



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, APRIL 12, 2022 6:00 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 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

(pg. 03)

1. National Library Week
2. National Child Abuse Prevention Month
3. Fair Housing Month
4. National Public Safety Telecommunicators Week
5. Barbershop Harmony Month

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

6. Minutes from March 22, 2022 Regular Meeting

Action: Motion (pg. 08)

Second Consideration Ordinance:

7. Second Consideration Ordinance No. 8184 Ordinance to Regulate and Allow Electric Scooters

Action: Roll Call Vote (pg. 16)

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:

8. Public Hearing for Vacating a Portion of Right-of-Way at 1507 Shawnee Street
 - a. Open Public Hearing
 - b. Staff and Public Comments
 - c. Close Public Hearing
 - d. First Consideration Ordinance for Vacation of Right-of Way

(pg. 20)

Action: Motion

Action: Motion

Action: Consensus

General Items:

9. Mayor's Appointment Leavenworth Preservation Commission
10. 2022-2023 City Commission Goals
11. Informational Update Rezoning of 1830 South Broadway
12. Letter of Support – Leavenworth Attainable Housing

Action: Motion (pg. 38)

Action: Motion (pg. 39)

Action: None (pg. 47)

Action: Consensus (pg. 48)

Resolutions:

13. Resolution B-2312 CDBG 5-Year Consolidated Plan and Annual Action Plan

Action: Motion (pg. 49)

Bids, Contracts and Agreements:

14. Consider Memorandum of Understanding for Bird Scooter Pilot Program
15. Consider Contract for Sanitary/Storm Sewer Rehabilitation

Action: Motion (pg. 52)

Action: Motion (pg. 69)

Consent Agenda:

Claims for March 19, 2022, through April 8, 2022, in the amount of \$1,915,657.94; Net amount for Payroll #06 effective March 25, 2022 in the amount of \$358,723.32 (Includes Police & Fire Pension in the amount of \$9,038.36) and Payroll #07 Effective April 8, 2022 in the amount of \$325,042.86 (No Police & Fire Pension) **Action:** Motion

Other:

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *libraries are accessible and inclusive places that foster a sense of connection and build community; and*
- WHEREAS,** *libraries connect people to technology, providing access to broadband internet, computers, and training that are critical for accessing education and employment opportunities; and*
- WHEREAS,** *libraries offer opportunities for everyone to connect with new ideas and become their best selves through access to multimedia content, programs, and classes – in addition to books;*
- WHEREAS,** *today's libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources; and*
- WHEREAS,** *in times of crisis, libraries and library professionals play an invaluable role in supporting their communities both in person and virtually; and*
- WHEREAS,** *libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and*
- WHEREAS,** *to adapt to our changing world, libraries are expanding their resources and continuing to meet the needs of their patrons;*
- WHEREAS,** *libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and*
- WHEREAS,** *libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and*
- WHEREAS,** *libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 3-9, 2022 as:*

National Library Week

During this week, I encourage all residents to connect with their library by visiting online or in person to access resources and services.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *our children are our most valuable resources and will shape the future of our communities; and*

WHEREAS, *the majority of child abuse and neglect occurs when people find themselves in stressful situations that are preventable, but without community resources and support, they don't know how to cope; and*

WHEREAS, *child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking; and*

WHEREAS, *child abuse and neglect is a community problem that can be reduced by making sure each family has the support of prevention programs created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and*

WHEREAS, *together we can strengthen and support families in raising their children in a safe, nurturing environment.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2022 as:*

National Child Abuse Prevention Month

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and*

WHEREAS, *the City of Leavenworth is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today many realty companies and associations support fair housing laws; and*

WHEREAS, *the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and*

WHEREAS, *equal housing opportunity is a condition of life in the City of Leavenworth that can and should be achieved.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2022 to be:*

Fair Housing Month ***Celebrating 54 Years of Fair Housing***

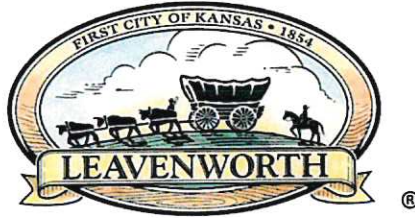
IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twelfth day of April in the year of two-thousand and twenty-two.*

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *emergencies can occur at any time that require police, fire, or emergency medical services; and*
- WHEREAS,** *when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and*
- WHEREAS,** *the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Leavenworth police-fire communications center; and*
- WHEREAS,** *Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and*
- WHEREAS,** *Public Safety Dispatchers of the Leavenworth Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and*
- WHEREAS,** *each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 10-16, 2022 as:*

National Public Safety Telecommunicators Week

In honor of the men and women whose diligence and professionalism keep our city and citizens safe.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America (SPEBSQSA), now known as the Barbershop Harmony Society, was founded in April 1938 and is celebrating its 84th anniversary; and*

WHEREAS, *the Barbershop Harmony Society promotes singing and harmonious relations in the United States and in many countries throughout the world; and*

WHEREAS, *the Cody Choraliers of the Leavenworth Chapter of the Barbershop Harmony Society are celebrating 52 years of barbershop harmony and community service in the Leavenworth area; and*

WHEREAS, *the Cody Choraliers work with the community to promote music education in the Leavenworth schools and entertain residents of and visitors to the First City of Kansas.*

NOW, THEREFORE, *I, Camalla Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2022 to be:*

Barbershop Harmony Month

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

Camalla Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, 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 Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Edd Hingula and Griff Martin.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Finance Director Roberta Beier, Planning and Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PROCLAMATIONS:

Welcome Home Vietnam Veterans Day March 29, 2022 – Mayor Leonhard read the proclamation. The proclamation was accepted by Lynn Rolf.

Mr. Rolf:

- Recognized several Vietnam Veterans in attendance
- Stated the veterans continue to serve all the veterans in our community
- Requested support for a new veterans facility in the area

Leavenworth Spring Clean Up Day April 2, 2022 – Mayor Leonhard read the proclamation. The proclamation was accepted by Melissa Bower.

Ms. Bower:

- Almost 1000 people have signed up for the event
- Kick off ceremony at 8:30 a.m. on April 2nd at Warren Middle School
- Additional services available that day include, bulk item drop off, recycling center and brush site will be open, Household Hazardous Waste trailer operated by the County, free paper shredding provided by Citizens Federal Savings Bank

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the March 08, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8183 Rescind Special Use Permit 539 Nipper Lane – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the March 8, 2022 meeting.

Mayor Leonhard called the roll and Ordinance 8183 was unanimously approved

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

Louis Klemp 1816 Pine Ridge Dr.:

- Discussed museums and where they should be relocated to
- County valuation numbers
- Discussed the rise in gas prices
- Mentioned the State's share of property tax monies
- Discussed ARPA fund disbursements to local entities
- Requested the City be conservative over the next 2 years

Public Hearing:

Public Hearing for Unsafe or Dangerous Structure 717 Spruce Street:

Open Public Hearing:

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

Staff and Public Comments:

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damage by fire on November 13, 2021
- City received insurance proceeds
- Building permit has been issued and some work has been done
- Staff recommends giving 90 days for owners to make further repairs

Gary Nelson, Attorney for the property owner:

- Mr. Lis is working on the electrical
- Quite a bit of clean-up has been done
- They are progressing

Close Public Hearing:

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

Commissioner Bauder moved to approve Resolution B-2311 giving the owners 90 days to complete repairs. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

General Items:

Mayor's Appointment Solid Waste Citizens Task Force - Mayor Leonhard moved to appoint to the Solid Waste Citizens Task Force Sarah Weygand, Anne Slusher, Gerard Overbey, John Denney Jr., Jeffrey Howards, Christian Howell, and Bryce Miller. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Review Unsafe and Dangerous Structure 767 Charles Street – Planning and Community Development Director Julie Hurley reviewed the property at 767 Charles Street, it was placed on the demolition list by Resolution B-2292 by the City Commission and granted an extension on November 9, 2021 for the owner to complete needed repairs. At the January 11, 2022 City Commission meeting the City Commission granted another extension. The outstanding item on this property is cleaning up the right-of-way, which is currently on-going. The property owner has installed a new roof, removed old siding and will be installing new siding shortly. Staff recommends the property be removed from the demolition list.

Commissioner Martin moved to remove the listed property from the demolition list. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Street Closure Request – First City History Festival Special Event – City Clerk Sarah Bodensteiner presented for consideration closure of 6th Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022 from Noon to 3:00 p.m. for the First City History Festival outhouse races and other games for participants at the festival.

Ken LaMaster:

- Goal of the group is to bring together all the historian groups and to have a festival to commemorate the areas rich history and promote Leavenworth
- Provided an overview of the event’s offerings including vendors and reenactments

Commission Bauder moved to approve the street closure request of closing 6th Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022 from Noon to 3:00 p.m. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

Rejection of Bids for Storm Drainage Improvements at 741 Pottawatomie – Public Works Director Brian Faust introduced the item as the area around 741 Pottawatomie experiences significant flooding during moderate and heavy rain events. The current system is not sufficient for the volume of water and as a result, water does pond in the side yards and can get fairly deep. The City hired Wilson & Company to design improvements at this location. The complete bids received were all over the Engineer’s estimate. Staff feels that the bids should be rejected and if rejected, staff will redefine the scope and design and rebid the project.

Commissioner Hingula:

- Asked why we have to reject the bids

Mr. Kramer:

- Replied because the City solicited bids, the City has to officially reject them before it can be re-bid

Commissioner Wilson moved to reject all bids for the Storm Drainage Improvements at 741 Pottawatomie and direct staff to re-bid the project. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Design Contract for the Traffic Signal Assessment – Public Works Director Brian Faust presented for consideration a contract with Olsson, Inc. for a complete assessment of traffic signals. This project is an important component of the City Commission “Roadways and Infrastructure” goal. KDOT recently completed a TEAP (Traffic Engineering Assistance Program) Study which identified a need for a complete evaluation of the City’s traffic signal system. The City has 43 traffic signals in our system ranging from several decades old to brand new. It is critical to assess the signals to determine remaining life, replacement costs and the consequence of failure for components within our system along with planning for the future. The City requested proposals from qualified firms that were interested in helping the City complete the following:

- Non-structural data collection
- Structural assessment
- Prioritization and replacement plan and maintenance schedule
- Traffic signal standards and specifications

The three submittals were evaluated and the top 2 firms were interviewed. After the interview, Olsson was identified as the top firm. City staff worked with Olsson to negotiate a detailed project scope of serves along with an estimated engineering fee for the work.

Mr. Kramer:

- Reviewed the fiscal comments pertaining to utilizing Federal Funds Exchange dollars that the City has reserved for street projects

Commissioner Martin:

- Did you get any idea from KDOT on what funding could be available
- Expand on connectively between signalization and vehicles

Mr. Faust:

- KDOT advised that funding could be available, but it is not a guarantee
- It could be very important for that connectively to improve the efficiency of our signalization with talking with cars

Commission Bauder moved to approve the Traffic Signal Assessment contract with Olsson, Inc. for an amount not to exceed \$93,214.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Rezoning 1830 South Broadway Street – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance rezoning 1830 South Broadway Street from R1-6, High Density Single Family Residential District to RMX, Residential Mixed Use District. The item was heard by the Planning Commission at their March 7, 2022 meeting and was voted 4-0 to approve the proposed change. Ms. Hurley reviewed the request:

- The property owner requested the rezone
- The property is 9.32 acres in size
- Current tenants in the building is the Council on Aging, who is anticipated to relocate in 2022

- Owner wants to renovate the building to residential and business/office space, 30 multi-family units
- Reviewed Golden Factors when reviewing Rezoning Requests:
 - Character of neighborhood
 - The zoning and use of properties nearby
 - The suitability of the subject property for the uses to which it has been restricted
 - The extent to which removal of the restrictions will detrimentally affect nearby property
 - The length of time the subject property has remained vacant as zoned
 - The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowners property as compared to the hardship imposed by such reduction upon the individual landowner
 - The recommendations of permanent or professional staff
 - The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city
 - Such other factors as may be relevant to a particular proposed amendment

Commissioner Bauder:

- Why wasn't corrected zoning done when the Council on Aging moved in

Ms. Hurley:

- The Council on Aging currently operates as a legal non-conforming use

Mr. Baljit Baidwan property owner of 1830 S. Broadway:

- As for number of units, don't have complete plan, but as an estimate could be 30 units
- Wants best use of the building

City Attorney Waters:

- Commissioners aren't approving a specific plan, you are deciding if the land use is the appropriate use for the area
- There are other steps if this moves forward and other reviews this process goes through
- Explained a quasi-judicial process
- Think about the Golden Factors when making this decision

Commissioner Martin:

- Define mixed use zoning and what that entails

Ms. Hurley:

- It's a mix of uses, multi-family, office space, commercial/retail uses(appropriate for neighborhood setting) to serve different needs of the community and residents
- Specific uses are defined in the development regulations

Commissioner Hingula:

- Have you had an open meeting with the neighbors

Mr. Baidwan:

- Had a good discussion with the residents at the planning commission meeting

Kathy Price 1825 S. Broadway:

- Attended Planning Commission meeting
- Doesn't quite understand the process of what the end result is, if the request is rejected or affirmed
- Concerned about condition of streets, where parking would be
- Concerns with Garland Street
- Sewer concerns
- Would like to see a specific plan
- Upkeep of the property

Commissioner Bauder:

- In order for anything to be done it would need to be rezoned, so the plan isn't part of the discussion

Commissioner Martin:

- Asked if the request could be modified to remove the office space/commercial part and just rezone for residential
- Would like to know more about what the neighbors feel about the rezone

Mr. Kramer:

- Rezoning is selected by the applicant
- The requested zoning designation is the best indicator of what uses would be in there

Ms. Hurley:

- Property is currently zoned R1-6 with a special use permit for a nursing home
- Allowed use today is either a nursing home or single family residential

City Attorney Waters:

