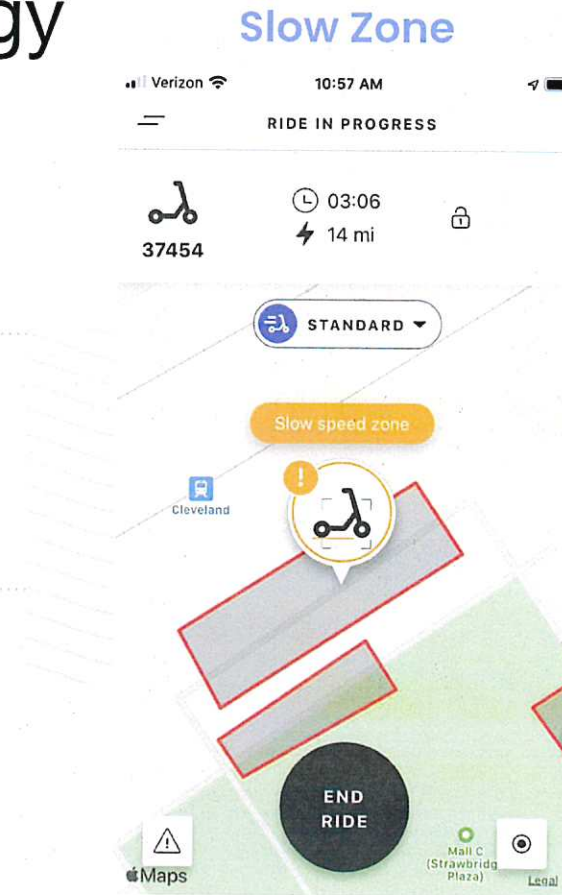
BIRD

Geo-Zone Technology

All vehicles are tracked with GPS.

When riders enter a designated geo-zone, vehicles follow set rules.

Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.



Fleet Manager

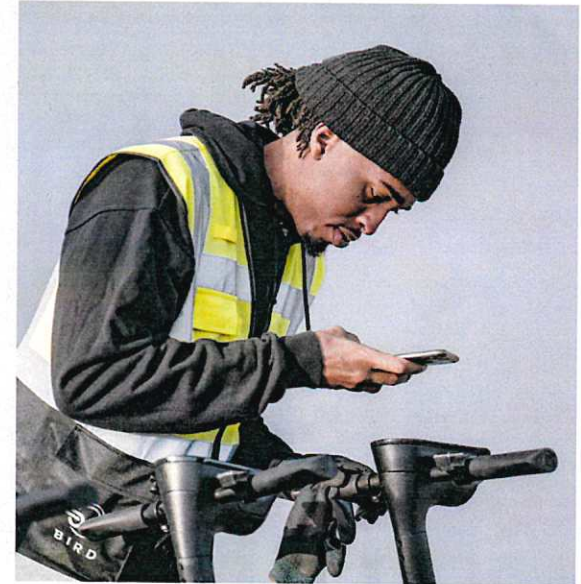
A local business who is responsible for managing a fleet including charging, repairs, and various performance tasks.

Local Touch:

- ✓ Deep community ties, and local knowledge
- ✓ Fast issue resolution
- ✓ Economic Opportunity
- ✓ Aligned incentives

Back by the Industry Leader:

- ✓ World-class technology & compliance tools
- ✓ Operational know-how
- ✓ Industry's Safest Vehicles



“

Being a fleet manager has enabled me to take care of my family, and provide employment opportunities in a time where we all need help.

- Chris, Atlanta, GA.

”

BIRD

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Proposal

- ✓ **No Investment Required**
- ✓ **Dedicated Account Manager**
- ✓ **Data Dashboard**
- ✓ **# of Vehicles:** 100-125
- ✓ **Launch Date:** Pending city approval
- ✓ **Approval Documentation:** MOU

BIRD



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Thank you