- Application is to rezone to these types of uses as permitted by the zoning code
- Options tonight are to approve the Planning Commission's recommendation, overrule the Planning Commission's recommendation or send back to the Planning Commission with notes of things to re-review

Mayor Leonhard:

- In support of the rezone

Commissioner Wilson:

- Definitely doesn't want any more abandoned buildings, doesn't want to deter development
- In favor of rezone

Commissioner Hingula:

- Discussed tax benefit if property is developed

Commissioner Bauder:

- Addressed that the plan will still go through other processes and reviews

Commissioner Hingula:

- Asked if other types of zoning options were reviewed

Ms. Hurley:

- The application was for RMX so no other types were reviewed by the Planning Commission
- The Planning Department worked with the applicant in helping review other potential zoning designations

Mr. Price at 1825 S. Broadway:

- Asked for clarification on the current zoning

Ms. Hurley:

- Current zoning allows either a nursing home or single family

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

First Consideration Ordinance Revising Standard Traffic Ordinance to Regulate and Allow Electric Scooters – Assistant City Manager Penny Holler presented for first consideration an ordinance to amend the Standard Traffic Ordinance to allow the use of electric-assisted scooters on City streets in response to the Bird Scooter pilot program. Ms. Holler reviewed the proposed amendments:

- Amendment to prohibit electric-assisted scooters on any public sidewalks, paths, or trails; requires electric-assisted scooter use to comply with all other City ordinances
- Defines electric-assisted scooter and shared electric-assisted scooter company
- Adds reference to the Standard Traffic Ordinance (STO)
- Adds prohibition against parking shared electric-assisted scooters on public property including sidewalks, streets, and parking lots in a manner that blocks pedestrian travel, public parking, or creates a traffic hazard
- Requires a written agreement to operate a shared electric-assisted scooter company
- Establishes penalties for offenses associated with electric-assisted scooters

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

Consent Agenda:

Commissioner Martin moved to approve claims for March 5, 2022, through March 18, 2022, in the amount of \$907,880.76; Net amount for Payroll #05 effective March 11, 2022 in the amount of \$347,264.49 (No Police and Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Solid Waste Task Force first meeting will be April 6th, they will meet twice a month for first 2 months and re-evaluate meeting schedule after that
- Pothole patching will begin, people can submit potholes online or by calling the Service Center
- KDOT conference call this week, the State will submit 1 project for a RAISE grant, and they have chosen to submit the Centennial Bridge project

Commission Hingula:

- Hoping we are done with snow, but if not, be careful

Commissioner Wilson:

- Mentioned the great job the organizers of the St. Patrick's Day Parade did and the parade had a really good turn-out

Commissioner Bauder:

- Was a bit emotional with the Vietnam Veterans in attendance and stated they are a special group

Adjournment:

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

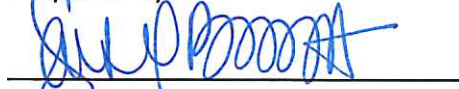
Time Meeting Adjourned 7:24 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8184
REVISING STANDARD TRAFFIC ORDINANCE AMENDED TO REGULATE AND ALLOW ELECTRIC
SCOOTERS**

APRIL 12, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the March 22, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE REGARDING THE OPERATION OF ELECTRIC-
ASSISTED SCOOTERS WITHIN THE CITY OF LEAVENWORTH, KANSAS,
AMENDING SECTION 44-1 OF CHAPTER 44 (TRAFFIC AND VEHICLES)
OF THE LEAVENWORTH CODE OF ORDINANCES, AND ADDING
ADDITIONAL PROVISIONS THERETO.**

There have been no other changes since first consideration.

Ordinance No. 8184 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8184

(Summary Published in the Leavenworth Times on April 15, 2022)

ORDINANCE NO. 8184

AN ORDINANCE REGARDING THE OPERATION OF ELECTRIC-ASSISTED SCOOTERS WITHIN THE CITY OF LEAVENWORTH, KANSAS, AMENDING SECTION 44-1 OF CHAPTER 44 (TRAFFIC AND VEHICLES) OF THE LEAVENWORTH CODE OF ORDINANCES, AND ADDING ADDITIONAL PROVISIONS THERETO.

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

Section 1. That Section 44-1 of the Leavenworth Code of Ordinances 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 (2021), 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. 8184" 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. 8184, 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) *Amendments.* The Standard Traffic Ordinance adopted in this section is adopted subject to the following local amendments:
 - (1) Section 114.5 (Unlawful Operation of a Work-Site Utility Vehicle) is hereby amended by adding a new subsection (e) thereto, as follows:
 - (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) Section 135.1 (Electric-Assisted Scooters, Traffic Law Application) is hereby amended by adding a new subsection (e) thereto, as follows:

(e) As provided in subsection (c) above, it shall be unlawful to operate electric-assisted scooters on any public sidewalks, paths, or trails within the City. The operation of an electric-assisted scooter shall at all times be in compliance with the provisions of Article VII of Chapter 44 of the Leavenworth Code of Ordinances.

(d) *Omitting.* Section 69(d) of the Standard Traffic Ordinance relating to city permits for soliciting of contributions is hereby declared to be omitted and deleted.

Section 2. A new Article VII in Chapter 44 of the City of Leavenworth Code of Ordinances is hereby established to read as follows:

ARTICLE VII. SPECIAL RULES RELATED TO ELECTRIC-ASSISTED SCOOTERS

Sec. 44-230. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Digital network shall mean any online enabled application, software, website or system offered or utilized by a shared electric-assisted scooter company that enables the use or operation of electric-assisted scooters.

Electric-assisted scooter shall mean every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding, as set forth in K.S.A. 8-1498, as amended.

Shared electric-assisted scooter shall mean electric-assisted scooters which are part of a fleet of such electric-assisted scooters that use a digital network to connect such shared electric-assisted scooters to riders and operators.

Shared electric-assisted scooter company shall mean a corporation, partnership, sole proprietorship, person, or other entity operating in Kansas that uses a digital network to connect shared electric-assisted scooter riders or operators to shared electric-assisted scooters for transportation.

Sec. 44-231. Reference to Standard Traffic Ordinance.

The provisions of Section 135.1 of the Standard Traffic Ordinance, as adopted and modified by Section 44-1 of the Leavenworth Code of Ordinances, and regarding electric-assisted scooters, is incorporated herein by this reference.

Sec. 44-232. Prohibited Parking of Shared Electric-Assisted Scooters.

It is unlawful for any person to park or leave an electric-assisted scooter or shared electric-assisted scooter on public property, including but not limited to sidewalks, streets, roads, trails, paths, bicycle lanes, or parking lots where such shared electric-assisted scooter blocks pedestrian travel, public parking, or presents a traffic hazard. It is further unlawful to park or leave an electric-assisted

scooter or shared electric-assisted scooter against or attached to any public utility pole, traffic sign, or traffic signal.

Sec. 44-233. Operation of Shared Electric-Assisted Scooter Company.

It is unlawful for any shared electric-assisted scooter company, or person on behalf of the company, to deploy, maintain, or allow to be operated, any shared electric-assisted scooters owned or operated by the company, on any city streets, sidewalks, right-of-way, or city property within the city without a valid written agreement approved by the city.

Sec. 44-234. Penalties.

Violation of Sections 44-232 through 44-233, inclusive, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense, with each day the violation continues constituting a separate offense. In addition to any penalties associated with violating this article, the shared electric-assisted scooter company, and/or any person violating this article, shall be assessed the costs associated with removal of the company's shared electric-assisted scooters from city streets, sidewalks, rights-of-way, or city property.

Section 3. Sections 44-220 through 44-229 of Chapter 44 of the Leavenworth Code of Ordinances are hereby designated as "Reserved".

Section 4. Section 44-1 of the Leavenworth Code of Ordinances, as previously adopted and in existence as of and prior to the adoption of this ordinance, is hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the 12th day of April, 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk


POLICY REPORT PWD NO. 22-16

CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE VACATING A PORTION OF PLATTED RIGHT OF WAY LINE AT 1507 SHAWNEE STREET

April 12, 2022

Prepared by:

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE:

The issue before the City Commission is to place on first consideration an ordinance vacating a portion of Shawnee Street Right of Way (ROW) platted in Lot 1, Rafter's Replat of Block 61 of Central Subdivision, and a part of said Block 61 of Central Subdivision adjacent to 1507 Shawnee Street.

Prior to discussion of this vacation request, the Commission should open a Public Hearing to allow for all persons interested to appear and be heard. At the conclusion of the Public Hearing, a consensus is needed to place an ordinance on first consideration for approval of the request to vacate a portion of the Shawnee Street ROW.

BACKGROUND:

The property owners, Mr. & Mrs. Curtis Hammond, own property at 1507 Shawnee Street that was impacted by the realignment and reconstruction of Shawnee Street back in 2000. At that time, the city stated that it would support vacating some of the existing ROW west of their property (letter attached). The area requested has been maintained by the property owners.

City staff reviewed this proposal and location and offers the following observations:

1. There are no City improvements planned for this area that would require the City to retain ownership of this property.
2. Utility companies have indicated they have no issues with the proposed vacation.

Staff is always reluctant to recommend that the City relinquish ownership of public property without some public purpose being served. In this location, there are no utilities and no plans to revert back to a sharper curve in the roadway. Based on these factors, the Engineering Office supports this request.

The City has contractual agreements with the major utilities that allow them to use the ROW for their purposes. Notification has been sent to all of the local utility companies and their responses are attached.

POLICY:

The City Commission is required to hold a public hearing on proposed vacations. Staff generally supports vacation requests if they facilitate a greater public purpose. The City Engineer's Office supports the proposed vacation.

RECOMMENDATION:

The Commission will need a consensus to place an ordinance on first consideration for vacating a portion of Shawnee Street ROW platted in Lot 1, Rafter's Replat of Block 61 of Central Subdivision, and a portion of said Block 61 of Central Subdivision.

ATTACHMENTS:

Letter to Property Owners from 2000
Aerial photographs of the area from 1998 and 2020
Survey and legal description
Copies of letters from utilities
Draft Ordinance

January 5, 2000

Mr. & Mrs. Hammond
1507 Shawnee Street
Leavenworth, Kansas 66048

Dear Mr. & Mrs. Hammond:

John Amrien, The Land Company, asked that I prepare a letter addressing staff's offer concerning the acquisition of right-of-way and easements on your property. Staff is prepared to discuss the following offer of compensation with the Leavenworth City Commission. The City Commission will make the final decision.

The City's engineering staff is recommending the following items as compensation for the necessary right-of-way and easements.

1. The front yard, from the driveway west will be adjusted to approximately a 5:1 slope. Larkin Engineering has reviewed this request and agrees that this will work.
2. The driveway will be replaced to the same dimensions as it currently exists. All sidewalks will be reconnected. The southern line of driveway replacement will be approximately 4 feet from the garage. The driveway within the right-of-way will be limited to 20 feet in width. The 20-foot width is the maximum allowed by the Zoning Ordinance. The widening of the driveway to the current width will begin at the right-of-way.
3. The Shawnee Widening Project will not damage the two Holly bushes in front of the main house entrance. The bushes are outside of the temporary construction easement. It will be the contractor's responsibility to protect these bushes. In the event that they are damaged, it is the responsibility of the contractor to resolve any claims.
4. The two drainage lines extending to the right-of-way line will be connected to the storm sewer.
5. The three trees located in the front yard will be removed. One of the three trees is currently shown as "Leave In Place" (LIP) on the plans.
6. The front yard will be sodded with Zoysia. The current right-of-way area west of the current property line will be sodded matching the existing grass material.
7. Staff will support vacating some of the existing right-of-way west of the your property line and south of the new Shawnee Street right-of-way. The City of Leavenworth cannot guarantee who will be the recipient of the vacated property as determined by Leavenworth County Assessor Office. Discussions with the Assessor's Office indicate your property lines would be extended to approximately the subdivision line.
8. Staff supports your request for \$1,500.00 for additional right-of-way and easements.

Staff will discuss these issues with the Leavenworth City Commission at the next possible meeting. Should these terms not be acceptable to you, please notify John Amrien. The staff is willing to discuss any or all of these issues if necessary.

Sincerely,

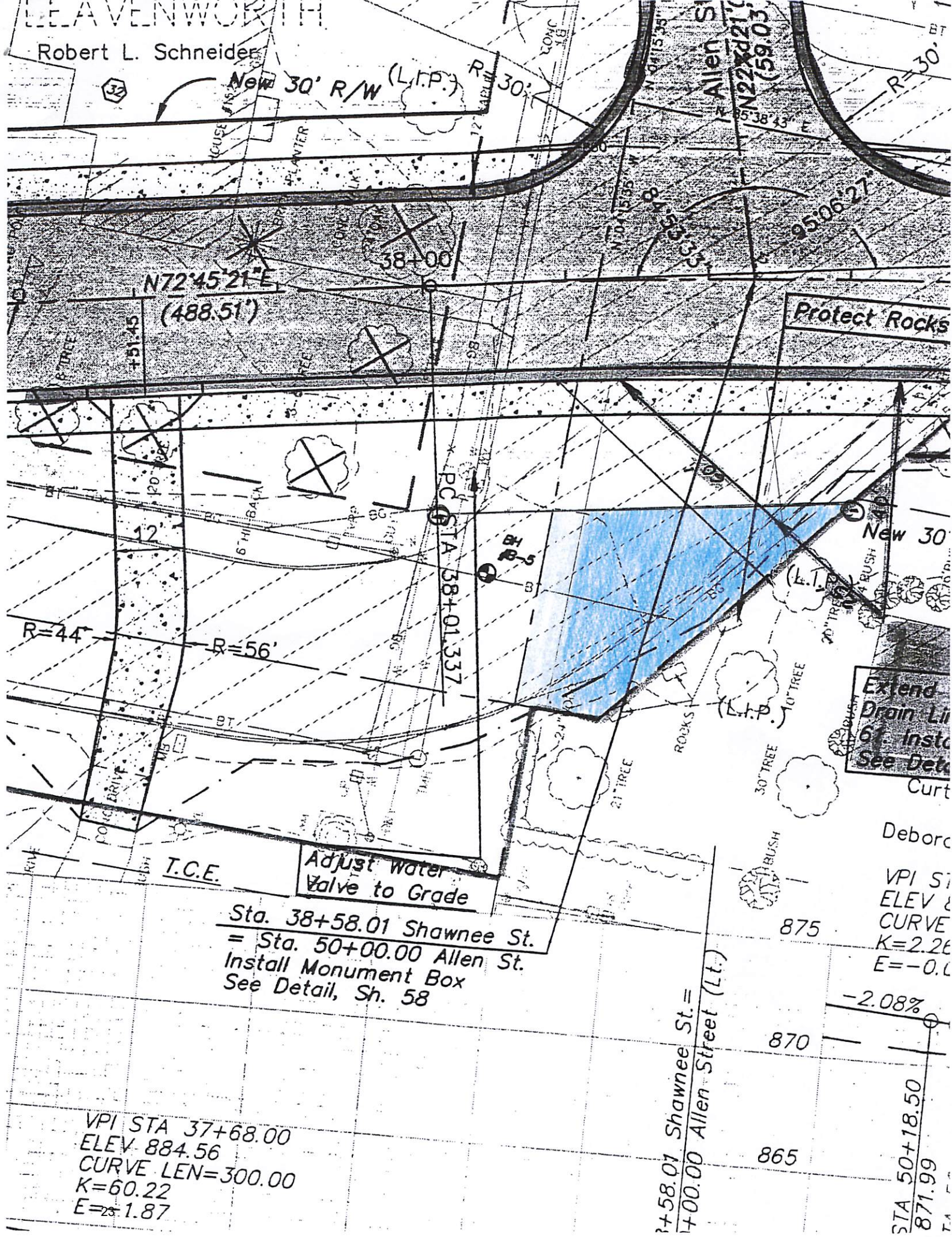
Robert D. Patzwald
Deputy Public Works Director

cc: M. Gary Ortiz, City Manager
Bob Beall, City Attorney
Richard B. Cooper, Sr. Engineering Technician
John Amrein, The Land Company

RDP:lz

LEAVENWORTH

Robert L. Schneider



N72°45'21"E
(488.51')

38+00'

Protect Rocks

PC STA 38+01.337

New 30'

Extend
Drain Line
61' Insto
See Det

Adjust Water
Valve to Grade

Sta. 38+58.01 Shawnee St.
= Sta. 50+00.00 Allen St.
Install Monument Box
See Detail, Sh. 58

VPI STA 37+68.00
ELEV 884.56
CURVE LEN=300.00
K=60.22
E=-1.87

38+58.01 Shawnee St.=
50+00.00 Allen Street (Lt.)

Deborc
VPI STA
ELEV &
CURVE
K=2.26
E=-0.0

-2.08%

STA 50+18.50
871.99

875

870

865

32

New 30' R/W (L.T.P.)

Allen St
N22°42'21"E
(59.03)

95°06'27"

R=44'

R=56'

+51.45

12'

T.C.E.

21" TREE

30" TREE

30" BUSH

20" TREE

10" TREE

30" BUSH

875

870

865

STA 50+18.50
871.99



Aerial Photograph from 1998 (prior to road realignment)



Aerial Photograph from 2020 (current alignment)



City of Leavenworth
 100 N 5th St
 Leavenworth, Ks 66048
 Telephone: 913-682-9201

Filing Date 02-04-2022
 Fee of \$250.00 Paid \$125.00
 Certified Adjacent Property Owners _____
 Surveyor certified legal description & depiction _____
 Date of Hearing _____
 Publication Date of Hearing _____

**VACATION PETITION FOR
 SITE OR ADDITION/ALLEY/ STREET/EASEMENT/BUILDING SETBACK LINES**

1. Apply for vacating petitions in the Office of the City Clerk.
2. A petition, if approved, may take up to 60 days for complete action. The amount of time would depend on when the application is filed with respect to the City Commission meetings.
3. The application shall be filled out completely by the applicant in order that the City Commission has a clear understanding of what the applicant desires. You must be the legal owner of the property (NOT LEASEE OR RENTER).
4. Procedure for filing and reviewing petitions shall be as follows:
 - a. Request a list of owners of adjacent property owners from the Leavenworth County GIS department.
 - a. Certified ownership shall include **ADJACENT PROPERTY OWNERS ONLY**, not a 200' radius.
 - b. Applications shall be filled out completely and filed in the Office of the City Clerk. If additional space is needed, attach additional sheets.
 - c. Applications **MUST** include a surveyors certified (stamped and signed) legal description of the area petitioned for vacation and include a depiction of the area.
 - d. **All** applications require the signatures of adjoining (adjacent) property owners even if the adjacent owners are the applicant.
 - e. A non-refundable fee of \$250 shall be paid at the City Clerk's Office at the time the application is filed.
 - f. Upon receipt of the properly executed application, **LIST OF OWNERSHIP OF ADJACENT PROPERTY OWNERS** and required filing fee, the City Clerk shall forward the application to the City Engineer and City Planner for review and recommendations.
 - g. After being reviewed by City Staff, the City Clerk shall publish a notice of this request and place this item on the agenda for the City Commission's consideration.

Curtis D. Hammond + Deborah E. residing at 1507 Shawnee St
 (Owner(s) Name) (Owner(s) Address)

Daytime Telephone: 913 682 0207 E-mail: Curtis.hammond191@hotmail.com
deborah.hammond175@gmail.com

do hereby petition the Leavenworth City Commission for the vacating of the site or addition/street/alley/easement (circle one) as indicated on the attached documents. (Must be described by the present legal owner of the property and legal Description of property to be vacated as prepared by a surveyor and bear the surveyor's stamp and signature and a depiction or sketch of the requested vacated area. Sketch must show vicinity, adjacent streets and legal description of lots abutting proposed vacation.)

Intended use of the vacated street, alley, or easement (circle one) by petitioner: Side yard
Curtis D. Hammond et al

All applications require signatures of adjoining property owners even if the adjoining property owners are the applicant.

In submitting this petition, the undersigned agrees to pay a \$250 non-refundable fee and certifies he/she is the present owner of the property adjacent to the site or addition/street/alley/easement.

Signed: Curtis D. Hammond Date: 1/26/2022
Deborah E. Hammond 2/4/2022

SHAWNEE STREET VACATION EXHIBIT

PREPARED FOR:
CITY OF LEAVENWORTH

NOTE:
The purpose of this exhibit is only for the representation of the proposed area to be vacated, as shown hereon in the hatched area. This does not constitute a boundary survey.

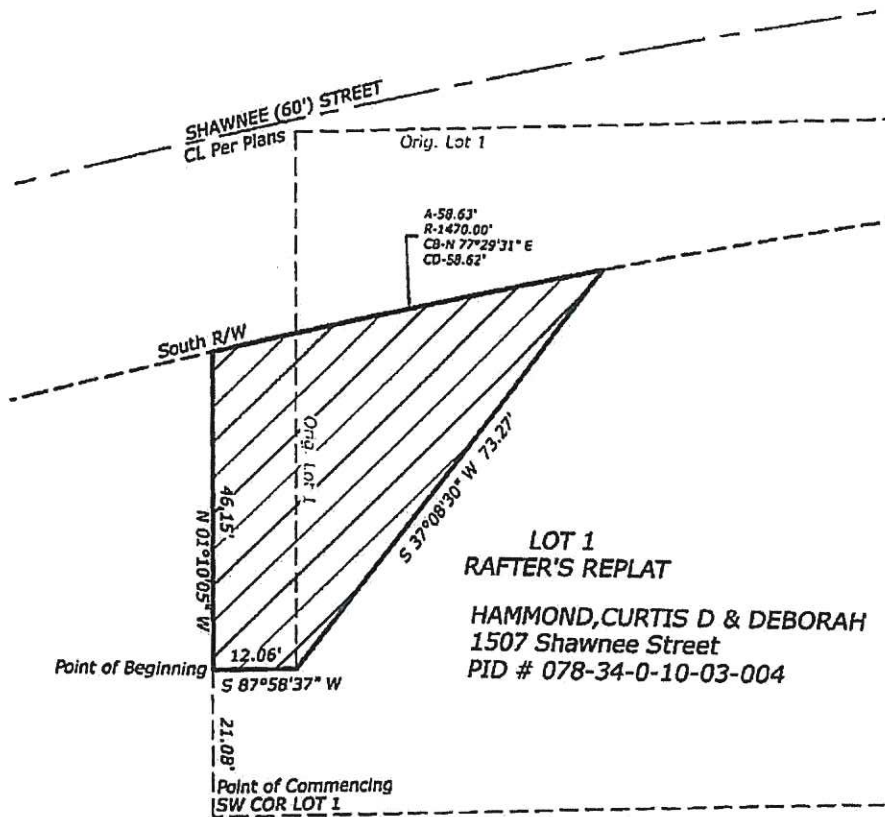
SHAWNEE STREET VACATION DESCRIPTION:

A part of Lot 1, RAFTER'S REPLAT of Block 61 of CENTRAL SUBDIVISION, and a part of said Block 61 of CENTRAL SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 22, 2022, more fully described as follows: Commencing at the Southwest corner of said Lot 1; thence North 01 degrees 10'05" West for a distance of 21.08 feet along the West line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 10'05" West for a distance of 46.15 feet along and extension of said Lot 1 to the South right of way line of Shawnee Street as per plans dated 1999; thence along a non-tangent curve to the right having a radius of 1470.00 feet and an arc length of 58.63 feet along said South right of way, being subtended by a chord bearing of North 77 degrees 29'31" East and a chord distance of 58.62 feet; thence South 37 degrees 08'30" West for a distance of 73.27 feet; thence South 87 degrees 58'37" West for a distance of 12.06 feet to the point of beginning.

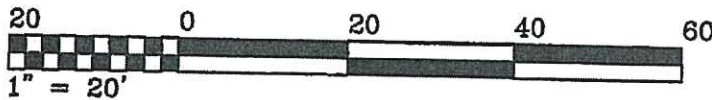
Together with and subject to easements, restrictions, and covenants of record.

Said Property contain 1680 square feet, more or less.

Error of Closure - 1 : 34885



Scale 1" = 20'
Job # K-21-1535
January 22, 2022

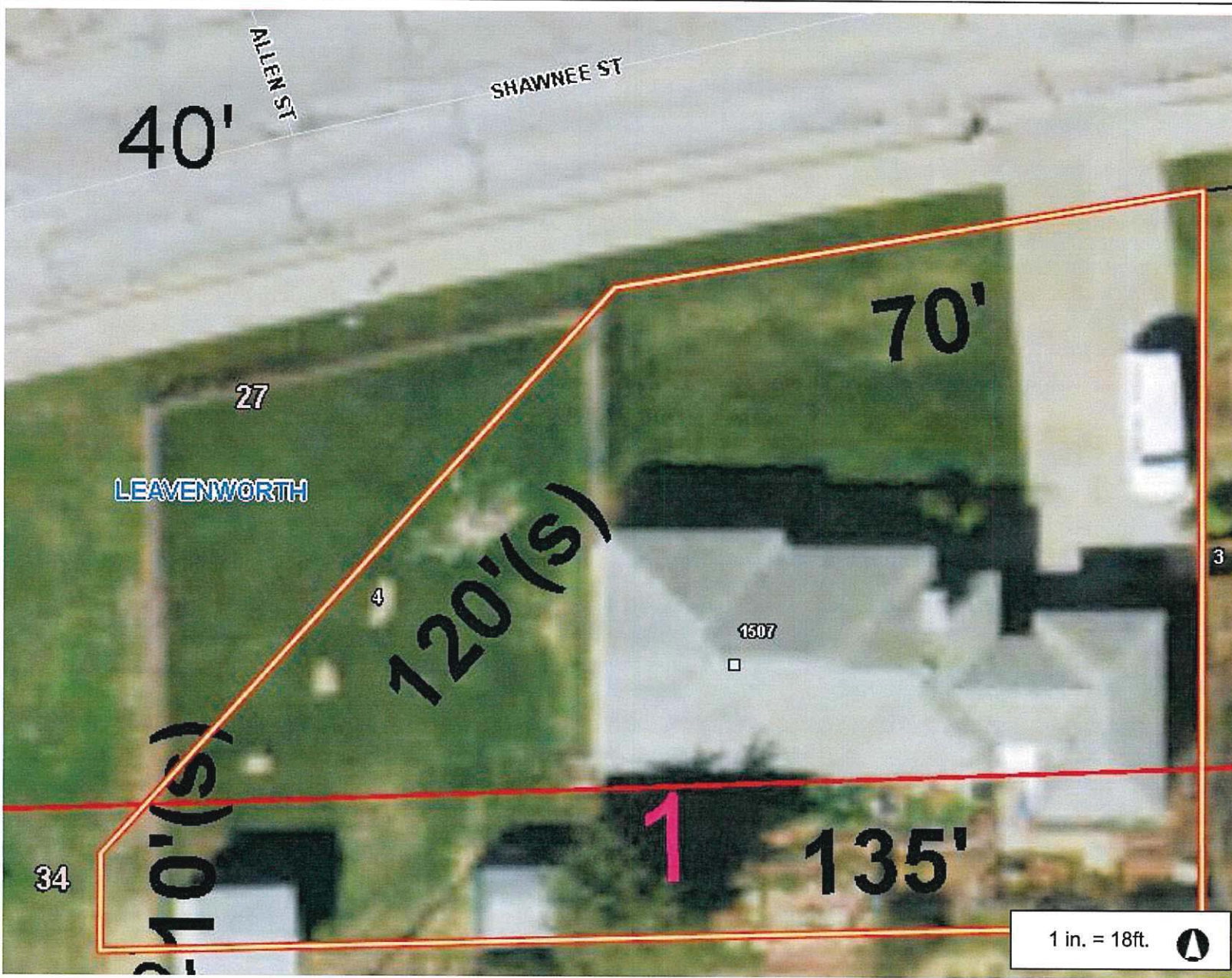


Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 68048
Ph. 913.681.3868 Fax 913.674.8881
Email - survey@herringinc.com

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

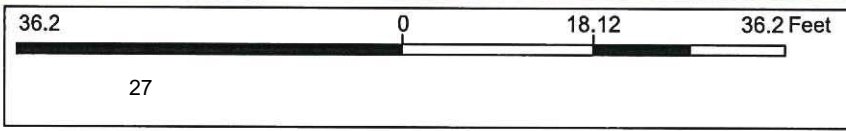
Leavenworth County, KS



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- + Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 18ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Date: February 10, 2022

To: Sarah Bodensteiner, City Clerk

From: Brian Faust, P.E. Director of Public works

SUBJECT: Street ROW Vacation, 1507 Shawnee

Sarah:

The Public Works Department has contacted the following utilities regarding the request for the street right of way vacation.

- Kansas Gas/ ONEOK
- Evergy
- Charter Spectrum
- Leavenworth Water Works
- AT&T
- Waste Water Pollution Control (WPC)

All listed utilities have responded to the request as of February 10, 2022

- Kansas Gas/ ONEOK - No Objections
- Evergy - No Objections
- Charter Spectrum - No Objections
- Leavenworth Water Works - No Objections
- AT&T - No Objections
- WPC - No Objections

Based upon the above information, this office would recommend taking this request forward for consideration by the City Commission.

Brian Faust, P.E. Director of Public works

Cc: file



February 07, 2022

Charter
ATTN: Walter Ferguson
8221 W. 119th Street
Overland Park, KS 66213

Re: Street ROW Vacation of 1507 Shawnee Street

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 . Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below

- No objection to the request
- Objection for the following reason(s)

Spectrum is clear per MAP provided - No conflicts
* See Attached ReOLine


 Authorized Representative
 WALTER FERGUSON

2/7/22
 Date

We would appreciate your reply no later than **February 14, 2022**. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment

City of Leavenworth

100 N. 5th Street • Leavenworth, Kansas 66048-1970 • (913) 684-0375 • www.leavenworthks.org



February 07, 2022


Wastewater Treatment Plant
ATTN: Tim Guardado
1800 S. 2nd Street
Leavenworth, KS 66048

Re: Street ROW Vacation of 1507 Shawnee Street

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 , Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below.

- No objection to the request
- Objection for the following reason(s)

The city has no utilities in that area.


Authorized representative

2.7.22
Date

We would appreciate your reply no later than **February 14, 2022**. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment



May 26, 2021

Leavenworth Water Department
ATTN: Kayla Manning
601 Cherokee
Leavenworth, KS 66048

Re: Street ROW Vacation of 1507 Shawnee Street

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 , Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below.

- No objection to the request
 - Objection for the following reason(s)


Authorized representative

2-7-2022
Date

We would appreciate your reply no later than February 14, 2022. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment



May 26, 2021

AT&T
ATTN: Randy Gaskin
4501 Brewer Place
Leavenworth, Kansas 66048

Re: **Street ROW Vacation of 1507 Shawnee Street**

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 , Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below.

- No objection to the request
- Objection for the following reason(s)

Randy Gaskin
 Authorized representative

02/08/2022
 Date

We would appreciate your reply no later than **February 14, 2022**. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

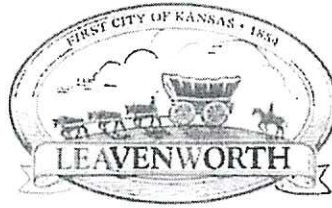
Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment





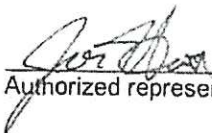
February 07, 2022

Everygy
ATTN: Jon Hain
2720 2nd Avenue
Leavenworth, KS 66048

Re: Street ROW Vacation of 1507 Shawnee Street

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 , Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below.

- No objection to the request
- Objection for the following reason(s)

 (Jon Hain, Design Tech.)
 Authorized representative

2-10-22
 Date

We would appreciate your reply no later than **February 14, 2022**. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment



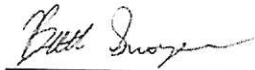
February 07, 2022

Kansas Gas
ATTN: Brad Lee
2720 2nd Avenue
Leavenworth, KS 66048

Re: Street ROW Vacation of 1507 Shawnee Street

This office has received the attached request for a Street ROW Vacation at Shawnee Street beginning at the northeast corner of RAFTER'S RPLT BLK61 , Lot 1 in the City of Leavenworth, Kansas. The proposed location is shown on the enclosed map. Please review the request and indicate your wishes below.

- No objection to the request
- Objection for the following reason(s)


 _____ KGS Engineer
 Authorized representative

2/9/2022

 Date

We would appreciate your reply no later than February 14, 2022. You may scan your response and email it to Justin Stewart, jstewart@firstcity, or fax it to (913) 682-1521. If you have any questions or concerns, please do not hesitate to contact my office.

Thank you in advance for your timely consideration of this request.

Sincerely,

Justin Stewart
CET II

Attachment



(Summary Published in the Leavenworth Times on April _____, 2022)

ORDINANCE NO. XXXX

AN ORDINANCE VACATING PART OF THE RIGHT-OF-WAY ON A PORTION OF SHAWNEE STREET IN CENTRAL SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, a petition for a vacation of part of the right-of-way on a portion of Shawnee Street in Central Subdivision in the City of Leavenworth, Leavenworth County, Kansas and fully described in Section 1 of this ordinance below has been submitted to the City of Leavenworth, Kansas; and

WHEREAS, the City Clerk of the City of Leavenworth, Kansas gave public notice of the same by publication in the official City newspaper on March 18, 2022 stating that a petition has been filed in the office of the City Clerk praying for such vacation, describing the property fully and setting April 12, 2022 as the hearing date on which the petition shall be presented to the Governing Body of the City for hearing and that at such time and place and giving instructions to all persons interested to be heard under the petition; and

WHEREAS, the petition did proceed to hearing as published and no objections were filed with the City Clerk or received at the time of the hearing; and

WHEREAS, all utility companies were notified and agreed to such vacation described in Exhibit A; and

WHEREAS, all the requirements of K.S.A. 12-504 *et. seq.* have been complied with.

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

Section 1. The right-of-way to be vacated are described as follows:

A part of Lot 1, RAFTER'S REPLAT of Block 61 of CENTRAL SUBDIVISION, and a part of said Block 61 of CENTRAL SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 22, 2022, more fully described as follows: Commencing at the Southwest corner of said Lot 1; thence North 01 degrees 10'05" West for a distance of 21.08 feet along the West line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 10'05" West for a distance of 46.15 feet along and extension of said Lot 1 to the South right of way line of Shawnee Street as per plans dated 1999; thence along a non-tangent curve to the right having a radius of 1470.00 feet and an arc length of 58.63 feet along said South right of way, being subtended by a chord bearing of North 77 degrees 29'31" East and a chord distance of 58.62 feet; thence South 37 degrees 08'30" West for a distance of 73.27 feet; thence South 87 degrees 58'37" West for a distance of 12.06 feet to the point of beginning. Together with and subject to easements, restrictions,

and covenants of record. Said Property contain 1680 square feet, more or less.
Error of Closure – 1 : 34885.

Section 2. The Governing Body of the City hereby determines from the proofs and evidence presented that legal notice has been given by publication as required, that no private rights will be injured or endangered by the vacation or exclusion of the above-described right-of-way, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the request of the petitioner ought to be granted. Therefore, those certain streets, road, alleys, or rights-of-ways, as previously platted or otherwise, and being more fully described and depicted in Exhibit A, are hereby vacated, subject to the provisions of this ordinance.

Section 3. Notwithstanding the foregoing, and pursuant to K.S.A. 12-505(a)(2), the City hereby reserves to the City and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such vacated right-of-way now in existence and use.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after the date of its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this _____ day of April 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

Exhibit A to Ordinance XXXX

SHAWNEE STREET VACATION EXHIBIT

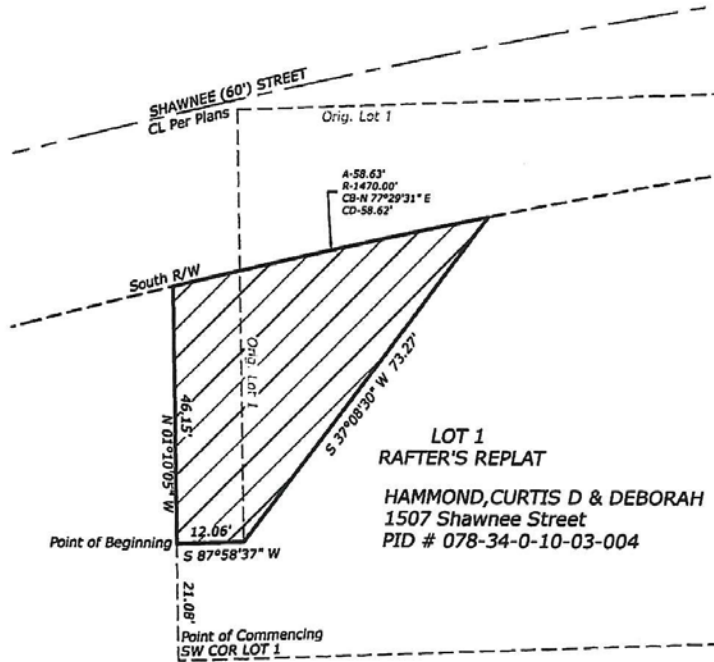
PREPARED FOR:
CITY OF LEAVENWORTH

NOTE:
The purpose of this exhibit is only for the representation of the proposed area to be vacated, as shown hereon in the hatched area. This does not constitute a boundary survey.

SHAWNEE STREET VACATION DESCRIPTION:

A part of Lot 1, RAFTER'S REPLAT of Block 61 of CENTRAL SUBDIVISION, and a part of said Block 61 of CENTRAL SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 22, 2022, more fully described as follows: Commencing at the Southwest corner of said Lot 1; thence North 01 degrees 10'05" West for a distance of 21.08 feet along the West line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 10'05" West for a distance of 46.15 feet along and extension of said Lot 1 to the South right of way line of Shawnee Street as per plans dated 1999; thence along a non-tangent curve to the right having a radius of 1470.00 feet and an arc length of 58.63 feet along said South right of way, being subtended by a chord bearing of North 77 degrees 29'31" East and a chord distance of 58.62 feet; thence South 37 degrees 08'30" West for a distance of 73.27 feet; thence South 87 degrees 58'37" West for a distance of 12.06 feet to the point of beginning.

Together with and subject to easements, restrictions, and covenants of record.
Said Property contain 1680 square feet, more or less.
Error of Closure - 1 : 34885



LOT 1
RAFTER'S REPLAT
HAMMOND, CURTIS D & DEBORAH
1507 Shawnee Street
PID # 078-34-0-10-03-004

Scale 1" = 20'
Job # K-21-1535
January 22, 2022



Joseph A. Herring, Inc. (d/b/a)
HERRING
SURVEYING
& ENGINEERING
COMPANY
316 North 5th Street, Leav., KS 66048
Ph. 783.661.3666 Fax 783.674.6561
Email - info@herringinc.com



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

MAYOR'S APPOINTMENTS

April 12, 2022

Mayor Leonhard

*“Move to re-appoint to the **Leavenworth Preservation Commission** Sherry Hines-Whitson to a term ending April 12, 2025.*

Requires a second and vote by the Governing Body.

Policy Report
2022-23 City Commission Goals
April 12, 2022

Prepared by:



Paul Kramer
City Manager

Subject:

The City Commission conducted its annual goal setting session on Friday, March 25. At that meeting, the Commission added, edited and removed items from the list. The updated goals document, reflecting those edits is attached.

The City Commission goals are not designed as an exhaustive list of efforts to be undertaken by City staff over the next year, but instead represent guidance to staff on allocating resources to big-picture Commission priorities.

Highlighted changes:

1) Economic Development

Modified:

- Explore options for an overall City marketing campaign, to include residential, commercial and industrial highlights, as well as unique amenities and attractions.

Added:

- Establish a City small business symposium.

2) Community Improvement

Removed:

- Continue actions by Code Enforcement to reduce and eliminate blighted properties.
- Determine options to focus on perpetually blighted properties, including all legal opportunities available to the City Commission.

Modified:

- Continue to fund and plan for expanded trail offerings in the City.
- Implement the City's transit service program in concert with governmental and community partners.
- Use the City's Solid Waste Citizen's Task Force to evaluate and make recommendations on refuse collections.

Added:

- Explore a partnership with the Boys and Girls Club or similar organization to promote activity and opportunity for Leavenworth youth.

3) Public Safety

Modified

- Address recent trends in domestic violence incidents and target initiatives to reduce drug crimes in high risk areas.

Removed:

- Engage in targeted initiatives to reduce drug crimes in high risk areas

4) Roadways and Infrastructure

Modified:

- Review and implement the long-term pavement management plan for all city streets.

6) Other Items Receiving General Support

Added

- Prioritize and explore all efforts related to employee recruitment and retention
- Annual update for Workforce partnership
- Annual update for Guidance Center

Action Requested:

The 2022-23 City Commission Goals are attached hereto for your reading, information and consideration for approval.

ATTACHMENTS: Proposed 2022-23 City Commission goals.



City Commission Goals 2022-2023

Paul Kramer

1. Economic Development

a. Business Attraction, Retention, & Expansion

- i. Lobby and advocate for continuation and completion of new federal prison. Advocate for renovation and reuse of existing Bureau of Prisons facilities.
- ii. Pursue all avenues to showcase, market and draw interest to bring development to the Business and Technology Park. Efforts to include, but not limited to engaging third-party experts, partnering with business development organizations, proactively recruiting and reaching out to individual industries.
- iii. ~~Implement marketing plan for new business park and continue efforts to market the City in general.~~
Explore options for an overall City marketing campaign, to include residential, commercial and industrial highlights, as well as unique amenities and attractions.
- iv. Promote Leavenworth as a destination for “vetrepreneurs,” transitioning service members and military retirees through informational presentations, hiring events and expanding partnerships.
- v. Actively pursue a grocery store for North Leavenworth.
- vi. **Establish a City small business symposium**

b. Downtown Development & Revitalization

- i. Plan/pursue future downtown and northeast improvement projects using all available recruitment and retention methods.
- ii. Work to reduce the number of unoccupied and/or abandoned buildings using available tools, methods and incentives.
- iii. Explore efforts to improve the aesthetic appearance of downtown, including lawn maintenance and landscaping, reducing litter, decorative elements, etc.
- iv. Undertake review of City ordinances related to building safety, appearance, and dilapidation to determine whether they are adequate to protect the City’s interest in maintaining a safe, aesthetically pleasing, and vibrant downtown.
- v. Explore a full review and possible redrawing of historic district boundaries in downtown Leavenworth.

Leavenworth City Commission Goals 2022-2023

c. Tourism

- i. Boost travel demand through statewide industry events and extend invitations to meet in Leavenworth for future meetings.
- ii. Concentrate on the SMERF markets (Social, Military, Education, Religious and Fraternal), as well as emerging markets: sports tourism, the arts (film festivals, art festivals, etc.)
- iii. Identify projects/programs to reinvest transient guest tax funds.

2. Community Improvement

a. Community Appearance and Image

- i. Engage in partnerships to benefit look, perception and quality of life in the City.
 - Continue 3 Mile Creek Trail Clean Up program, continue to promote Adopt-A-Park program, support volunteer groups in park clean-up projects, trail clearing/construction, and Eagle Scout Projects.
- ~~ii. Continue actions by Code Enforcement to reduce and eliminate blighted properties.
 - Ongoing. Land Bank has been established by Ordinance in 2021. Currently compiling list of qualified contractors, anticipate acquisition of first properties by summer, 2022.~~
- ~~iii. Determine options to focus on perpetually blighted properties, including all legal opportunities available to the City Commission.
 - There are no legal solutions, other than court authorized abatement and assessment of fines and fees. Neither of these tools is likely to change behavior or alleviate the problem. Continual code enforcement, diligence and documentation seem to be the only successful strategies.~~
- iv. Look for all opportunities – budget, policy, administrative, etc. – to integrate aspects of the City’s Comprehensive Plan, “Leavenworth 2030: First City, Future Forward” into action items.
- v. Review status of adopt-a-park program to identify the level of activity at adopted parks and to pursue groups - community service organizations, churches, and other groups – to adopt every park in the City of Leavenworth.

b. Community Amenities

- i. Update and improve amenities at less-used City parks to spur growth.

Leavenworth City Commission Goals 2022-2023

- ii. ~~Explore a splash park and expanded~~ **Continue to fund and plan for expanded trail offerings in the City.**
- iii. Increase youth participation in City activities and study possible adjustments to the City's recreation program going forward.
- iv. Support partnerships to continue increased use of Havens Park.
- v. ~~Allocate City funding for a state grant program to pursue a public transit option in Leavenworth for 2021. Pending results of the grant,~~ **Implement the City's transit service program in concert with governmental and community partners.**
- vi. Explore a more accessible, attractive and functional recycling center.
- vii. ~~Explore the creation of a~~ **Use the City's Solid Waste Citizen's Task Force to evaluate and make recommendations on refuse collections.**
- viii. **Explore a partnership with the Boys and Girls Club or similar organization to promote activity and opportunity for Leavenworth youth**

3. Public Safety

a. Police

- i. **Address recent trends in domestic violence incidents and target initiatives to reduce drug crimes in high risk areas.**
- ii. ~~Engage in targeted initiatives to reduce drug crimes in high risk areas~~
- iii. Continue to focus on community engagement
- iv. Continue to evaluate technology to improve operations and transparency
- v. Push for the continuation of increased funding and resources for mental health issues.

b. Fire

- i. Explore the replacement of Fire Station No. 3.
- ii. Work towards improving our ISO score.

Leavenworth City Commission Goals 2022-2023

- iii. Plan/pursue replacement of our current RMS (Records Management System)
- iv. Enhance our community risk reduction programs.

4. Roadways and Infrastructure

a. Roadways

- i. **Review and implement the** ~~Create~~ a long-term pavement management plan for all city streets.
- ii. Explore options for streetscape improvements (4th Street, 7th Street, Cherokee).
- iii. Pursue improvements to roadways, landscaping and amenities on the west side of the Centennial Bridge to improve the aesthetics of the entryway to the City.
- iv. Following KDOT's announcement that the Centennial Bridge made the list of 40 projects identified in the IKE 10-year state transportation program, the City Commission and City Manager must continue advocacy through key stakeholders and employ all means available to secure a design contract and funding to build the new bridge before 2030.
- v. Work with KDOT and state elected officials to secure funding, full or partial, for improvement of Highway 7/73 (4th Street) from Limit Street to Metropolitan Avenue, with an emphasis on the stretch of 4th Street running through Downtown.

b. Infrastructure

- i. Support projects and improvements that lead to annexation.
- ii. Continue stormwater management program to include a focus on projects that impact residents, quality of life and safety. Identify, complete and report repairs and replacement projects in a timely and responsible manner.
- iii. Actively pursue and implement a plan to reach a 90 day emergency reserve in the Wastewater Treatment budget. Evaluate different methods to create a plan, including looking at a temporary citizen advisory committee.
- iv. Re-establish annual sidewalk program, as funding allows, to pursue more walkable routes for residents.
- v. Complete Condition Assessment for the WWTP along with a long-term maintenance plan and upgrades to the plant.

Leavenworth City Commission Goals 2022-2023

- vi. Complete Condition Assessment for Traffic Signals along with a replacement schedule.

5. Outreach and Transparency

a. Public information

- i. Explore new ways for the Commission to reach the public (i.e., podcasts, social media, etc.)
- ii. Continue performance measurement tools for measuring how we are doing in providing City services – including exploring citizen satisfaction surveys.
- iii. Streamline registration, reservation, and payment processes for all services.

6. Other Items Receiving General Support

- a. Schedule the City Attorney to conduct periodic training regarding advisory board scope of authority, duties, and responsibilities (Planning Commission, Zoning Board of Appeals and Preservation Commission).
- b. Explore and pursue a secure IT solution that allows City Commissioners to access key documents, informational reports, photos, and other items pertinent to their governance duties and responsibilities.
- c. **Prioritize and explore all efforts related to employee recruitment and retention**
- d. **Provide Annual Updates**
 - i. Main Street Program
 - ii. Shelter of Hope
 - iii. **Workforce partnership**
 - iv. **Guidance Center**
 - v. Alliance Against Family
- e. **Provide semi-annual updates and reports**
 - i. Leavenworth Public Library
 - ii. Leavenworth County Development Corp
 - iii. Leavenworth CVB
 - iv. St Mary University
- f. **Provide quarterly updates and reports**
 - i. Leavenworth School Board
 - ii. Police Department

**POLICY REPORT
INFORMATIONAL UPDATE
REZONING 1830 SOUTH BROADWAY STREET**

APRIL 12, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the March 22, 2022 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 1830 S. BROADWAY STREET
FROM HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R1-6)
TO RESIDENTIAL MIXED USE (RMX).**

Following the March 22, 2022 City Commission regular meeting, the following information was presented to City staff:

In 2009 the property at 1830 S. Broadway had been rezoned from High Density Single-Family Residential District (R1-6) to Planned Unit Development District (PUD)

Due to the new information, the applicant has submitted a new application requesting a rezone from PUD to RMX. This process will need to be noticed and reviewed through the Planning Commission.

There will be no ordinance for second consideration.

Policy Report

Letter of Support – Leavenworth Attainable Housing

April 12, 2022

Prepared by:



Paul Kramer
City Manager

Issue:

Leavenworth Attainable Housing, a non-profit organization focused on housing issues in Leavenworth, recently approached the City about providing a letter of support for an application for Kansas Community Service Tax Credits.

Per the organization, their request is to provide a letter of support addressing:

- City support for the application;
- The City recognizing that there is a need for affordable/attainable housing in Leavenworth;
- That Leavenworth Attainable Housing is an outgrowth of the Leavenworth Interfaith Community of Hope; and
- That Leavenworth Attainable Housing works cooperatively with other agencies in Leavenworth

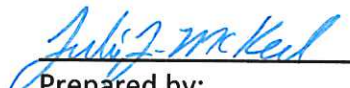
Sister Vickie Perkins will attend the City Commission meeting to provide an overview of the group and its efforts.

Action:

If there is a consensus, the City Commission could direct the City Manager to write a letter of support on behalf of the Commission.

POLICY REPORT
Community Development Block Grant
2022-26 Five Year Consolidated Plan and 2022-23 Annual Action Plan
April 12, 2022

PREPARED BY:



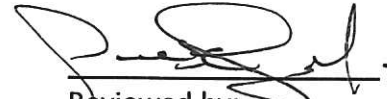
Prepared by:
Julie McKeel
CD Coordinator

REVIEWED BY:



Reviewed by:
Julie Hurley
City Planner

REVIEWED BY:



Reviewed by:
Paul Kramer
City Manager

Discussion:

As an entitlement community, Leavenworth is required by the Department of Housing and Urban Development (HUD) to submit an Annual Action Plan every year. A Consolidated Plan must be submitted every three or five years to outline community needs to be addressed with Community Development Block Grant (CDBG) funds. For the year 2022, Leavenworth will be submitting a Five Year Consolidated Plan. The Five Year Consolidated Plan and Annual Action Plan are formulated using an electronic planning tool provided by HUD. The report is composed of needs assessments of community's housing stock, homelessness issues, public facilities, infrastructure, and community development assets.

The award figures are projected, at this time. The award for 2022-23 is yet to be established, as congress has not voted upon the funds. Once award has been given the projected award will be updated to the true award total. The Community Development Advisory Board (CDAB) has voted for a pro-rata configuration once the true award total is given.

CDAB held two open public meetings to solicit community input on February 14, 2022 and March 14, 2022. All public comments were accepted and received. The Community Development Coordinator had a survey conducted utilizing Survey Monkey to reach out to the citizens of Leavenworth for an opportunity to weigh in on public needs. Those results were utilized and considered into this Consolidated Plan. The award is yet to be established, as congress has not voted upon the funds. Once the award has been given the projected award will be updated to the true award total.

The needs in the community will continue to be monitored with the statistics received from our public service agencies, requests for Community Development Block Grant (CDBG) program funds for low to moderate income and the staff in Community Development. The Consolidated Plan will be recommended to be amended if there shall be changes in the community's needs that CDBG funds can resolve.

A copy of the current draft for the 2022-2026 Consolidated Plan can be viewed at:

<https://www.leavenworthks.org/cd/page/community-development-division>

Scroll to the bottom of the page and open the PDF file entitled,

2022-2026 Consolidated Plan – draft.

Final Copy:

Certifications to be signed by Mayor Leonhard will be added to the plan before submission to HUD. The HUD submission will be electronic and printed. Printed copies will be distributed to the Leavenworth Public Library and in the Leavenworth City Community Development Department, as well as uploaded to the city's website.

Recommended Action:

Motion to adopt or modify the attached resolution adopting and authorizing the submission of the 2022-2026 Consolidated Plan and 2022-2023 Annual Action Plan.

RESOLUTION B-2312

A RESOLUTION AUTHORIZING AND ADOPTING THE 2022-2026 CONSOLIDATED PLAN AND ANNUAL ACTION PLAN OF THE CITY OF LEAVENWORTH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the Community Development Advisory Board (CDAB) held public hearings on February 14, 2022 and March 14, 2022 to receive input from citizens and agencies having interest in the Community Development Block Grant program; and

WHEREAS, the CDAB recommends approval of the 2022-2026 Consolidated Plan and 2022-2023 Annual Action Plan to and by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, AS FOLLOWS:

Section 1. The 2022-2026 Consolidated Plan for the period July 1, 2022 through June 30, 2026 and the Annual Action Plan for July 1, 2022 through June 30, 2023 are hereby adopted as presented.

Section 2. The City has met the requirements for citizen participation in preparation of this plan and has allowed the maximum feasible opportunity for persons or agencies to identify needs and present concepts to help meet those needs through the CDBG program.

Section 3. The City has reviewed its housing and non-housing needs in preparation of this document. This document is not in conflict with any provisions of the five-year Housing Quality and Work Responsibility Act Plan prepared for the operation and administration of public housing programs in Leavenworth.

Section 4. The City has consulted with representatives of area agencies and churches in the preparation of this document, for the purpose of furthering the objectives of the CDBG program.

Section 5. The City is taking all necessary steps to analyze and take appropriate corrective action where it determines there may be impediments to fair housing choice.

Section 6. This resolution shall take effect from and after its passage as provided by law.

ADOPTED THIS 12th day of April 2022.

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC City Clerk

Policy Report
Consider MOU with Bird Scooters for Pilot Project
April 12, 2022

Prepared By:



Penny Holler
Assistant City Manager

Reviewed By:



Paul Kramer
City Manager

ISSUE:

Consider approving the MOU with Bird Scooters to start a shared electric scooter pilot project.

BACKGROUND:

Bird Scooters proposed a 12-month pilot project that would deploy 75 electric scooters in Leavenworth. The Memorandum of Agreement (MOU) outlines the rules that Bird Scooters will follow during that pilot project to encourage safe traveling practices and ensure public safety. The experience of other cities that approved a pilot project was also shared during the March 15 Commission Study Session. Specific terms were included in the MOU to address issues experienced in other cities including communication on proper scooter use and minimum rider age. Should the MOU be approved, the pilot project would begin after the publishing of the ordinance amendment allowing electric scooters on City streets.

ATTACHMENTS:

1. MOU with Bird Scooters
2. Bird Scooter Proposal

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "Agreement") is made effective as of the last date of signature below (the "Effective Date") by and between the **City of Leavenworth, Kansas** (the "City") and **Bird Rides, Inc.** ("Bird"), so as to permit Bird to provide services under the following terms and limitations. This Agreement shall remain in effect until and through April 12, 2023 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 that meet the definition of an "electric-assisted scooter" as set forth in K.S.A. 8-1498 (collectively, "Scoters") within the jurisdictional boundaries of the City, but excluding any private property not owned by the City, which may retain their own rules or policies regarding the use of Scooters, to the extent provided by applicable law. Bird shall not deploy Scooters in the City and, to the extent of Bird's requirements as described in this Agreement, allow persons to use Scooters in the City in violation of this Agreement.
- 2) Scooters and the use thereof shall be governed by and operated in accordance with such statutes, rules, and regulations as may exist under the laws of the State of Kansas applicable thereto, including but not limited to K.S.A. 8-15,113, Chapter 44 of the Leavenworth Code of Ordinances (as may be amended), and in accordance with the terms of this Agreement. By way of example only, the City and Bird understand that, as of the Effective Date, the rules applying to bicycles apply to Scooters such that Scooters are to be ridden on streets, and where available, in bike lanes and bike paths. 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 Scooters shall be 18 or older, and have a valid drivers license. Additional terms are set forth on Exhibit A which is attached hereto and incorporated herein by this reference. Users of Scooters who violate these provisions may be fined by the City consistent with applicable law. Nothing in this Agreement shall be deemed to interpret, waive, or amend any Kansas requirements regarding the use of Scooters.
- 3) Bird shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Scooters will be made available to rent from 4 am to midnight pm (local time).
- 5) Bird shall provide a minimum of 50 Scooters at launch.
- 6) Safety Education: Bird 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 will provide data to the City as necessary to assist with monitoring program usage.
- 8) Indemnification: Bird agrees to indemnify, defend and hold harmless the City, its affiliates, agents, employees, and governing body members from and against all actions, damages or claims brought against City arising out of Bird's negligence or willful misconduct or Bird's breach of this Agreement, except that Bird's indemnification obligation shall not extend to claims of City's employees', agents' or affiliates' negligence or willful misconduct. To the extent permitted by law, the City expressly acknowledges that in no event shall Bird be liable for any special, indirect, consequential or punitive damages. Bird shall have sole control of any defense; the City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird.
- 9) Insurance: Bird shall provide the City with proof of insurance coverage exclusively for the operation of 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 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 shall be made in writing (includes electronic communications) and sent to the address below.

City of Leavenworth, Kansas
Attn. Paul Kramer, City Manager
pkramer@firstcity.org
100 N. 5th Street
Leavenworth, Kansas 66048

Bird Rides, Inc.
Attn. Austin Marshburn
amarshburn@bird.co
406 Broadway #369
Santa Monica, California 90401

11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice. In the event of termination, Bird shall promptly remove any and all Scooters from within the City, and take such other steps as may be necessary to reasonably prevent operation of Bird Scooters within the City.

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 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 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.

CITY OF LEAVENWORTH, KANSAS

BIRD RIDES, INC.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A

[Additional Operating Requirements]

- Scooters may not have the ability to exceed (on their own power) fifteen (15) miles per hour
- Bird and Scooters must have capability to comply with City-designated Geo-fenced slow-down and no ride zones, as maybe established by the City.
- Each person can unlock only one Scooter at a time – one rider cannot pay for a group or family.
- Communication and outreach – rider requirements must be posted on each Scooter including the minimum age for riders and no riding on sidewalks.
- Bird must have the capability to shut down user accounts with multiple violations.

	Bird Zero
Vehicle Size (L x W x H)	44" x 19" x 46"
Baseboard Dimensions (L x W)	23.0" x 4.75"
Tire type and wheel size	8" x 2" solid
Brake Tech	Drum (rear), electric regenerative brake
Lights and Reflectors	High efficiency LED front and rear lights, and high conspicuity front, rear and side reflectors.
Kickstand	Single, side
Maximum Device Speed	Top motor-powered speed of less than 15 miles per hour. Bird scooters are equipped with electronic speed governing systems, limiting power at a prescribed speed—even while riding downhill—according to local road rules. Additional restrictions may be defined where lower speed limits are advisable, for example 12 mph in Historic Aurora.
Battery Capacity	12.8 Ah (40-cell)
Drive Wheel	FWD
Wattage	350W

BirdZero	
Braking	Drum Brake + Regenerative Brake
Lights	Front/Rear LEDs



UNIQUE ID



SAFETY DECAL





Hello, Leavenworth



Our 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's Story

Founded in 2017, Bird saw instant success as a pioneer in the space.

Today....

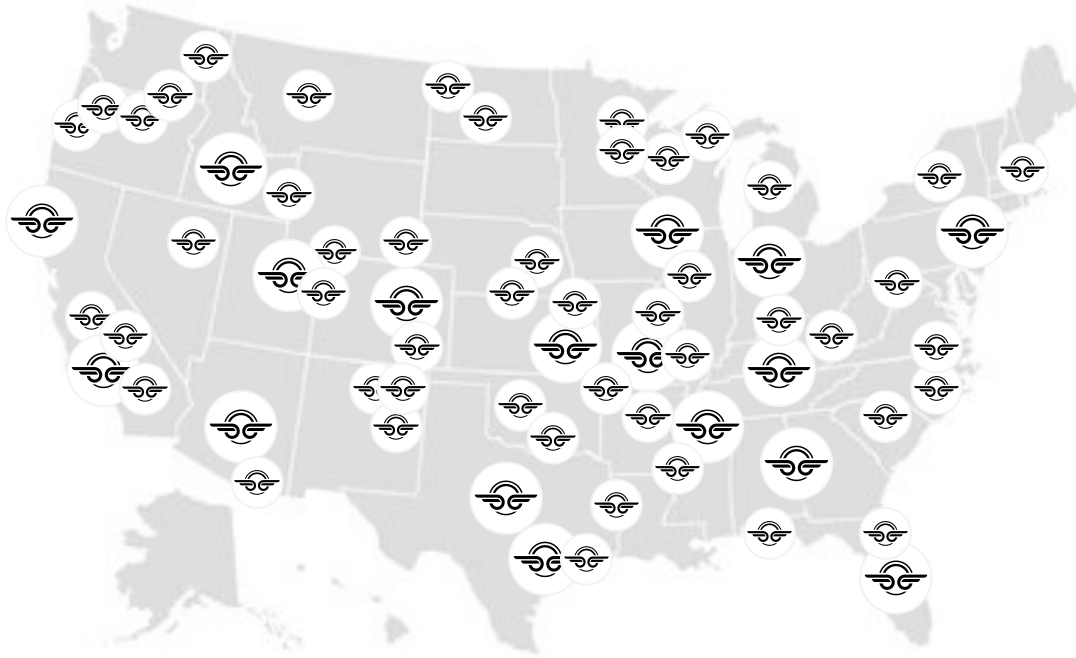
5 Continents. 25 Countries.
375 Cities. 100M+ Rides.

Most-trusted micromobility provider in the world.





Cities Big and Small

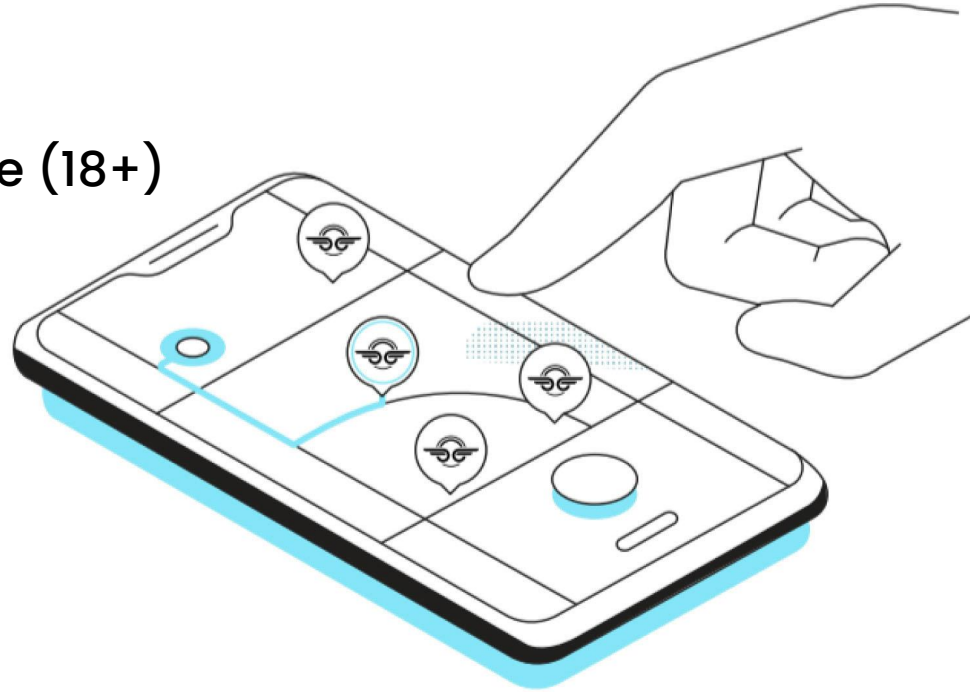


City	Population
Fort Scott, KS	7,700
Atchison, KS,	10,500
Great Bend, KS	15,400
Hays, KS	20,800
Emporia, KS	24,600
Russellville, AR	29,100
Tooele, UT	34,500
Little Elm, TX	45,900
Waterloo, IA	67,900
Overland Park, KS	191,000



How it works

1. Download the Bird app
2. Sign user agreement & verify age (18+)
3. Add payment
4. Complete educational tutorials
5. Enjoy the ride!



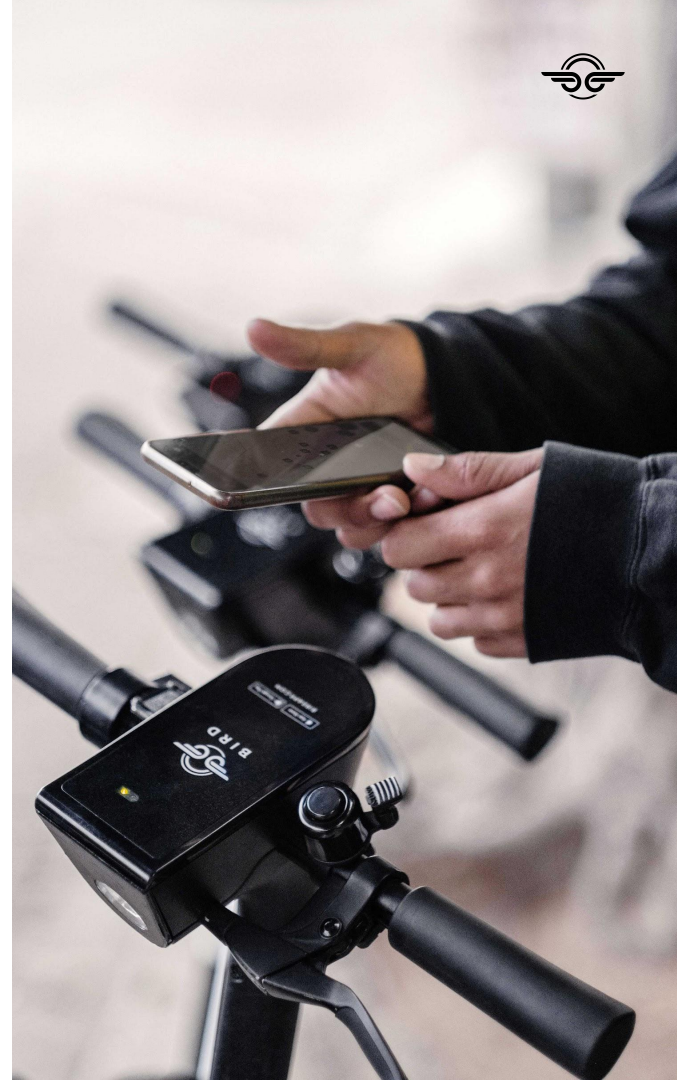
Pricing

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.





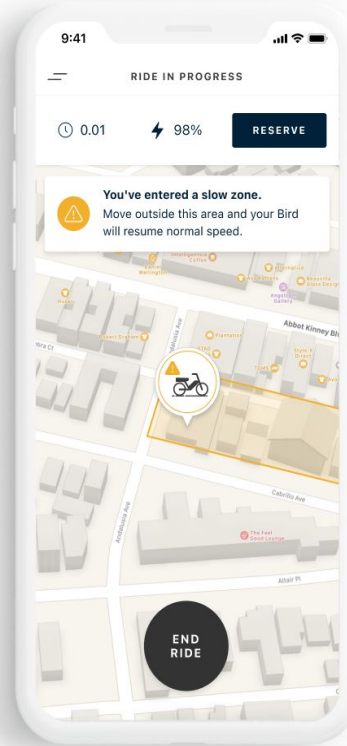
Geo-Zone Technology

All vehicles are tracked with GPS.

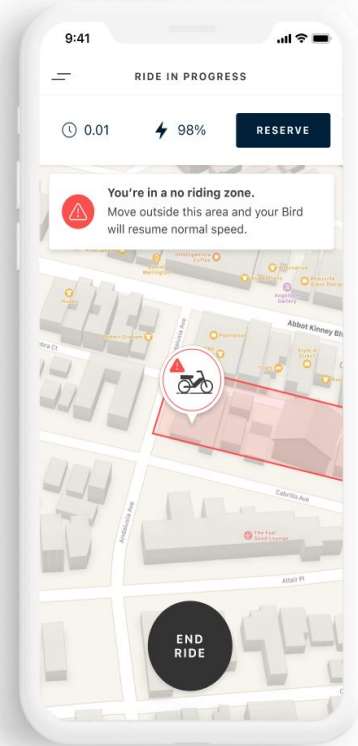
When riders enter a designated geo-zone, vehicles follow set rules.

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

Slow Zone



No-Ride Zone



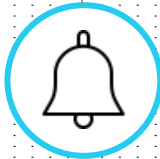
Focus on Reducing Clutter



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



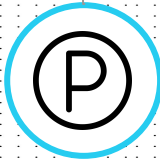
Educate Riders



Nudge Desired Behaviors



Local Presence



Make Space



Leverage Data

Local Run Operations

Our Fleet Managers are local contract workers 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.



Proposal

- ✓ **No Investment Required**
- ✓ **Dedicated Account Manager**
- ✓ **Data Dashboard**
- ✓ **# of Vehicles: 75**
- ✓ **Launch Date: April**
- ✓ **Approval Documentation: MoU**






Thank You

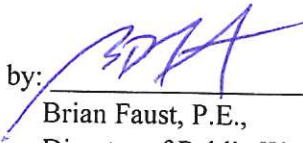


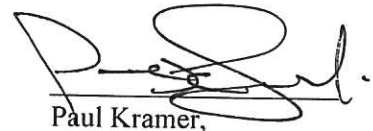
POLICY REPORT NO. 22-20
Water Pollution Control Division
Contract for Sanitary/Storm Sewer Rehabilitation

Project No. 2021-958

April 12, 2022

Prepared by: 
Tim Guardado,
WPC Superintendent

Reviewed by: 
Brian Faust, P.E.,
Director of Public Works


Paul Kramer,
City Manager

Issue:

Consider approval of a contract for Sanitary/Storm Sewer Rehabilitation in the amount of \$164,108.75.

Background:

The City of Leavenworth started using CIPP lining in the 90s. The CIPP is a cured-in-place liner for pipes and to rehabilitate sewers. This rehabilitation project will improve the structural integrity of these lines. These liners can be installed quickly and with little or no disruption, e.g. streets not closed as long and sanitary services opened quicker. This means no excavating which normally takes days and in some cases weeks to finish whereas CIPP lining can be finished in a day.

The City CCTV crew has been working to identify lines that are broken and are good candidates for CIPP lining.

We are using a Cooperative Agreement with Insituform and their contract with Johnson County Kansas Wastewater.

Staff is recommending that five (5) sanitary lines and two (2) storm sewers be lined this year:

Type of Line	Size of Pipe	Length of Pipe	Cost/LF	Total Cost
Sanitary Lines:	8" Dia	1381 LF	\$33.75/LF	\$46,608.75
Storm Lines:	30" Dia	260 LF	\$175.00/LF	\$45,500.00
	54" Dia	180 LF	\$400.00/LF	\$72,000.00

Total Project Costs:	<u>Sanitary</u>	<u>Storm</u>	<u>Total</u>
	\$46,609.75	\$117,500.00	\$164,108.75

Budget Impact:

Staff looked at the cost for design and construction (with open excavation) at these locations. Cost estimate for open cutting is approximately \$575,000.

Staff Recommendation:

Staff recommends the City Commission approve a contract with Insituform for the 2022 Sanitary/Storm Sewer Rehabilitation project for \$164,108.75.

Attachment:

Contract with Insituform
Maps with project locations



Insituform
THE REGIONAL COMPANY

*Worldwide Pipeline
 Rehabilitation*

17220 Bel Ray Place
 Belton, Missouri 64012

Tel: (816) 318-8477
 Fax: (816) 318-8495

www.insituform.com

REVISED MARCH 24, 2022
 February 10, 2021

AAJA-ZBQ1Z9

REVISED to –
 Brian D. Faust, PE
 Public Works Director
 City of Leavenworth KS
 100 N. 5th Street
 Leavenworth, KS 66048
brian.faust@firstcity.org
 913-684-0356

Proposal

Project Name: City of Leavenworth KS 2021 CIPP
REVISED MARCH 24 2022
 per Jo Co WW TERM Contract and Pricing Coop. Agreement

Due to Resin pricing fluctuations – pricing valid thirty [30] days from proposal date

INSITUFORM TECHNOLOGIES herein proposes to furnish a Proposal for all labor, materials, equipment, and services necessary to reconstruct the above referenced project.

ASSUMPTIONS AND QUALIFICATIONS

INSITUFORM has based this proposal on a **nominal wall thickness** for the Insitutube. This is based on the best available information at the time of this proposal. Existing pipe deterioration in excess of the conditions assumed, ground water loads in excess of those assumed, or other loads or conditions may increase the recommended thickness for all or portions of the work. Final recommendations may be submitted to you following the completion of the preliminary TV phase of the project. Stated prices are subject to adjustment if design changes are agreed upon.

Laterals: During TV inspection all side sewers are verified, using best practical efforts, to determine if each is an active hook up. Normal practice only reinstates those, which are active. You may direct us to reinstate all or specific laterals as you desire. This proposal, unless otherwise stated, assumes that all laterals will be reconnected, and all will be internally reconnected using the Insitucutter. Specific service connections will not be reconnected only when written directions are received from the Owner. The Owner will indemnify and hold INSITUFORM TECHNOLOGIES harmless from all claims arising from backups and other effects of such actions or inaction's from services not opened at the owner's request. In the event that Insituform is unable to locate or reconnect a service lateral internally, the Prime Contractor will externally reconnect the service at no cost to INSITUFORM TECHNOLOGIES.

The OWNER shall provide access to both ends of the line [including approval of adjacent landowners], including ALL excavation / restoration scopes [by Others / OWNER]. Installation can be completed after point repairs and accesses to both ends are completed.

Pricing [REV 3 24 2022]:

DESCRIPTION	APPROX. Qtys. (L F)	U/M	UNIT PRICE	AMOUNT
Sanitary Sewer				
8" CIPP	1381	L F	\$33.75	\$46,608.75
STORM Sewer				
ALT - 30" CIPP	260	L F	\$175.00	\$45,500.00
ALT - 54" CIPP	180	L F	\$400.00	\$72,000.00
			STORM Total =	\$117,500.00
Quantity adjustments may				
require pricing adjustments			TOTAL =	\$164,108.75
ALL Lines tied for proposal pricing			Storm + Sanitary	

NOTES:

Completion – by December 2022 [based on a mutually agreed to schedule between Owner and ITUSA]

Pricing is “tax exempt” [requires a Project Tax Exempt Certificate]

Service reconnections by internal methods ONLY. Service reconnections that cannot be completed by internal methods may require excavation / reconnection by the OTHERS at no additional cost to INSITUFORM TECHNOLOGIES USA, LLC.

Protruding taps– If protruding taps or services cannot be cut or opened remotely, excavation may be required [by Others], at NO additional cost to ITUSA.

Structure Tops at UPSTREAM ends of storm sewer pipe CIPP shots to be removed & replaced - - [including all restoration, etc.] - Provided by City crews / Excluded by ITUSA

The existing guard rail at the end of 16th Terrace to be removed & replaced - - [including all restoration, etc.] - Provided by City crews / Excluded by ITUSA

Sink hole on 30" CIPP shot 8' to 10' south of SB0147 - - [including all restoration, etc.] - Repair / restoration Provided by City crews / Excluded by ITUSA

Flowline grouting, pipe / joint repairs, etc. - Excluded from CIPP pricing summary

City crews shall provide access at upstream structure – fill dirt [as required for truck / refer access], structure top removal / replacement / ALL restoration scopes, R.O.W. access – Excluded by ITUSA

Local Traffic Control ONLY provided by ITUSA

Quantity modifications may require pricing adjustments, All lines tied for pricing

LOCATIONS

MHA	MHB	Depth A	Depth B	Street	Diam.	Length	Services
2008	2007	11	16	500 PLEASANT AV	8.0	277	8
2007	2024	16	17	512 PLEASANT AV	8.0	287	6
2024	2023	17	17	520 PLEASANT AV	8.0	317	6
2023	2022	17	17	542 PLEASANT AV	8.0	330	8
392	393	11	14	1222 SPRUSE AV (ALLEY)	8.0	170	6
				STORM - ADD Alternate CIPP			
Inlet (2200 16th Ter)	Outlet	9	7	2200 16th Ter	54.0	180	0
SB#0148	SB#0147	7	7	3130 Iowa	30.0	260	0

PROPOSAL INCLUSIONS

The prices stated in this proposal include:

1. Mobilization and demobilization.
2. Pipe line cleaning. Loose debris and "normal" deposits only. Extraordinary conditions will need to be treated as a point repair [by OTHERS].
3. Bypass pumping [CIPP scopes], if needed.
4. Water for cleaning / CCTV + CIPP scopes – provided by OWNER.
5. Local Traffic Control for cleaning / CCTV + CIPP scopes ONLY [Traffic Control including lane closures, special permits, detours, etc. – provided by OWNER].
6. Internal service reconnections ONLY.
7. Pre-Video inspections and documentation of existing pipe prior to reconstruction with the Insituform process for pipe rehabilitated by CIPP.
8. Final video inspection following completion of the installation to document your new pipe rehabilitated by CIPP.
9. Insitutube wetout using 400,000 Flexural Modulus resin, inversion, curing, and finishing.
10. Confined space safe entry practices.
11. One-year standard construction warranty.
12. Certificate of insurance with a standard coverage.

PROPOSAL EXCLUSIONS

Not included in the prices stated in this estimate are costs associated with the items listed below. These items, if needed or found to be applicable, would be provided by INSITUFORM TECHNOLOGIES at your additional cost; or would be furnished by others, at your direction, at no cost to INSITUFORM TECHNOLOGIES :

- a) If preliminary video inspection of the pipe interior indicates excessive damage, or other extra-ordinary condition, which will require excavation, or other extraordinary remedy, to prepare the pipe for installation

of the Insitutube, then those services will be provided by the Prime Contractor or Owner. This will include excessive roots, excessive debris and protruding taps and point repairs.

- b) Surface video documentation – Excluded.
- c) Additional cleaning and televising mobilizations and/or setups due to point repairs, obstruction removals, or delays out of our control will be an additional charge.
- d) Landscaping / shrub removal-replacement / ALL restoration scopes, etc.
- e) Manual operation of any pumping and/or metering stations.
- f) Legal dumpsite for debris resulting from pipes cleaning.
- g) *If any hazardous or toxic materials are encountered during the project, the Owner will be responsible for the removal and disposal of the materials.*
- h) Installation of cleanouts, or other ports, if required for special bypass pumping requirements for businesses.
- i) Manhole installation, rehabilitation, and/or replacement.
- j) Project permits and/or local licenses, Railroad Protective Insurance / Permits, etc.
- k) State and local sales and/or use taxes on the value of the project. If you are exempt please submit the appropriate documentation.
- l) Additional premiums for special insurance coverage(s) demanded by you or other parties particular to this project.
- m) Performance and Payment Bond not included. This is available upon request, if required please add 1.5% to the total project cost.**

PROPOSAL TERMS AND CONDITIONS

- a) **Limits of Liability.** In consideration of **INSITUFORM TECHNOLOGIES'** agreement to maintain no less than \$5,000,000 of comprehensive general liability insurance in the form required by the Contract, **INSITUFORM TECHNOLOGIES'** liability to the Owner for any matter covered by such insurance will be limited to the extent of such insurance and the Owner will indemnify and hold **INSITUFORM TECHNOLOGIES** harmless from any third party claims covered by such insurance to the extent such claims exceed the limits of such insurance. Neither party shall be liable to the other for consequential damages relating to the contract. In case of conflict between this provision and any other provision in the Contract as ultimately executed, this provision shall govern and prevail.
- b) **LIMITED WARRANTY. IN LIEU OF ALL OTHER EXPRESSED, IMPLIED AND/OR STATUTORY. WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, CONTRACTOR AGREES TO CORRECT ANY DEFECTS IN THE MATERIALS OR SERVICES PROVIDED BY CONTRACTOR WHICH ARE BROUGHT TO THE ATTENTION OF CONTRACTOR WITHIN ONE YEAR FOLLOWING COMPLETION OF CONTRACTOR'S WORK, PROVIDED OWNER AFFORDS CONTRACTOR SUITABLE ACCESS AND WORKING CONDITIONS TO ACCOMPLISH SUCH CORRECTION.**
- c) **MUTUAL RELEASE OF CONSEQUENTIAL DAMAGES.** Neither party shall be liable to the other for consequential damages relating to or arising out of the Contract.
- d) **PROPOSAL SUBJECT TO NEGOTIATION OF OTHER STANDARD TERMS OF AGREEMENT.** This proposal is subject to agreement of the parties on other terms and conditions as are customary in contracts of this nature.
- e) Quantities are estimated. Unit prices apply for actual invoice and payment.
- f) Payments are due at net within thirty days of invoice. Final payment is due within thirty days of completion of project.
- g) Monthly progress partial payments may be requested for the value of work in progress or completed, including materials secured and on site.
- h) **Prices stated are in effect for thirty days from the date of this proposal. The acceptance period may be extended at the sole option of INSITUFORM TECHNOLOGIES.**
- i) **Conflicts.** In case of conflict between the provision of the aforesaid paragraphs and any other provision in the Contract as ultimately executed the provisions as set forth above shall govern and prevail.
- j) Insituform submits this bid based on the plans and specifications furnished to it. Insituform's bid is expressly conditioned upon the negotiation of terms and conditions fair to Insituform. Insituform shall have no obligation to perform and shall not be bound by its bid until the execution of a mutually agreeable written contract.

Submitted by:
INSITUFORM TECHNOLOGIES USA, LLC

Brian T. McCrary P.E. - Business Development Manager
Cellular 816 / 206 – 7703 bmccrary@aeqion.com

Accepted

Signed: _____

Date: _____

Printed Name/Title: _____

Company Name: _____

Company Address: _____

Company Phone / email: _____

Tax Exemption Number: _____

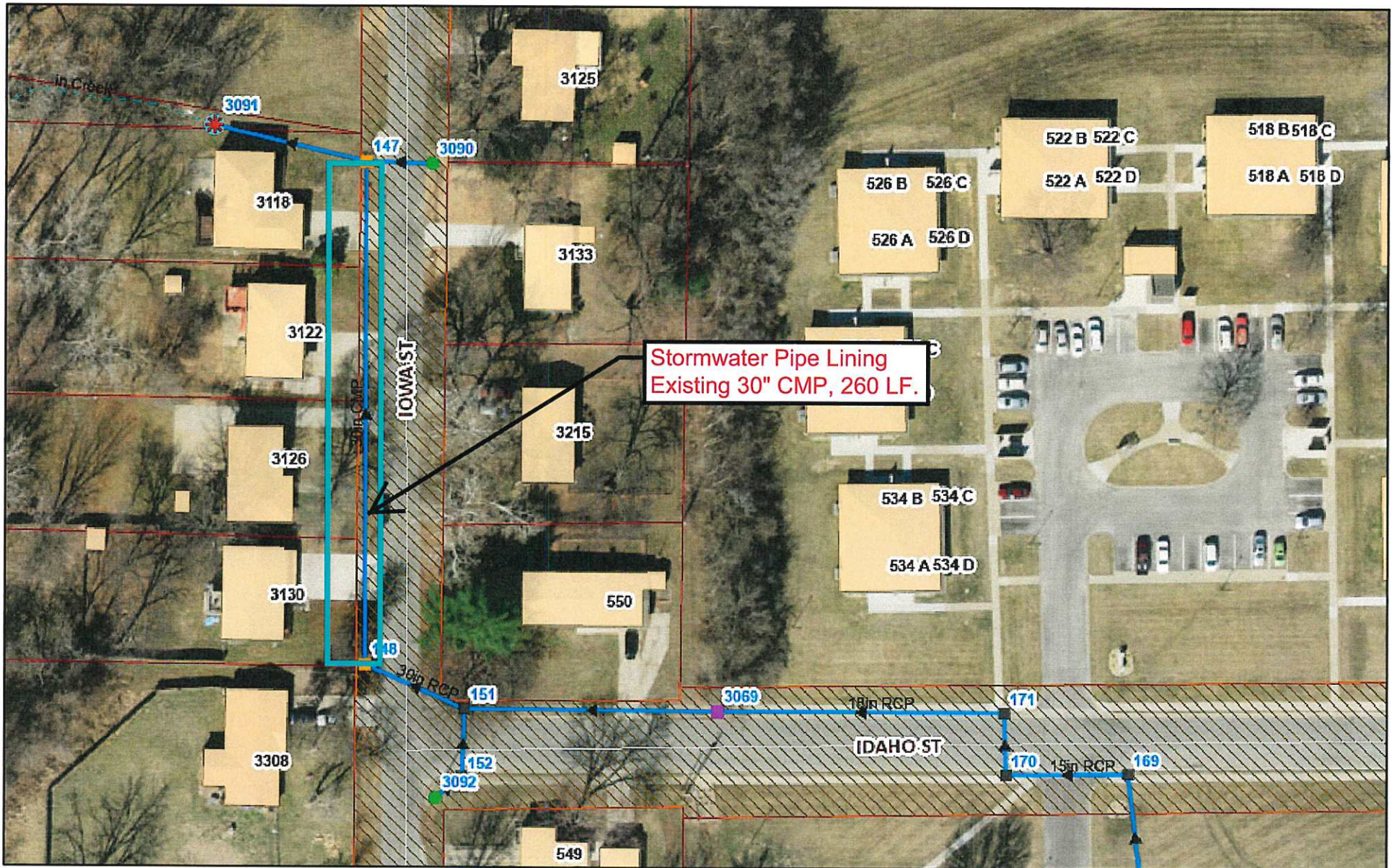
This accepted proposal constitutes a formal agreement. If you initiate a purchase order or other document, it will not be acknowledged without this proposal as an attachment.

Accepted By: ***INSITUFORM TECHNOLOGIES USA, LLC***

By: _____

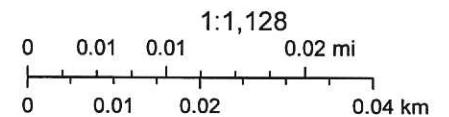
Date: _____

Stormwater Pipe Lining - 3130 Iowa Street



3/18/2022, 12:55:28 PM

- | | | | |
|--------------|------------|------------------|------------------|
| swGravity | swInlet | Outfall to Creek | Buildings |
| Collector | Area Drain | Pipe Inlet | Address (Points) |
| Open_Channel | Curb Inlet | Parcels_Current | Missouri River |
| | Junction | | |



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

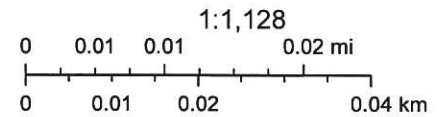
Stormwater Pipe Lining - 2200 S. 16th Terrace



Stormwater Pipe Lining
Existing 54" CMP, 180 LF.

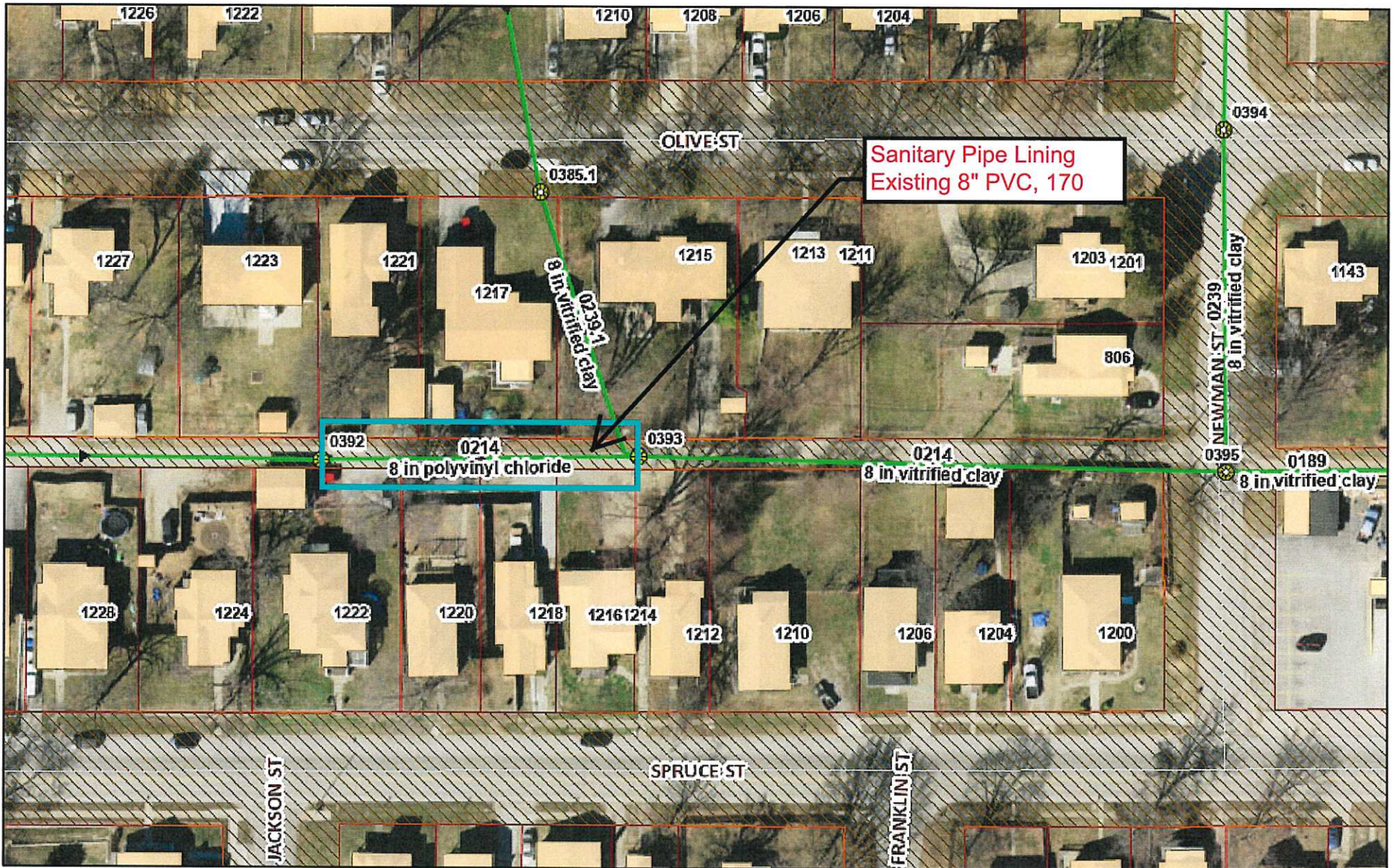
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- | | | | | |
|-------------------------|--------------|----------------------|------------------|--------------------------------------|
| swDetentionBasins | Open_Channel | Outfall to Creek | Parcels_Current | Missouri River |
| detention basin swInlet | swInlet | Pipe Inlet | Buildings | Lansing City Limits |
| swGravity | Area Drain | Parcels (City Owned) | Address (Points) | Ft Leavenworth Military Installation |
| Collector | Curb Inlet | | | |



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Sanitary Sewer Main Pipe Lining - 1222 Spruce Street in Alley



3/18/2022, 12:49:35 PM

ssGravityMains

<all other values>

ssManholes

manhole

Parcels_Current

Buildings

Address (Points)

Missouri River

Lansing City Limits

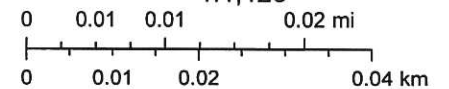
Ft Leavenworth Military Installation

Leavenworth City Limits

City Right-of-Way

RoadCenterline

1:1,128

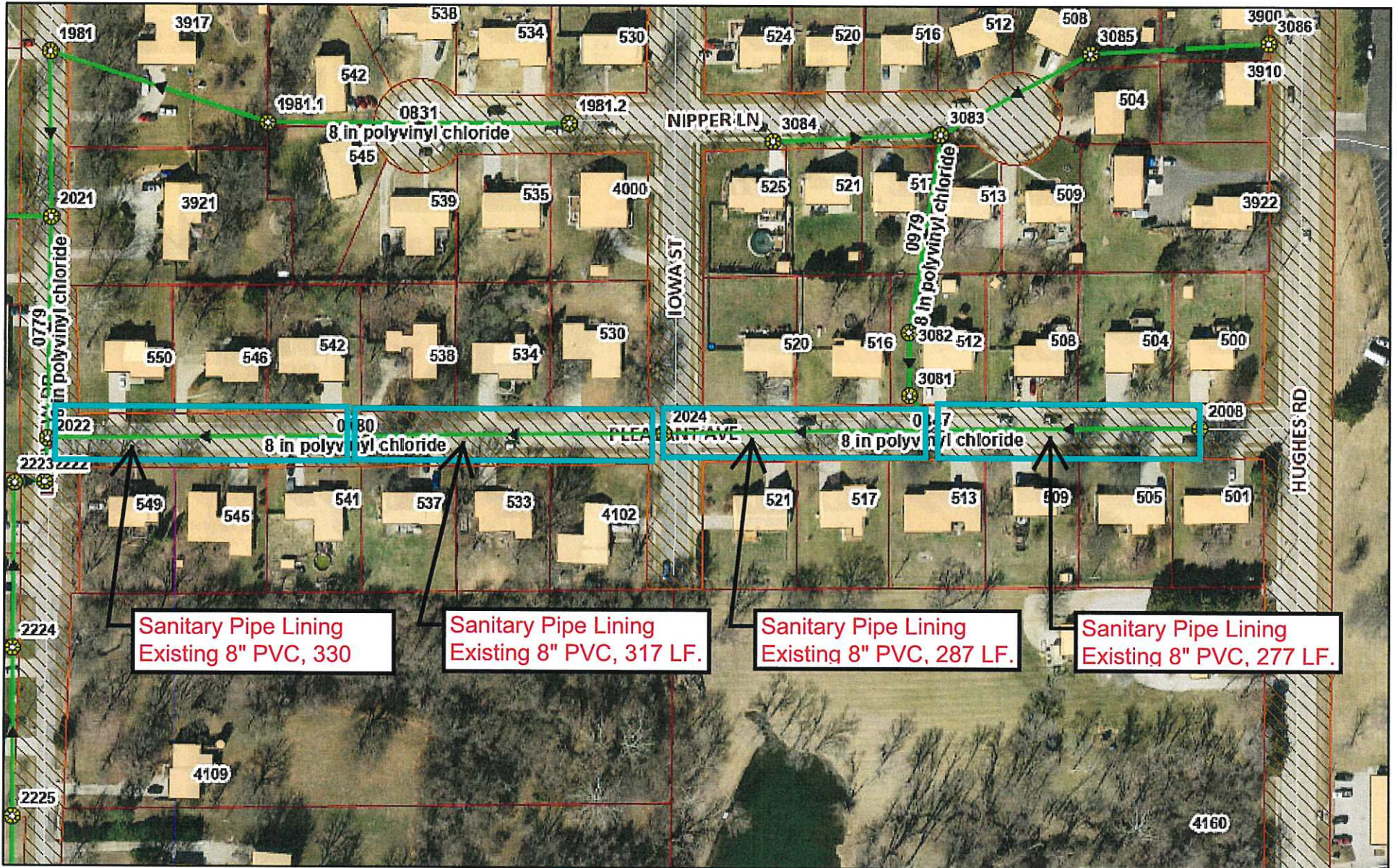


Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Web AppBuilder for ArcGIS

Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Sanitary Sewer Main Pipe Lining - 500 Block of Pleasant Avenue



3/18/2022, 12:46:35 PM

ssGravityMains

<all other values>

ssManholes

mapbole

Parcels_Current

Buildings

Address (Points)

Missouri River

Lansing City Limits

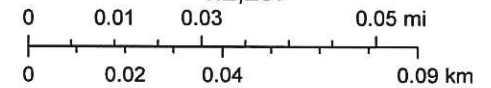
Ft Leavenworth Military Installation

Leavenworth City Limits

City Right-of-Way

RoadCenterline

1:2,257



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA