



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, SEPTEMBER 13, 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

PROCLAMATION:

1. Constitution Week September 17-23

Amended Agenda
Added Item No. 18 Executive Session

(pg. 03)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from August 23, 2022 Regular Meeting

Action: Motion (pg. 04)

Second Consideration Ordinances:

3. Second Consideration Ordinance No. 8191 Approve Special Use Permit Day Care 3400 Iowa Street

Action: Roll Call Vote (pg. 15)

4. Second Consideration Ordinance No. 8192 Rescind Special Use Permit Day Care 3611 Shrine Park Road

Action: Roll Call Vote (pg. 18)

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.*

General Items:

5. Mayors Appointments

Action: Motion (pg. 20)

Resolutions:

6. Resolution B-2320 Adopting Planter's II Schedule of Charges

Action: Motion (pg. 21)

7. Resolution B-2321 Planter's II Capital Fund Program Grant

Action: Motion (pg. 25)

8. Resolution B-2322 Planter's II Capital Fund Program 5 Year Action Plan & 2023 Capital Fund Annual Statement
Performance & Evaluation Report

Action: Motion (pg. 28)

Bids, Contracts and Agreements:

9. Consider Award of Bid for 2022/2023 Salt

Action: Motion (pg. 34)

10. Consider Award of Bid for City Hall HVAC Upgrades

Action: Motion (pg. 38)

11. Consider Award of Contract for 2022 Pavement Evaluations

Action: Motion (pg. 40)

12. Consider Award of Design Services for 2023 Pavement Management Plan

Action: Motion (pg. 42)

13. Consider Award of Bid for Repair Bar Rake Gear Box and Rake Assembly

Action: Motion (pg. 62)

14. Consider Award for Construction Administration Services for 2nd & Chestnut Project

Action: Motion (pg. 65)

First Consideration Ordinances:

15. First Consideration Ordinance to Adopt Standard Traffic Ordinance 49th Edition

Action: Consensus (pg. 69)

16. First Consideration Ordinance to Adopt 2022 Uniform Public Offense Code

Action: Consensus (pg. 74)

17. First Consideration Ordinance to Adopt 2022 Traffic Control Device Master List 2022

Action: Consensus (pg. 78)

Consent Agenda:

Claims for August 20, 2022, through September 9, 2022, in the amount of \$6,580,021.01; Net amount for Payroll #17 effective August 26, 2022 in the amount of \$367,352.24 (Includes Police & Fire Pension in the amount of \$9,888.71) and Payroll #18 effective September 9, 2022 in the amount of \$347,597.36 (No Police & Fire Pension). **Action:** Motion

Other:

18. Executive Session – Attorney Client Privilege

Action: Motion (pg. 80)

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *September 17, 2022 marks the two hundred thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and*

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

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

NOW, THEREFORE, *I Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim September 17 through 23, 2022 as:*

Constitution Week

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

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



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

City Commission Regular Meeting
Commission Chambers
Tuesday, August 23, 2022 6:00 p.m.

CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder (via telephone call-in), Edd Hingula and Griff Martin.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Human Resources Director Lona Lanter, Deputy Human Resources Director Michelle Meinert, Parks & Recreation Director Steve Grant, Parks & Recreation Superintendent Brian Bailey, Planning & 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.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the August 9, 2022 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8189 Demolition Special Assessments – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the August 9, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8189 was unanimously approved.

Second Consideration Ordinance 8190 Nuisance Special Assessments – City Manager Paul Kramer reviewed the Ordinance. Since first consideration on August 9, 2022, the following listings have been removed as payment was received:

Brungardt, Sandie	619 Kiowa Street	\$275.00
Brungardt, Sandie	621 Kiowa Street	\$175.00
Highfill, George E.	1015 Osage Street	\$600.00

Mayor Leonhard called the roll and Ordinance No. 8190 was unanimously approved.

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

John Baragary 1101 Michigan:

- Appeal about a sidewalk issue on property
- Sidewalk goes to a dead-end
- Waste of time and money
- No other adjoining sidewalk

Wayne Ahrndt 614 N 13th Terr.:

- Property line and property values
- How can property value be assessed if the GIS map isn't correct
- Subdivision was built in 1963
- Would like the City to survey his property and the subdivision
- Wants to move fence but can't until the actual property lines are located

Alexander Castillo 729 Prospect Street

- Questions why taxes are going up when properties around his are not being kept up

Public Hearing:

Public Hearing Exceeding of the Revenue Neutral Rate:

Open Public Hearing:

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

Staff Presentation:

City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by Kansas Statute. The City of Leavenworth's intent is to reduce the overall mill levy by one mill, yet it will exceed the RNR as defined in the statute.

Citizen Comments:

Gerard Overbey 4108 Grand Ave:

- Asking Commission to remain at a revenue neutral rate
- Not a good time for tax increase
- Many residents are on a fixed income
- Higher taxes would put people on the street
- Asked City not to raise property taxes

Louis Klemp 1816 Pine Ridge Drive:

- Discussed property tax going up countywide
- Interesting to see the process the City went through
- Wants City to reconsider budget

Steve Clay 307 N Broadway:

- Read from a graph he received from Kansas Department of Labor and Statistics
- Where is the money going, what is it being spent on
- Recommend no increase to taxes

Ken Bower 1029 3rd Ave:

- Happy to see people present at the budget hearing
- Thanked Commission for lowering the mill levy and not raising the sewer and refuse rates

- Supports the decision to lower the mill levy and moving forward with the budget as presented

Hielke Welling 2133 Birch Street:

- City has a spending problem and not a taxation problem
- Lived here 7 years and never seen taxes so high
- Moral issue and ethical issue
- Not the time to levy these taxes

Close Public Hearing:

Commissioner Martin 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 Martin:

- Thanked staff and Commissioners for their work on the budget
- Doesn't want to see taxes increase
- Potential impact to city employees
- Does not want to impact city employees
- Length of time it would take to do a deep dive analysis into the budget
- Timing for the final budget approval
- Possible option of using ARPA funds to cover one time CIP expenses
- Use City Reserve funds to cover one time CIP expenses
- Comb out and remove CIP expenses and keep funds for the budget instead- wouldn't recommend this option
- This will be challenging for 2024 if we make those cuts and stay revenue neutral
- I think we have a way through the options laid out

Commissioner Wilson:

- Asked if the City can use ARPA funds to pay for CIP expenses

Attorney Waters:

- The guidance of ARPA allows the City to use those funds for CIP expenses
- Provided that the City could choose to not exceed the revenue neutral rate and hold its budget hearing at a later date

Commissioner Wilson:

- Concern is what happens for next year
- We have a lot of projects we're trying to accomplish and move the city forward
- What is the impact to that

Commissioner Martin:

- We'd have a void but we can work on it
- In this economy we're living day by day

Mr. Kramer:

- The mill doesn't just fund the general fund, it impacts the ability to borrow funds

- It is more complex than just general fund and capital fund
- Bond and Interest isn't something we can opt out of

Commissioner Bauder:

- Look more closely at it earlier next year
- The way the state requires the county to appraise our homes, that is the real problem
- Recommends proceeding as is and start looking earlier next year

Commissioner Hingula:

- Wants to look at needs and tighten the belts, then review the wants

Commissioner Wilson:

- Biggest concern is the impact to employees, want to ensure we can hire and retain employees
- Don't want to cut today and raise tomorrow
- Not having an answer on what we'd do tomorrow makes me want to move forward with plan as it stands today

Mayor Leonard:

- Thinks we can start earlier next year to do this, but wants to move forward as it is today

Commissioner Martin:

- Stated the school board voted to not exceed the revenue neutral

Commissioner Martin moved to not exceed the Revenue Neutral Rate. Commissioner Hingula seconded the motion. The motion failed 2-3 with Commissioners Bauder, Wilson and Leonard voting No. Mayor Leonard declared the motion failed 2-3.

Consider Resolution B-2317 – Approval to Exceed Revenue Neutral Rate:

Mayor Leonard called the roll for Resolution B-2317 for Approval to Exceed the Revenue Neutral Rate and Resolution B-2317 was approved 3-2 with Commissioners Hingula and Martin voting No. Mayor Leonard declared the Resolution approved 3-2.

Public Hearing on 2023 Operating and 2023-2027 Capital Budgets:

Open Public Hearing:

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

Staff Presentation:

City Manager Paul Kramer reviewed the city operating budget. The budget includes a reduction of one mill and a freeze of sewer and refuse rates. The 2023 budget also invests in city staff to help recruit and retain qualified and valued employees.

Citizen Comments:

Louis Klemp 1816 Pine Ridge Drive:

- City is 50% untaxable

- General fund has a reserve, City should lower the reserve
- Library should be at a lower mill levy
- ARPA funds should be used
- Doesn't want the budget to increase

Ken Bower 1029 3rd Ave:

- Commend staff and Commission on budget
- Decrease is significant
- Appreciates the freeze to sewer and refuse rates
- Happy about the work that's going to be done to help the Fire Department
- Thinks the City is doing a great job

Gerard Overbey 4108 Grand Ave:

- Remind Commission that their first concern should be the people of Leavenworth and not whether the budget can meet the needs of Fire and Police
- While they are an important part of the City, the people of Leavenworth should be the number 1 priority

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 Wilson:

- Asked what will the 1 mill levy reduction provide back to the citizens
- Commends Commissioners for the reduction to mill levy and freezing garbage and sewer rates
- City provides great fire fighters and services to our citizens

Mr. Kramer:

- Stated 1 mill is about \$272,000

Commissioner Hingula:

- Glad we reduced the mill levy and froze utility rates but feels more could be done

Commissioner Martin:

- Provided that the trash bag cost is about \$280,000, sale of them is about \$20,000
- If the city eliminates providing trash bags, the line could be reduced

Mayor Leonhard:

- Proud of the work done on the budget by the Commission and staff
- Considers both present and future
- Providing long overdue commitment to the Fire Department
- Significant commitment to infrastructure to roads, trails, sidewalks, and sewer system
- Provide high quality services and amenities and city continuing to attract new business and houses
- Each budget cycle is unique and challenging in its own way
- Attempts to help businesses and families and still take action to move forward

Adopt the 2023 Operating and Capital Budgets:

Mayor Leonhard moved to adopt the 2023 Operating and Capital Budgets. Commissioner Wilson seconded the motion. The motion passed 3-2 with Commissioners Hingula and Martin voting No. Mayor Leonhard declared the motion carried 3-2.

Consider Resolution B-2318 – Approval of 2023 Housing Budget for Planters II:

Commissioner Wilson moved to approve Resolution B-2318 approval of the 2023 Housing Budget for Planters II. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

General Items:

Mayors Appointments – Mayor Leonhard moved to appoint to the Community Development Advisory Board Mary Mack to a term ending August 31, 2025 and appoint to the Leavenworth Main Street Board Meredith Thompson to a term ending August 15, 2025. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Employee Benefit Plan Renewal – Human Resources Director Lona Lanter reviewed the recommended employee benefit coverages to be effective December 1, 2022. The renewal bid for United Health Care (UHC) came in at a 6% premium increase with no plan design changes. The renewal for Delta Dental came in with a 5% premium increase and no plan design changes, and were provided a rate cap guarantee for next year’s renewal not to exceed 5% with Delta. The renewal for UHC Vision came in with no premium increase and no plan design changes, as this is the second year of our three year rate guarantee.

Mr. Kramer:

- Quite a feat to come in with single digit increase, that’s in large part to our HR department, employee council, training and culture of safety
- Robust benefits package has helped retain and recruit employees

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

Resolutions:

Resolution B-2319 Camp Leavenworth Special Event Street Closure Request for Temporary Liquor License – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of streets during the 2022 Camp Leavenworth festival to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Hingula:

- Do we have a vendor yet

Mr. Kramer:

- A local vendor, Ross’s 20th Street will be providing the alcohol

Commissioner Wilson moved to approve Resolution B-2319 as presented to close streets for the Camp Leavenworth 2022 Special Event. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Havens Park Trail Extension Project – Parks & Recreation Superintendent Brian Bailey presented for consideration approval of the bid for Havens Park Trail Extension Project. During the Capital Improvement Program discussions in 2021, the City Commission discussed future trail development. The Commission dedicated \$30,000 in the 2022 CIP for construction of trails. At the March 15, 2022 Study Session, staff presented options for trail construction. The consensus from the Commission was to extend the existing trail system at Havens Park. Work for this project will include 650’ of 5’ wide asphalt trail per specification, with the inclusion of the alternate. The add alternate will add 31 ft. of additional trail. The work is expected to be completed 60 days after the Notice to Proceed is given. Staff recommends approval of the base bid and the add alternate bid for an amount not to exceed \$29,964.00.

Commissioner Martin moved to approve the base bid of \$28,600 and the add alternative bid of \$1,364 from McConnell and Associates, in the amount not to exceed \$29,964.00 for the Havens Park Trail Extension Project. Commissioner Wilson seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit Day Care 3400 Iowa Street – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance allowing a Special Use Permit for operation of an in-home day care at 3400 Iowa Street. City code does allow for child care centers in R1-9 zoning districts with issuance of a special use permit. The applicants previously received approval of a Special Use Permit in 2017 to operate a day care in their home at 3611 Shrine Park Road. The family has recently moved and intends to continue their day care operation in their new home. The item was heard by the Planning Commission at their August 1, 2022 meeting and was voted 4-0 to recommend approval of the Special Use Permit. Ms. Hurley reviewed the Conditions of Determination and Commission Findings. No concerns or complaints were received by the City regarding the operation of a Child Care Center at their previous home. Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

- A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4’ high fence or wall shall be provided and maintained in good condition
- A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas
- The operation shall be limited to a maximum of 12 children
- No additional home occupations may be carried out at the residence

There was consensus by the Commission to place on first consideration for the Special Use Permit at 3400 Iowa Street

There was consensus by the Commission to place on first consideration for the rescission of the Special Use Permit at 3611 Shrine Park Road

First Consideration Ordinance Rezone 2101 & 2013 Vilas Street - Planning and Community Development Director Julie Hurley presented for first consideration an ordinance rezoning 2101 & 2013 Vilas Street from Low Density Single-Family Residential to Medium Density Single-Family Residential. The rezoning is being requested in order to allow for the development of 6 single family residential lots. The Development Review Committee reviewed the project at their May 12, 2022 meeting and discussed items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and storm water. All items discussed will be addressed prior to the issuance of building permits. The item was heard by the Planning Commission at their August 1, 2022 meeting and was voted 3-1 to recommend denial of the proposed change. Ms. Hurley reviewed the request:

- The property owner requested the rezone
- The total size of the property to be rezoned is 4.54 acres
- Desire to allow for development of 6 single family residential lots
- All 6 lots are approximately .75 acres in size with a width of 110'
- Reviewed surrounding home and subdivision lot sizes
- 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
- Reviewed options for the Commission:
 - place on first consideration, which would require a 2/3 majority vote at second consideration
 - Vote to deny the rezone request
 - return the request to the planning commission to re-review the request

Attorney Waters:

- Reiterated the options before the Commission
- Stated the Golden Factors are what are the legal items of consideration when reviewing zoning actions

Jeremy Greenamyre of Greenamyre Rentals 2500 S 2nd St:

- Request is consistent with zoning in the area
- Showed a map while reviewing current zoning and lot sizes
- Additional housing is a benefit for the community
- Agreed to deed 20' of ROW for the expansion of Vilas
- Require to extend sewer to the end of the property for neighbor connections
- Discussed the property tax benefit for development of 6 single family homes
- Only working on developable lots

- If request is denied, requests specificity as to why and what issue

Kevin Baker 2101 Limit:

- Issue is not with Mr. Greenamyre, issue is with the street
- When the school was built, streets and parking were not considered
- The school has attempted to address issue with additional parking lot to alleviate congestion
- No markings or curbs in the street
- Road is not suitable for more traffic

Janiece Baker 2101 Limit:

- The majority of the people live on acreage
- Concerned about drainage
- Patchwork was done on roads but it still floods
- Safety hasn't been considered
- Roads are not in good condition and streets aren't wide enough
- Challenges are there is not infrastructure
- Doesn't want more than 4 lots

Gerry Heintzelman 2089 Limit:

- Property wasn't developed because developer was told it was too expensive to develop
- Biggest concern is flooding
- Property floods in areas
- New parking lot by school is causing more runoff
- Concern about additional runoff by new homes
- Put sewer and drains in and do a subdivision

Commissioner Hingula:

- Asked why the Planning Commissioner recommended denial

Ms. Hurley:

- Estimates that they were sympathetic to concerns of neighbors and wanted a motion to move the application forward

Mayor Leonhard:

- When you look at a rezoning you have to look at the 8 golden factors, there are a lot of other things that are on the outside but it depends on the golden factors

Attorney Waters:

- There are several different layers of control: use, platting process, dedicating setbacks, building codes

Commissioner Wilson:

- Asked if drainage is one of those issues

Attorney Waters:

- Drainage is probably handled through subdivision codes, they can't add to current issues

Commissioner Martin:

- Asked about width of the street

Attorney Waters:

- It is probably appropriate in the platting process, the abilities of roads to handle load in use
- The main question is if the requested use is a proper use given the golden factors

Ms. Hurley:

- Mr. Greenamyre stated he did dedicate additional ROW which is intended to be used to help aid the road infrastructure improvements when those occur

Commissioner Martin:

- Asked Mr. Kramer to speak about a grant application that could impact that area

Mr. Kramer:

- City submitted a transportation grant application to reconstruct the road and add stormwater
- City is hopeful to hear soon about that being awarded

Commissioner Hingula:

- How much land do you own
- What is the depth you're putting on those lots
- Do you plan to abate the drainage issues

Mr. Greenamyre:

- About 8.5 acres in total, but request to rezone is for 4.54 acres on Vilas
- Multi-family rezone request of 2020 was denied and a lot of opposition related to the street condition, so this current decision was made to only develop the northern portion
- Depth of lots is 300 feet
- Chose the 110 foot wide lots as it seemed to fit with the neighborhood better
- We plan to make developable lots and add utilities

Commissioner Bauder:

- Expressed support for moving forward with the project

Commissioner Martin:

- Asked what are the options to wait until the grant is awarded

Attorney Waters:

- Advised against waiting on a third-party entity to award a grant before making a decision, as it does not fall in line with the golden factors
- Reviewed that the Commission could return the item to the planning commission and provide a subject/item for the Planning Commission to review

Mr. Kramer:

- Reminded the Commissioners that this item has to come back before the body, as this is only first consideration

There was consensus by the Commission to place on first consideration

Consent Agenda:

Commissioner Martin moved to approve claims for August 6, 2022 through August 19, 2022, in the amount of \$712,030.25; Net amount for Payroll #16 effective August 12, 2022 in the amount of \$353,798.91 (No Police & Fire Pension). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Final Camp Leavenworth update at next Study Session
- Micro-surfacing is scheduled to begin on Thursday
- Hawthorne Splash Park had water in it today, hoping for ribbon cutting this year
- Met with Veterans Day Parade Committee this week
- Next Tuesday is a 5th Tuesday so no Commission Meeting next week

Commissioner Bauder:

- Apologized for not being able to attend in person

Commissioner Hingula:

- Wished Commissioner Bauder a speedy recovery
- Take care and be safe

Commissioner Wilson:

- If you see someone who seems down say an uplifting word

Commissioner Martin:

- Wished Commissioner Bauder well
- God bless

Mayor Leonhard:

- Wished everyone a safe great week

Adjournment:

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

Time Meeting Adjourned 8:11 p.m.


Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8191
ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER AT 3400 IOWA STREET**

SEPTEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the August 23, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER TO BE
LOCATED AT 3400 IOWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8191 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8191

(Summary Published in the Leavenworth Times on September 16, 2022)

ORDINANCE NO. 8191

AN ORDINANCE ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER TO BE LOCATED AT 3400 IOWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations of the City of Leavenworth, Kansas, Sec 2.04, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of August, 2022 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 7th day of July 2022 and mailed to all property owners within 200 feet of the said property were given notice of the public hearing; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a child care center at 3400 Iowa Street, Leavenworth, Kansas.

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a child care center for the property described herein.

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

Section 1. That a special use permit be issued for a child care center on the following described property:

Lot 8, Lakewood Subdivision, City of Leavenworth, Leavenworth County, Kansas. And more commonly referred to as 3400 Iowa Street, Leavenworth, Kansas.

Section 2. That this special use permit is subject to the following:

- a.) A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition;
- b.) A copy of the permanent Group Day Care Home License shall be provided annually upon renewal by the State of Kansas;
- c.) The operation shall be limited to a maximum of twelve (12) children; and
- d.) No additional home occupations may be carried out at the resident.

Section 3: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its summary publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 13th day of September, 2022.

Camalla M. Leonhard, Mayor

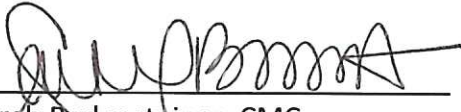
{Seal}

ATTEST:

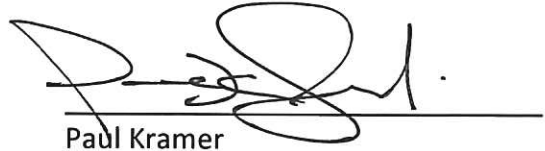
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8192
RESCINDING THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER
AT 3611 SHRINE PARK ROAD**

SEPTEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the August 23, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A
CHILD CARE CENTER AT 3611 SHRINE PARK ROAD, LEAVENWORTH
KANSAS.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8192 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8192

(Summary Published in the Leavenworth Times on September 16, 2022)

ORDINANCE NO. 8192

AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER AT 3611 SHRINE PARK ROAD, LEAVENWORTH KANSAS.

WHEREAS, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations, Section 2.04 C, the Governing Body of the City of Leavenworth is given the power to administratively discontinue or rescind a special use permit; and

WHEREAS, property owners approved for a special use permit my request that such special use permit be rescinded.

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

Section 1. That the following special use permit is hereby rescinded:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Liberty Hazelton and Brenda Reza	3611 Shrine Park Road	Child Care Center	8032	03/14/2017

Section 2. This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the City Commission of the City of Leavenworth, Kansas, on this 13th day of September, 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

MAYOR'S APPOINTMENTS

SEPTEMBER 13, 2022

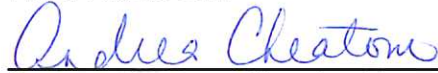
Mayor Leonhard

*"Move to
Appoint to the **Grow Leavenworth County Development Corporation Board Jen Anders to a term
ending May 31, 2024"***

Requires a second and vote by the Governing Body.

**POLICY REPORT
RESOLUTION ADOPTING SCHEDULE OF CHARGES
September 13, 2022**

PREPARED BY:



Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:



Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:



Paul Kramer
City Manager

ISSUE:

Consider a resolution amending the ACOP for the Public Housing Program (Planters II) adopting the schedule of charges and charges guidelines.

OVERVIEW:

The resolution shall adopt a schedule of charges for the cleaning of apartments and equipment at Planters II and shall adopt a schedule of charges for damage and tenant neglect for apartments, common areas, and equipment at Planters II. The resolution shall adopt a charges guideline for damages caused by motorized scooters, wheelchairs, grocery carts, moving carts, dollies, bicycles, scooters and skateboards caused by tenants, visitors, and guests of Planters II.

COMMISSION ACTION:

Motion to adopt the attached resolution amending the ACOP for Planters II.

RESOLUTION B-2320

A RESOLUTION SETTING THE SCHEDULE OF FEES OF THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM; LEAVENWORTH HOUSING AUTHORITY.

WHEREAS, the revised Admissions and Continued Occupancy Policy (ACOP) for the Public Housing program; Leavenworth Housing Authority was approved and adopted on the 13th day of September 2022 by the Leavenworth City Commission acting as the Leavenworth Housing Authority Commission, City of Leavenworth, Kansas ; and

WHEREAS, section 8 (Modifications of Lease) of the March 27, 2018 ACOP requires the Schedule of Fees be set by Resolution and approved by the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS:

Section 1. This resolution amends Resolution B-2195 passed and approved on May 8, 2018 setting forth the Schedule of Charges for cleaning apartments and Planters II; Leavenworth Housing Authority, 200 Shawnee Street, Leavenworth, Kansas equipment and schedule of charges for repairing tenant caused damage to apartments, common areas and/or equipment.

Section 2. The ACOP is hereby amended to incorporate the following charges guideline for all tenants, guests and visitors of Planters II for damages caused by, but not limited to, electric scooters, wheelchairs, grocery carts, moving carts, dollies, bicycles, scooters, and skateboards in all areas of Planters II include but not limited to apartments, common areas, laundry rooms, hallways, elevators and exterior premises.

Section 3. The ACOP is hereby amended to incorporate the following Schedule of Charges for cleaning apartments and equipment at Planters II for current tenants and vacated tenants:

- Stove \$15
- Oven \$25
- Refrigerator \$20
- Freezer \$20
- Lock-outs (M-F 8am to 5pm) \$10

- Lock-outs (Aft. Hours/holidays) \$25
 - Lock Change-Apt. door \$20
 - Cabinets/Countertops \$20
 - Pet waste (per occurrence) \$10
 - Bleach Blinds \$15 (per set).
 - Bathtub/Shower \$20
 - Toilet \$20
 - Bathroom floor \$20
 - Kitchen floor \$20
 - Shampoo carpet \$50
 - Walls \$25 (per room).
 - Doors \$5 (per door).
 - Patio \$15
 - Windows \$20 (per window).
 - Vacuum carpets \$10 (per room).
 - Sinks \$15 (per sink).
 - Carpet stain removal \$25
- If the apartment requires professional cleaning, the resident will be charged the invoiced cost to Planters II. Planters II management reserves the right to determine when any or all cleaning needs require maintenance service.

Section 4. The ACOP is hereby amended to incorporate the following schedule of charges for repairing tenant caused damage or tenant neglect to Planters II apartments, common areas, or equipment:

- | | |
|--|------------------------------|
| • Drip pans (5) 2-1g. 3-sm. \$15 | • Faucet supply line \$6 |
| • Kitchen light fixture \$32 | • Fill valve \$10 |
| • Other light fixtures \$15 | • Shut off valve \$5 |
| • Electrical outlet or switch \$2 | • Shower rod \$15 |
| • Outlet or switch cover plate \$2 | • Toothbrush holder \$7 |
| • Wire refrigerator shelf \$25 | • Soap dish \$7 |
| • Glass refrigerator shelf \$104 | • Tub enclosure \$150 |
| • Stove burner knob \$5 | • Round toilet seat \$10 |
| • Oven knob \$10 | • Elongated toilet seat \$16 |
| • 8" range element \$18 each | • Window screen \$30 |
| • 6" range element \$13 each | • Kick plate \$40 |
| • Countertop end caps \$6 | • Apartment key \$5 |
| • Bathroom Sink \$40 | • Mail box key \$5 |
| • Bathroom faucet w/o pop-up kit \$28 | • Storage room key \$5 |
| • Bathroom Faucet with pop-up kit \$38 | • (New) Access key \$20 |
| • Handicap bath faucet \$153 | • (Used) Access key \$10 |
| | • Shower head \$2 |

- Hand held shower head \$14
- Kitchen sink \$50
- Power flush toilet with tank \$664
- Regular toilet with tank \$351
- Handicap wall mount toilet \$368
- Transom window hook and pole \$31
- Tub stopper \$1
- Light bulb \$3
- Mattress cover (Queen) \$21
- Mattress cover (Full) \$19
- Mattress cover (Twin) \$17
- 32” Gray doors \$474
- 28” Gray doors \$470
- 24” Gray doors \$460
- 18” Gray doors \$460
- Gray sliding doors \$492
- Closet door rollers \$5 ea.
- Medicine cabinet shelf \$8

All costs exclude labor

- Labor will be billed based upon current hourly rates paid to employees of the housing authority or as invoiced by service professionals for work performed. Carpet replacement and repainting apartments is depreciated by 10% per year of occupancy. Carpet replacement and repainting apartments for occupancy of less than 12 months requires payment in full for carpet replacement or repainting deemed necessary. Carpet replacement shall be charged according to invoiced price to include materials and labor. Repainting shall be charged according to invoice price by service professional or charged according to materials used and labor if performed by staff. Any work requiring a service professional (locksmith, plumber, electrician, etc.) shall be billed according to invoiced price. Planters II management reserves the right to determine when any or all damage repair work is required.

Section 5. This Resolution shall be effective from and after its passage as provided by law.

PASSED AND APPROVED this 13thth day of September 2022.

Camalla M. Leonhard, Mayor

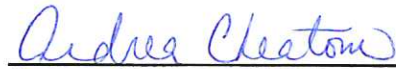
{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
RESOLUTION TO ACCEPT THE 2022 CFP GRANT FOR PLANTERS II
September 13, 2022**

PREPARED BY:




Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:



Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:



Paul Kramer
City Manager

ISSUE:

Consider a resolution accepting the 2022 Capital Fund Program (CFP) grant (Grant# KS01P06850122) for Planters II in the amount of \$200,495.00

RESOLUTION:

The resolution is required by the U.S. Department of Housing and Urban Development (HUD). The CFP grant must be accepted annually by the City Commission.

COMMISSION ACTION:

Motion to adopt the attached resolution accepting the 2022 CFP grant for Planters II.

RESOLUTION NO. B-2321

A RESOLUTION ADOPTING THE 2022 CAPITAL FUND PROGRAM GRANT FOR THE LEAVENWORTH HOUSING AUTHORITY (PLANTERS II), LEAVENWORTH KANSAS.

WHEREAS, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

WHEREAS, the 2022 Capital Fund Program Grant (Grant # KS01P06850122) in the amount of \$200,495.00 is specifically approved as a part of the approval process.

NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, that the Capital Fund Program Grant has been appropriately adopted by Resolution of the Leavenworth City Commission.

BE IT FURTHER RESOLVED that a copy of the 2022 Capital Fund Program Grant is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

BE IT FURTHER RESOLED that this Resolution shall be effective from and after its passage as provided by law.

IT IS SO RESOLVED that this Resolution is passed and approved this 13th day of September 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

2022 Capital Fund

OMB Approval No. 2577-0075 (exp. 08/31/2023)

Capital Fund Program (CFP) Amendment Annual Contributions Contract Terms and Conditions (HUD-52840-A)

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0075. There is no personal information contained in this application. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when disclosure is not required. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Whereas, (Public Housing Authority) Leavenworth Housing Authority KS068 (herein called the "PHA") and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into an Annual Contributions Contract ACC(s) Numbers(s) (On File) dated (On File)

Whereas, in accordance with Public Law 117-103, Division L, Title II,

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. When HUD provides additional amounts, it will notify the PHA and those amended grants will be subject to these terms and conditions.

\$ 200,495.00 for Fiscal Year 2022 to be referred to under Capital Fund Grant Number KS01P06850122 PHA Tax Identification Number (TIN): On File UEI Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number On File

Now Therefore, the ACC is amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for capital and management activities of PHA projects. This CFP Amendment is a part of the ACC.

2. The PHA must carry out all capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in accordance with section 9(g)(2) of the Act.

3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.

4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.

5. Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.

6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. Provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).

(mark one): Yes [] No []

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must have a recorded and effective Declaration(s) of Trust on all property funded with Capital Fund grants (all types) or HUD will exercise all available remedies including recapture of grant funding.

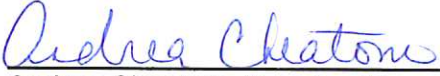
The parties have executed this CFP Amendment, and it will be effective on May 12, 2022. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development By Date: May 12, 2022 /s/ Robert E. Mulderig Deputy Assistant Secretary, Office of Public Hsg Investments

PHA (Executive Director or authorized agent) By Date: 7/27/22 EXECUTIVE DIRECTOR, LHA

POLICY REPORT
RESOLUTION SUBMITTING 2022-2026 CAPITAL FUND PROGRAM FIVE-YEAR
ACTION PLAN AND THE CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE
AND EVALUATION REPORT
September 13, 2022


PREPARED BY:


Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:


Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:


Paul Kramer
City Manager

ISSUE:

Consider a resolution adopting and submitting the 2022-2026 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report for the Leavenworth Housing Authority to the U.S. Department of Housing & Urban Development for the operation of Planters II and Section 8.

PLAN:

The 2022-2026 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report will be electronically submitted to the U.S. Department of HUD. A paper copy of the CFP Annual Statement/Performance and Evaluation Report and the 2022-2026 Capital Fund Program Five-Year Action Plan are available at the Leavenworth Housing Authority office.

The plan is standard HUD format. It makes no changes to the operation of either Planters II or the Section 8 (Housing Choice Voucher) programs. Plan approval and submission to the U.S. Department of Housing & Urban Development is required annually. We currently enjoy a favorable status for both programs.

COMMISSION ACTION:

Motion to approve the plan (by adoption of resolution) and authorize its submission to HUD.

RESOLUTION NO. B-2322

A RESOLUTION ADOPTING THE LEAVENWORTH HOUSING AUTHORITY, (PLANTERS II) 2022-2026 CAPITAL FUND PROGRAM FIVE-YEAR ACTION PLAN AND THE CAPITAL FUND PROGRAM ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT, LEAVENWORTH KANSAS.

WHEREAS, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

WHEREAS, the Leavenworth Housing Authority has prepared the 2022-2026 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications.

NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, that the Leavenworth Housing Authority 2022-2026 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications are hereby approved and authorized for submission to the U.S. Department of Housing & Urban Development.

BE IT FURTHER RESOLVED that the policies and procedures identified in the plan have been appropriately adopted by Resolution of the Leavenworth City Commission and that a copy of the adopted plan and report is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

BE IT FURTHER RESOLED that this Resolution shall be effective from and after its passage as provided by law.

IT IS SO RESOLVED that this Resolution is passed and approved this 13th day of September 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 3/31/2024

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning January 1, 2022 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.

Leavenworth Housing Authority
PHA Name

KS068
PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Julie Hurley

Name of Board Chairperson: Camalla Leonhard

Signature 

Date 9/17/22

Signature

Date

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 *et seq.*, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.



The Leavenworth Housing Authority conducted a public hearing pursuant to 24 CFR Part 905 reference to the 2022 Capital Fund Program grant on Monday, August 22, 2022 at 9:00 a.m.

All documents pertaining to the 2022 Capital Fund Program grant were available for public viewing.

The Public Hearing was held to answer questions pertaining to the 2022 CFP grant and to accept comments.

A handwritten signature in black ink, appearing to be "Julie Hurley".

Julie Hurley, Executive Director

9/7/22

Date

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 11/30/2023)

Public reporting burden for this information collection is estimated to average 30 minutes. This includes the time for collecting, reviewing, and reporting data. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Applicant Name

Leavenworth Housing Authority

Program/Activity Receiving Federal Grant Funding

2022 CFP Planters II - City of Leavenworth

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

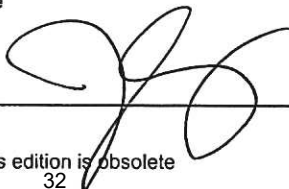
Name of Authorized Official

Julie Hurley

Title

Executive Director

Signature



Date (mm/dd/yyyy)

7/27/22



Criteria for Significant Amendment or Modification to the CFP 5-Year Action Plan

The following additions to the CFP 5-Year Action Plan shall constitute a significant amendment or modification: Demolition, disposition, homeownership, Capital Fund financing, conventional development or mixed-finance development.

JULIE HURLEY

Name of Executive Director

A handwritten signature in black ink, appearing to be "Julie Hurley", written over a horizontal line.

Signature of Executive Director

7/27/22

Date

**POLICY REPORT PWD/MSC NO. 22-40
CONSIDER AWARD OF THE 2022/2023 SALT BID**

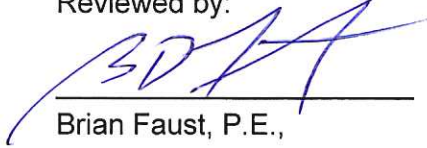
September 13, 2022

Prepared by:



Derek Burleson,
Operations Superintendent

Reviewed by:



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



Paul Kramer,
City Manager

ISSUE: Consider award of the 2022/2023 Salt Bid.

BACKGROUND: This procurement is for up to 1,500 tons of crushed deicing rock salt. The City replenished our salt supply this spring; however, a winter with a number of small or large events will require the purchase of additional material.

Leavenworth County advertised salt bids for their needs and their bid specifications allow the City of Leavenworth and other cities in the county to purchase salt at the bid price.

Leavenworth County's bid opening was held on August 22, 2022 and the County awarded the contract to the low bidder, Independent Salt Co.

<u>Bids Submitted</u>	<u>Cost Per Ton</u>
Cargill Deicing Technology, North Olmstead, OH	No Bid
Central Salt, Lyons, KS.....	\$62.85
Compass Minerals, Overland Park, KS.....	No Bid
Hutchinson Salt Co., Inc., Baxter Springs, KS.....	\$65.60
Independent Salt, Kanapolis, KS	\$57.61
Rock Salt USA, St. Louis, MO.....	\$92.00

In early 2022, City staff began applications of salt brine on several of our 'hot spot' locations. Salt brine is applied before storm events and helps melt snow and ice from underneath. In the 2022/2023 winter season, we will be expanding our salt brine treatment. This has the potential to reduce the amount of road salt we will need to purchase in the future.

BUDGET IMPACT:

The City currently has a significant stockpile of deicing material in our salt dome. Budget impact will depend on the severity of the winter season. Funding is available within the 2023 budget for purchasing the full 1,500 tons if needed.

STAFF RECOMMENDATION: Staff recommends that the City Commission approve the Leavenworth County bid for rock salt at \$57.61/ton for up to 1,500 tons from Independent Salt Company.

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

YEARS	VENDOR	TONS PURCHASED	COST PER TON
1998/1999	Hutchinson Salt Company	600	\$24.50
1999/2000	Hutchinson Salt Company	700	\$24.50
2000/2001	Cargill Salt Company	800	\$24.29
2001/2002	Cargill Salt Company	800	\$29.14
2002/2003	True North Distribution	400	\$29.85
2003/2004	Cargill Salt Company	430	\$31.95
		300	\$32.75
		200	\$32.95
2003/2004	Hutchinson Salt Company	320	\$32.31
		250	\$37.31
2004/2005	Cargill Salt Company	600	\$32.95
2005/2006	Cargill Salt Company	600	\$33.95
2006/2007	Cargill Salt Company	600	\$35.44
2007/2008	Hutchinson Salt Company	700	\$43.85
2008/2009	Independent Salt Company	1,000	\$55.61
2009/2010	Independent Salt Company	700	\$53.39
2011	Cargill Incorporated	582	\$54.62
2013/2014	Central Salt	647	\$56.48
2014/2015	Independent Salt Company	509	\$57.97
2015/2016	Central Salt	314	\$58.97
2018/2019	Independent Salt Company	800	\$53.68
2019/2020	Independent Salt Company	1,200	\$62.38
2020-2021	Independent Salt Company	1,500	\$60.13
2021/2022	Independent Salt Company	502*	\$54.26
2022/2023	Independent Salt Company		\$57.61

*as of August 11, 2022

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

ATTACHMENTS:

- County Bid Tab
- County Award Letter



COUNTY OF LEAVENWORTH
Salt supplier bid opening 08.22.2022 BID TABULATION- FINAL



Item Description			Compass Minerals Overland Park, KS	Hutchinson Salt Baxter Springs, KS	Independent Salt Co. Kanopolis, KS	Cargill North Oimsted, OH	Rock Salt USA St. Louis, MO	Central Salt LLC Lyons, KS
	Unit	Quantity	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
Bid Price (Up to 3000 tons, with option to purchase additional.	Per Ton	1	No Bid	\$65.60	\$57.61	No Bid	\$92.00	\$62.85
Alternate Bid Price (to include Basehor, Tonganoxie, Lansing & Leavenworth Cities as per bid specifications)	Per Ton	1	No Bid	\$65.60	\$57.61	No Bid	\$92.00	\$62.85
Leavenworth County Contractor (local preference, percentage difference from lowest bid)								



COUNTY OF LEAVENWORTH
Department of Public Works



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

August 30, 2022

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

RE: Salt Bids for Leavenworth County

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

On 08.22.2022 bids were opened for 3,000 tons of medium rock salt (with the option to purchase more if necessary) for Leavenworth County. In addition, the City of Tonganoxie, City of Basehor and City of Leavenworth and the City of Lansing are added as bulk bids. Each municipality would make arrangements and purchase their requested amount of rock salt directly from Independent Salt Co. The following is a bid tabulation of the bids received:

2022 Salt Bid Tabulation

<u>Vendor</u>	<u>Bid Price per ton</u>	<u>Bid Alternate per ton</u>
Compass Minerals	No Bid	No Bid
Hutchinson Salt	\$65.60	\$65.60
Independent Salt	\$57.61	\$57.61
Cargill	No Bid	No Bid
Rock Salt USA	\$92.00	\$92.00
Central Salt LLC	\$62.85	\$62.85

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

Sincerely,

Bill Noll
 Infrastructure and Construction Services Director

POLICY REPORT NO. 22-46


CONSIDER BIDS FOR THE CITY HALL HVAC UPGRADES
City Project 2021-971

September 13, 2022

Prepared By:


Michael Stephan,
Project Manager

Reviewed By:


Brian Faust, P.E.,
Public Works Director

Approved By:


Paul Kramer,
City Manger

ISSUE:

Consider bids received for the City Hall HVAC Upgrades Project. This is a rebid of the HVAC Upgrades.

BACKGROUND:

The HVAC rooftop unit at City Hall was installed in 2005. This unit provides tempered outside fresh air to the occupied areas of the building. The unit typically runs 24 hours a day, and it has reached the end of its useful life. Repairs are becoming more frequent and costly, and replacement parts are becoming harder to obtain. The project was originally bid in January of 2022, but bids were ultimately rejected due to cost significantly over the engineer's estimate. Staff reevaluated the bid specifications and was able to modify the specifications without negatively impacting the capabilities of the upgrades.

Bids were opened on September 7th with the results listed below:

Company	Bid Total
Mr. Breeze Heating & Cooling	\$100,500
D'Agostino Mechanical	\$126,130
Engineer's Estimate	\$104,685

Mr. Breeze Heating & Cooling is an established contractor that has done numerous jobs for the City.

BUDGET IMPACT:

The 2022 – 2026 CIP included \$50,780 for the replacement of the rooftop unit with funding through the American Rescue Plan Act (ARPA). The cost of HVAC equipment has continued to increase and further increases are likely within the next several months. Funding for the full cost of the project will be through the ARPA.

STAFF RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received from Mr. Breeze Heating & Cooling in the amount of \$100,500 for the City Hall HVAC Upgrades.

POLICY:

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

ATTACHMENT:

- Bid Tabulation



CITY OF LEAVENWORTH
Project No. 2021-971
Re-Bid of City Hall HVAC Upgrades
9/7/22 3:00 PM

BASE BID				Engineer's Estimate		MR. BREEZE		D'AGOSTINO	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Remove & Replace Roof Top Air Handling Unit w/Controls & Five (5) Year Warranty on all Parts & Labor (Includes all equipment, materials, appurtenances, & labor for the removal & replacement of the air handling unit & controls) Unit shall be AAON (existing unit is AAON brand) or Equal products as manufactured by Engineered Air, Daikin, and York.	LS	1	\$ 104,685.00	\$104,685.00	\$100,500.00	\$100,500.00	\$126,130.00	\$126,130.00
				TOTAL BASE BID:	\$104,685.00		\$100,500.00		\$126,130.00

POLICY REPORT PWD NO. 22-42

**CONSIDER APPROVAL OF CONTRACT FOR
PAVEMENT EVALUATIONS**

City Project 2022-985

September 13, 2022

Prepared by:



Earl Wilkinson,
Deputy Director of Public Works

Reviewed by:



Brian Faust, P.E.
Director of Public Works



Paul Kramer,
City Manager

ISSUE:

Consider the 2022 Pavement Evaluations proposal by Stantec Consulting Services, Inc.

BACKGROUND:

A key part of our pavement evaluation process is to evaluate our entire roadway network every three (3) years. Accurate and timely evaluations are important as they allow staff to analyze our pavement inventory, evaluate the impact of pavement management activities, plan future resurfacing projects and street improvements. To select the best consultant for the City, Public Works prepared and advertised a RFQ that requested pavement evaluations for our entire roadway network. An alternate to collect sidewalk, curb and ADA ramp information, and an alternate to inventory all street signage were also included in the RFQ. Three firms submitted qualifications, and after a formal evaluation process, Stantec Consulting Services, Inc. (Stantec) was selected.

In 2016 and 2019, the City contracted with Stantec to evaluate all streets in the City of Leavenworth. Advances in technology have created systems where pavement evaluations can be performed by mobile high-tech vehicles using lasers, GPS, high-definition digital imagery and other sensors. This process creates an objective pavement rating rather than relying on varying skill levels of different individuals. Also with this new technology and a walking or ATV survey, Stantec can collect information and evaluate all curbs, sidewalks, ADA ramps and street signage. This additional information would allow Public Works to create a complete baseline of all these critical infrastructure assets, which we currently do not have and cannot complete with our limited staff. All of this valuable information will be collected and integrated into our GIS system.

The staff's intent in 2022 was to re-evaluate the entire City roadway network using a similar method as 2019, and to look at the opportunity to include curbs, sidewalk, ADA ramps and street signage in that collection process. The new Stantec Pavement Summary Report will be used by staff and our Pavement Management Program design engineers to evaluate the effectiveness of the recent programs and to be a key component in the selection of streets for the next three-year cycle of the Pavement Management Program. The summary report for curbs, sidewalks, ADA ramps and street signage can also be used for the Pavement Management Program and many other infrastructure projects.

Work is expected to begin in April 2023, and take about three (3) months to complete. The data will be processed by Stantec and delivered in July 2023 to be used as part of the 2024 Pavement Management Program decisions.

RECOMMENDATION:

Staff recommends approval of the proposal submitted by Stantec Consulting Services, Inc. for performing pavement evaluations and taking an inventory of the street signage in the amount of \$54,787.75, and the sidewalk, curb and ADA ramp inventory could be included for an additional \$76,260. The total contract amount is an amount not to exceed \$131,047.75.

POLICY:

The procurement of professional services is not strictly a "bid" process and the Commission can award the contract based on the best value to the City.

ATTACHMENTS:

Stantec Scope and Fee Proposal

POLICY REPORT PWD NO. 22-43


CONSIDER APPROVAL OF THE DESIGN SERVICES CONTRACT WITH ALFRED BENESCH & COMPANY FOR THE 2023 PAVEMENT MANAGEMENT PLAN

City Project No. 2022-990

September 13, 2022

Prepared By:

Reviewed By:



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



Paul Kramer,
City Manager

ISSUE:

Consider approval of the contract with Alfred Benesch & Company for the development of the 2023 Pavement Management Plan (PMP) and to continue development of a long-term comprehensive pavement management for the City of Leavenworth.

BACKGROUND:

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

Pavement Management Strategies:

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

Advantages of the PMP include:

- Improving the quality of the City's street network in a financially responsible manner.
- Data-Driven Defendable Project Prioritization Process that helps:
 - Maximize value and return on investment
 - Prioritize projects not only on PCI (Pavement Condition Index), but considers other impacts to residents and motorists such as roadway classification, deterioration type, peripheral assets, traffic volumes, and many other factors
- Implementing a plan that considers both immediate and long-term needs.
- Improved identification and submittals of funding sources/opportunities to supplement local City resources.

- Track and improve design and construction processes associated with roadway maintenance and reconstruction.

Starting in 2016, staff contracted with 'Stantec' to provide an independent objective pavement condition analysis of the City streets using digital evaluation techniques. The result of that effort was a pavement program between 2016 and 2019 that included a large number of streets that received a surface seal (granite seal) that concentrated on stabilizing streets City-wide.

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

The overall street condition, based solely on the PCI ratings, decreased from 54.2 in 2016 to 51.0 in 2019. An initial decrease in the PCI is not unexpected as it can take time to reverse the downward momentum of pavement deterioration. Staff is also recommending that the pavement be reevaluated in early 2023 to incorporate street work completed from 2020 through 2022 and provide an additional data point to further define pavement degradation rates and how current treatments are working.

While the PCI is an important component in an overall Pavement Management Program, the comprehensive program should take into account Level of Service (LOS) and other factors to help prioritize pavement restoration decisions.

The proposed scope of services includes: (1) developing a specific street project list for 2023 and (2) continued development of a short and long-term Comprehensive Pavement Management Program:

1. Finish the development of the Level of Service (LOS) Prioritization Model with implementation plan. This model will be used to identify projects starting in 2024.
2. Pavement Management Forecasting & 10-year CIP planning effort. This will look at annual spending and impacts of budget shifts/adjustments on the overall LOS of the City's street inventory.
3. Plan will incorporate all project level costs into estimates through modeling and new PCI data received in 2023 for use in the 10-year CIP. Plan will provide the governing body with details on current and future financial needs.
4. Development of bid packages for 2023 will be identified by late fall/early winter 2022 for bidding in early 2023 to allow for summer construction.

Milestones:

- Fall 2022 work session with the Commission to help better define the desired level of service and receive input on level of service priorities and decision matrix development and work action logic.
- Bid 2023 street improvements by January 2023.

Alfred Benesch has extensive successful experience in helping communities develop Comprehensive Pavement Management Programs. They also understand funding limitations and challenges working in communities of all sizes.

BUDGETING:

The strategies developed in the PMP are used to identify target budget numbers required to meet the stated goals, but also to create the most effective annual program given resource limitations. The information will help staff present annual project recommendations designed to achieve the desired level of service and pavement condition over the life of the program.

BUDGET IMPACT:

The cost associated with the second phase in the development of the comprehensive pavement plan is part of the \$2M budgeted for pavement management. In 2022, there was an additional \$500k of unused 2021 funding making the total available of \$2.5M.

2022 Cost Summary

Mill/Overlay (Base Bid)	\$ 832,682.50
Mill/Overlay (Cherokee Alternate).....	\$ 211,785.30
Micro-surfacing - awarded June 14th (Base Bid)	\$ 777,487.64
(Addition of 3 alternate streets).....	\$ 58,149.22
MSC and Cody Park Parking Lots	\$ 170,000.00
2022/23 Pavement Evaluation (<i>if approved by the Commission</i>)	\$ 131,047.75
<u>Next phase of the Comprehensive Plan (2023)</u>	<u>\$ 151,235.00</u>
Total Estimated 2022 Cost	\$2,332,387.41

RECOMMENDATION:

Staff recommends approval of the design services contract with Alfred Benesch & Company for developing a Comprehensive Pavement Management Program in an amount not to exceed \$151,235.

ATTACHMENT:

Design Contract - Alfred Benesch & Company

**CITY OF LEAVENWORTH
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**

**STANDARD AGREEMENT
FOR
ENGINEERING SERVICES**

THIS AGREEMENT, is between the City of Leavenworth, Kansas (Owner) and Alfred Benesch & Company (Engineer);

WITNESSETH:

WHEREAS, the Owner wishes to employ the Engineer to perform professional engineering services on Pavement Management Plan 2023. These services include providing engineering consulting services for the development of bid documents and year two (2) of progress toward a comprehensive Pavement Management Plan. (the Project); and,

WHEREAS, the Owner requires certain consulting engineering services in connection with the Project (the Services);

and,

WHEREAS, the Engineer is prepared to provide the Services;

NOW THEREFORE, in consideration of the promises contained in this Agreement, the Owner and Engineer agree to the following:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be _____

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Kansas and the codes of the City of Leavenworth.

ARTICLE 3 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services, in accordance with applicable sections of the City of Leavenworth Design Criteria and Drafting Standards of latest revision.

ARTICLE 4 - COMPENSATION

Owner shall pay Engineer in accordance with the Attachment B, Compensation.

ARTICLE 5 – OWNER’S RESPONSIBILITIES

Owner shall be responsible for all matters described in Attachment C, Owner's Responsibilities.

ARTICLE 6 - SUPPLEMENTAL AGREEMENTS

The provisions set forth in Attachment D, Supplemental Agreements shall be incorporated into this Agreement.

ARTICLE 7 - PROJECT SCHEDULE

The provisions set forth in the Attachment E, Project Schedule shall be incorporated into this Agreement.

ARTICLE 8 - STANDARD OF CARE

Engineer shall exercise the same degree of care, skill, and diligence in the performance of Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances.

ARTICLE 9 - INDEMNIFICATION AND INSURANCE

Engineer hereby agrees to fully indemnify and hold harmless Owner and any of its departments, divisions, agencies, officers, employees and elected officials from all loss, damage, cost, or expenses specifically including reasonable attorneys' fees and other expenses of litigation incurred by or on behalf of the Owner and any of its officers, employees or elected officials to the extent caused by Engineer's negligent performance of Services under this Agreement. Engineer specifically agrees that this duty to indemnify and hold harmless will apply to the following:

- a. Claims, suits, or action of every kind and description to the extent such suits or actions are caused by the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

- b. Injury or damages received or sustained by any party to the extent caused by the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

Engineer shall purchase and maintain during the life of this Agreement, insurance coverage which will satisfactorily insure him against claims and liabilities which arise because of the execution of this Agreement.

The insurance coverages are as follows:

- (1) Commercial General Liability Insurance, with a limit of \$1,000,000 for each occurrence and \$2,000,000 in the general aggregate.
- (2) Automobile Liability Insurance, with a limit of \$1,000,000 for each accident, combined single limit for bodily injury and property damage.
- (3) Worker's Compensation Insurance and Employer's Liability Insurance, in accordance with statutory requirements, with a limit of \$500,000 for each accident.
- (4) Professional Liability Insurance, with a limit of \$1,000,000 for each claim and aggregate.

Prior to issuance of the Notice to Proceed by Owner, Engineer shall have on file with Owner certificates of insurance acceptable to Owner. Said certificates of insurance shall be filed with Owner within ten (10) days of renewal or may be submitted with each agreement.

Engineer shall also maintain valuable papers insurance to assure the restoration of any plans, drawings, field notes or other similar data relating to the work covered by this agreement, in the event of their loss or destruction, until such time as the work has been delivered to the Owner.

Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project, (2) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services. Notwithstanding anything contained herein to the contrary, in recognition of the relative risks and benefits of the Project to both Owner and Engineer, the risks have been allocated such that the Owner agrees, to the fullest extent permitted by law, to limit the liability of Engineer to the Owner (and anyone that claims through it) for any and all claims, losses, costs, damages of any nature whatsoever (whether arising in negligence, professional errors or omissions, strict liability, breach of contract or otherwise) and claim expenses from any cause or causes, so that the total aggregate liability of Engineer shall not exceed the limits of insurance. Owner and Engineer agree that to the fullest extent permitted by law neither party shall be liable to the other for any special, indirect, or consequential damages whatsoever, whether caused by either party's negligence, errors, omissions, strict liability, breach of contract, breach of warranty, or other cause or causes.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project construction schedules, Engineer's opinion of probable construction costs and of construction schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project construction costs will not vary from Engineer's cost estimates or that actual construction schedules will not vary from Engineer's projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Engineer pursuant to the Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project. Any

reuse without prior written verification or adaptation by Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer. Any verification or adaptation requested by Owner shall entitle Engineer to compensation at rates to be agreed upon by Owner and Engineer.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by Engineer as part of the Services shall become the sole property of Owner upon receipt of payment by Engineer of amounts due and owing under this Agreement, however, that both Owner and Engineer shall have the unrestricted right to their use. Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of Engineer. Owner shall have the unlimited right to the use of intellectual property developed, utilized, or modified in the performance of the Services at no additional cost to the Owner.

ARTICLE 14 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure reasonably acceptable to the other party. Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all Services performed prior to the date of the termination notice. Upon restart, an adjustment acceptable to Owner and Engineer shall be made to Engineer's compensation. Neither Engineer, nor its subconsultants shall be responsible for errors or omissions in documents which are incomplete as a result of an early termination under this Agreement.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of the Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonconforming party. For purposes of this Agreement, such

circumstances include abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, or other civil disturbances; sabotage, judicial restraint, and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement. Should such circumstances occur, the nonconforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of the Agreement.

For delays in performance by Engineer, as set forth in Attachment E, Project Schedule, which are caused by circumstances which are within its control, such delays shall be documented on the Engineer's Project Performance Evaluation form. Said form shall be completed at the conclusion of Project and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects.

In the event Engineer is delayed in the performance of Services because of delays caused by Owner, Engineer shall have no claim against Owner for damages or contract adjustment other than an extension of time.

ARTICLE 16 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer: Bradley D. Johnson, PE
Alfred Benesch & Company
123 SE 6th Avenue, Suite 200
Topeka, KS 66603
(785) 408-9413

Owner: Brian Faust, PE, Director of Public Works
City of Leavenworth
100 N. 5th Street
Leavenworth, KS 66048
(913) 684-0375

Nothing contained in the Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 17 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 18 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 19 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. All prior and contemporaneous communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of this Agreement, as set forth in Attachment D, Supplemental Agreements are hereby incorporated into and shall become a part of this Agreement

ARTICLE 20 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party of this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

ARTICLE 21 - ASSIGNMENT

Neither Owner nor Engineer shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Engineer from employing independent consultants, associates, and subcontractors to assist in the performance of the Services; however, other agreements to the contrary notwithstanding, in the event Engineer employs independent consultants, associates, and subcontractors to assist in performance of the Services, Engineer shall be solely responsible for the negligent performance of the independent consultants, associates, and subcontractors so employed.

ARTICLE 22 - THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Engineer.

ARTICLE 23 – RELATIONSHIP OF PARTIES

Nothing contained herein shall be construed to hold or to make the Owner a partner, joint venturer, or associate of Engineer, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

IN WITNESS WHEREOF, Owner and Engineer have executed this Agreement.

CITY OF LEAVENWORTH
Owner

By: Camalla Leonhard

Mayor
Title

Date:

Attest: Sarah Bodensteiner, City Clerk


Alfred Benesch & Company
Engineer

Robert R. Krewson
By: Robert R. Krewson, PE

Sr. Vice President
Title

8/18/22

Date:

Attest: 

**ATTACHMENT A
 TO
 AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
 Engineer: Alfred Benesch & Company
 Project Number & Name: 2022-990, Pavement Management Plan 2023

SCOPE OF SERVICES

BASIC SERVICES

The project is specifically defined below:

Assist the City of Leavenworth in advancing a Pavement Management Plan, assisting with determination of PCI data collection needs, and development of 2023 bid packages for pavement maintenance projects to be constructed in the Spring/Summer of 2023 and ultimately build the programmatic approach to project evaluation and definition of action triggers.

2023 Pavement Management Plan/Program							
Task 1 Existing Data Assessment & 2023 Pavement Project Identification	PIC/QC	Sr. PM	Sr. Tech. Sp.	SPE	Tech II	Designer	Subtotal
1.01 Confirm & Develop Cost Estimates for 2023 Pavement Mgmt Projects		4 hrs.		8 hrs.		8 hrs.	\$3,116
1.02 Research and Compile Applicable Details & Specifications from Past Projects.		2 hrs.		8 hrs.		4 hrs.	\$2,234
1.03 Prepare Applicable Bid Sets for Identified 2023 Pavement Projects (Up to 3 bid packages, Up to total \$2M construction budget)							
(a) Crack Seal/Microsurfacing - Project Manual.		2 hrs.		16 hrs.		8 hrs.	\$4,058
(b) Mill & Overlay - Project Manual. Review current asphalt specs and surrounding communities and make recommendations for revisions. Clarify asphalt testing requirements		4 hrs.		32 hrs.		8 hrs.	\$7,172
(c) Concrete Streets/Parking Lot - Project Manual, clarify testing requirements.		4 hrs.		18 hrs.		8 hrs.	\$4,806
(d) Utility Coordination (send out plans only)				4 hrs.	4 hrs.		\$1,052
(e) Field verification of street widths for quantities, pavement markings, etc. (2 days)				16 hrs.		16 hrs.	\$4,592
(f) Coordination of Survey of Parking Lot and Street Survey. Includes CAD processing of raw file. Includes survey limit maps for each of the desired areas TBD. Includes contracts/invoices, etc.		8 hrs.		12 hrs.	4 hrs.		\$4,044
(g) Crack/Micro: Prepare Plans to be inserted in the project manual: Crack/Micro/Pavement Marking (public domain aerial background) with begin/end station. No survey, no specific traffic control. No SWPPP, NOI or other permits.		4 hrs.	12 hrs.	8 hrs.	16 hrs.	16 hrs.	\$7,280
(h) Mill/Overlay: Prepare Plans: Title, Location Map, Typical Section and Patching details, Standard details, Pavement Marking (public domain aerial background). Street construction plan sheets for asphalt work only, for each selected street to show mill/overlay limits (patches will not be shown on plans, estimated quantities only), no survey (or minimal survey, up to 1 full day), note approximate manhole and valve locations. No SWPPP, NOI or other permits. Up to two project specific traffic control plans are included in this scope.		4 hrs.	32 hrs.	14 hrs.	32 hrs.	28 hrs.	\$14,074
(i) Concrete/Parking Lot: Prepare Plans: Title, Location Map, Typical Section and Patching details, Standard details, Pavement Marking (public domain aerial background). One Parking Lot at City Hall (includes sidewalk around building) and Street construction plan sheets for each selected street (concrete work only but includes concrete work on asphalt streets), some survey (see direct cost note #5 below), Traffic control plan at parking lot, one project specific traffic control plan is included in his scope. No SWPPP, NOI or other permits.		4 hrs.	40 hrs.	24 hrs.	36 hrs.	16 hrs.	\$15,868

(j) Prepare Bid Package Specific Quantities & Engineering Estimates (Up to 3). Include bid alternates (Up to 7 on crack/micro with up to 3 additional pavement marking plans, 3 on mill/overlay, and 1 for concrete street) in each bid package. Summary Quantity tables required.	8 hrs.	24 hrs.	16 hrs.	30 hrs.	\$11,316
(k) Quality Control/Assurance Review of Bid Packages	4 hrs.	16 hrs.			\$4,296
(l) Attend Meeting (2) with Applicable City Staff (Collect Feedback)			6 hrs.		\$1,014
(m) Incorporate Review Comments From City (Two (2) Times for each set)			18 hrs.	24 hrs.	\$5,874
(n) Attend up to 3 Pre-Bid Meetings (City will advertise bid packages)			18 hrs.		\$3,042
(o) Attend 1 Pre-Con Meetings			6 hrs.		\$1,014
1.04 Program Administration & Management			12 hrs.		\$2,028
Subtotal Task 1 Hours = 666 hrs.					Subtotal Task 1 Fee = \$96,880

Task 2 Pavement Management Asset Management Tool	PIC/QC	Sr. PM	Sr. Tech. Sp.	SPE	Tech II	Designer	Subtotal
2.01 Update Pavement Data with 2022 Projects		4 hrs.		4 hrs.		4 hrs.	\$1,968
2.02 Calculate Priorities & Incorporate Non-Pavement Project Costs (Cost Factors for TC, Survey, Utilities, CE, Inflation, etc.)		2 hrs.		10 hrs.		4 hrs.	\$2,572
2.03 Filter Data Based on Pavement Maintenance Triggers				2 hrs.		4 hrs.	\$810
2.04 Build Baseline Deterioration Models for Pavement Types (Limit to Six)		4 hrs.		16 hrs.		24 hrs.	\$6,356
2.05 Update/Modify Deterioration Models Based on City Input				2 hrs.		2 hrs.	\$574
2.06 Evaluate Use and Costs of Alternate Maintenance Methods (eg. Fog Seal, Cape Seal, HMA, etc.)		2 hrs.		6 hrs.		8 hrs.	\$2,368
2.07 Evaluate PCI Improvements with Selected Maintenance Actions		1 hrs.		1 hrs.		2 hrs.	\$610
2.08 Determine Remaining Useful Service Life for Pavements		2 hrs.		2 hrs.		4 hrs.	\$1,220
2.09 Create Maintenance Summary Sheets		4 hrs.		4 hrs.		28 hrs.	\$4,800
2.10 Identify Strategic Variables to be Incorporated into Rankings		2 hrs.		2 hrs.			\$748
2.11 Incorporate Budget Constraints & Develop Funding Scenario Output		1 hrs.				1 hrs.	\$323
2.12 Prepare 10-Year CIP Lists for Max Three (3) Funding Scenarios		4 hrs.		4 hrs.		4 hrs.	\$1,968
2.13 Update Data Tables & User Interface Based on City Input		2 hrs.		2 hrs.		8 hrs.	\$1,692
2.14 Sensitivity Modeling with City (eg. Field Verification of Maintenance Plan)		4 hrs.		2 hrs.		4 hrs.	\$1,630
2.15 Revise CIP FY Plans to Include City Comments (1 Time)				4 hrs.		2 hrs.	\$912
2.16 QC/QA of Task 2 Deliverables	12 hrs.	4 hrs.		8 hrs.		8 hrs.	\$6,164
2.17 Develop Presentation Material for Public/Council Mtg		4 hrs.		4 hrs.			\$1,496
2.18 Practice/Run-Through of Presentation (With City) - 1 Mtg		3 hrs.		3 hrs.			\$1,122
2.19 Participate in Public/City Council Meeting (1)		6 hrs.		3 hrs.			\$1,737
Subtotal Task 2 Hours = 247 hrs.					Subtotal Task 2 Fee = \$39,070		

Summary of Manhours & Fee By Classification	PIC/QC	Sr. PM	Sr. Tech. Sp.	SPE	Tech II	Designer	Subtotal
MANHOUR SUBTOTAL	16 hrs.	109 hrs.	108 hrs.	315 hrs.	92 hrs.	273 hrs.	913 hrs.
LABOR SUBTOTAL	\$4,064.00	\$22,345.00	\$15,444.00	\$53,235.00	\$8,648.00	\$32,214.00	\$135,950.00

Direct Costs/Sub-Consultants		Subtotal
Mileage (Travel Progress Mtg & Presentation Mtg)	-- See Below for Additional Details of Direct Cost --	\$860
Project Printing & Software	-- See Below for Additional Details of Direct Cost --	\$125
Survey Fee	-- See Below for Additional Details of Direct Cost --	\$14,300
Subtotal Direct Costs =		\$15,285.00

SUMMARY		
Task 1 Existing Data Assessment & 2023 Pavement Project Identification	Subtotal =	\$96,880
Task 2 Pavement Management Asset Management Tool	Subtotal =	\$39,070
Direct Costs/Sub-Consultants	Subtotal =	\$15,285
TOTAL NOT TO EXCEED COST FOR ENGINEERING SERVICES =		\$151,235

Direct Cost Details

- Assume two (2) Progress Mtgs w/City During Tasks 1 and 2. Mtgs held at City Public Works Office. Mileage calculated @ \$0.625/mi x 4 Mtgs.
- Assumes two days field visits (1.03e) and pre-bid/pre-con attendance (1.03n & 1.03o). Up to 6 trips.
- Assume one presentation (See Subtask 2.19) during Task 2. Mtg held at City Public Works Office. 1 Trip.
- Assume printing & software related expenses of \$125 total.
- Parking Lot Survey (3 days), Street Survey if needed (1 day), Processing (2 Days) = 4*\$2500 + 2*\$1500 + 10%

Assumptions:

The following items are assumed as part of the development of this scope of services. Additional services, if requested by City, will be negotiated through a future supplement.

- Request/Receive Necessary Electronic Data/Documents From City of Leavenworth for Scope Items (Request Historical Data | Allow Trend Graphs)
- No Support Services for Asset Management Software & Only Minor GIS Support Limit to Hours Shown.
- Field Data Collection for Any Asset is NOT Included in this Scope of Services. (Asset Inventory)
- Field Inspection Visit is Limited to One Day as Shown in Subtask 1.03e (Field Validation). Benesch Available for Supplement.
- City to Provide Necessary Information Regarding Utilities, ROW, Property Valuation for costing within AM tool.
- End-User Agreement will be Included in Contract/Accepted by City.
- No Other Assets Included Other than Pavement for Tasks 1 and 2 (Thus Pavement Only for Asset Services).
- No Direct Costs are Included for Meetings or Public Engagement Other Than Mileage and those items specifically referenced (Rentals, Presentation Materials, Equipment Assumed to be Covered By City)
- Project Meetings Shown in Tasks 1 and 2 are Assumed to Face-To-Face at LV City Hall; Limited to Time Shown in Tables.
- No Rewriting or Creation of Formal/Updated Program/Policy Manuals Included in Scope.
- Services will likely carry over into 2023 requiring updated rates at that time, however no adjustment to not to exceed fee is anticipated as a result unless significant delays in the project are anticipated.
- No Assumed Review of Safety Procedures/Policy Included.
- Bid documents will be more detailed than what was assumed for 2022 bid documents (see Tasks).
- Bid documents (necessary plan sheets) will be Developed in AutoCAD and Provided to City in PDF Format.
- City will Provide Benesch with Example Plans for Reference Prior to Development of Task 1.03 Items.
- Assume No Software License Purchases By Benesch. If Needed, City to Provide Benesch with Necessary Licenses.
- No Field Services (Including Construction Engineering/Inspection) beyond those specifically listed is included in Scope of Services.
- Surveying is likely required in some locations (see Tasks). No Legals. No Geotech.
- No DBE Goals are Established for this Scope and Agreement.
- Benesch will be Re-Engaged Annually as Part of this Agreement for a Maximum of Five (5) Years. New Annual Agreements will be Negotiated Each Year.

Deliverables:

- January, 2023 – 10-year Pavement CIP projects list with associated costs, Excel-based Pavement Management Tool
- Will be provided in PDF format only, other than Excel tool which will be submitted in Excel.

**ATTACHMENT B
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: 2022-990, Pavement Management Plan 2023

COMPENSATION

For the services covered by this Agreement, the Owner agrees to pay the Engineer as follows:

- A. For the Basic Services described in Attachment A, a time and materials basis in the amount of **\$151,235**. Payments shall be made monthly in amounts which are consistent with the amount of engineering services provided, as determined by the Engineer.

Task 1	
2023 Bid Package Identification, Assembly, and Bidding	\$ 96,880
Task 2	
Pavement Management Level of Service (LOS) Prioritization Year 2 of Pavement Management Program Development	\$ 39,070
Direct Costs	\$ 15,285
Total	\$151,235

- B. Compensation for Supplemental Services shall be made as defined below, when authorized in writing by the Owner. The maximum limit for each item of additional service shall be established individually and specifically agreed to by the Owner as stated below, unless the service is included in a subsequent agreement.

Hourly rates for each classification as defined by the Engineer's rate schedule, see Attachment F. Hourly charge rates are subject to adjustment annually on January 1. Overtime, when authorized by the Owner, will be billed at 1.5 times the rates listed (non-engineer time only).

Reimbursable charges will be considered the amount of actual costs of expenses or charges, including such items as staking materials, equipment rental, equipment hourly charges, mileage, toll telephone calls, meal per diems, reproduction and similar project related expenses.

- D. The entire amount of each statement shall be due and payable upon receipt by the Owner.
- E. It is understood and agreed:
1. That the Engineer shall start the performance of Services within 10 days of receipt of a notice to proceed and shall complete the work in accordance with the contract times set forth in Attachment E, Project Schedule.
 2. That the Engineer shall keep records on the basis of generally accepted accounting practice of costs and expenses which records shall be available for inspection at all reasonable times.

**ATTACHMENT C
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: 2022-990, Pavement Management Plan 2023

OWNER'S RESPONSIBILITIES

The Owner will furnish, as required by the work and not at the expense of the Engineer, the following items:

1. Make available to the Engineer all records, reports, maps, and other data pertinent to provision of the services required under this contract, upon which Engineer may reasonably rely.
2. Examine all plans, specifications and other documents submitted by the Engineer and render decisions promptly to prevent delay to the Engineer.
3. Designate one City of Leavenworth employee as the Owner representative with respect to all services to be rendered under this agreement. This individual shall have the authority to transmit instructions, receive information and to interpret and define the Owner's policies and decisions pertinent to the Engineer's services.
4. Issue notices to proceed to the Engineer for each phase of the design services.

**ATTACHMENT D
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: 2022-990, Pavement Management Plan 2023

SUPPLEMENTAL AGREEMENTS

Owner and Engineer agree that the following communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of the Agreement are hereby incorporated into and shall become a part of the Agreement as set forth in ARTICLE 19 - INTEGRATION.

The City of Leavenworth reserves the right to extend the use of this contract for the services prescribed in the scope of work beyond the 2022 Pavement Management Plan if mutually beneficial to both parties for up to an additional four (4) years. The City of Leavenworth will assess the performance of the Consultant at the conclusion of each year to determine if an extension of services is beneficial to the City. If the City elects to engage Consultant for future Pavement Management Plan services, a supplemental manhour and fee agreement will be negotiated for the extension of services at said time.

SUPPLEMENTAL SERVICES

Any work requested by the Owner that is not included in the Basic Services will be classified as Supplemental Services. Supplemental Services shall include but are not limited to the following.

- A. Capital Finance Strategies
- B. Cross Asset Category Comparisons
- C. Tailored Work Action Benefits
- D. Risk Management Integration
- E. Gap Analysis Functionality
- F. Surveying, geotechnical, or utility engineering/coordination beyond those specifically listed in the scope.
- G. Inspection Services.

**ATTACHMENT E
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Alfred Benesch & Company
Project Number & Name: 2022-990, Pavement Management Program 2023

PROJECT SCHEDULE

Owner and Engineer recognize that time is of the essence of the Agreement and that Owner will suffer financial loss if the work is not completed within the times stipulated herein, plus any extensions thereof. Accordingly, Engineer shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project, and has established time intervals, in calendar days, for submittals at various stages of the project as detailed below. As each actual submittal date occurs, Engineer shall meet with Owner to discuss the progress of the work and the actual submittal date shall be documented. If project is behind schedule, the reason shall be recorded. Engineer shall not be responsible for the time required by Owner's representative to review Engineer's submittal. When review is complete, Owner shall, in writing, authorize Engineer to proceed to the next submittal date. After final submittal date, Engineer and Owner shall meet to evaluate Engineer's performance with regard to design schedule. An Engineer's Project Performance Evaluation form shall be completed and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects. Past performance shall be accounted for on the evaluation sheet used to rank consultants during the interview process.

1. Schedule:

- a. Task 1: Engineer will make Pavement Management Submittals for the development of plans for the 2023 Program consistent with the dates noted in Attachment A scope.

Submittal of Preliminary Street List for each Bid Package	8/31/2022
Submittal of Final Street Lists	2 weeks after receipt of comments
Approval of Final Street Lists	No later than 1 week after NTP

Concrete & Mill/Overlay Bid Packages (Simultaneous)

Preliminary (50%) Plans	60 days from Final Street List Approval or NTP whichever is later.
Final Plan & Project Manual (100%) Plans submittal	45 days after comments
Bid Document submittal	30 days after comments

Crack/Micro Bid Package

Preliminary Plans & Manual	30 days from Final Street List Approval or NTP whichever is later.
Final Plans & Manual	30 days after receipt of comments
Bid Document submittal	2 weeks after receipt of comments

- b. Task 2: Engineer will make Pavement Management Submittals for the development of the Asset Management Tool

Tasks 2.01, 2.02 and 2.07	8/31/22
Task 2.11	October, 2022 for Commission Preso
Operational Tool, 10-year CIP list (using 2019 data)	January, 2023
Incorporation of 2022 PCI values	30 days after receipt of final PCI data

Attachment F



2022 EMPLOYMENT CLASSIFICATION AND RATE SCHEDULE

<u>CLASSIFICATION</u>	<u>BILLABLE RATE</u>
Project Manager I	\$154.00
Project Manager II	\$179.00
Senior Project Manager	\$205.00
Project Principal	\$254.00
Technical Manager I	\$150.00
Technical Manager II	\$165.00
Senior Technical Manager	\$188.00
Project Engineer I	\$132.00
Project Engineer II	\$146.00
Senior Project Engineer	\$169.00
Construction Representative I	\$93.00
Construction Representative II	\$108.00
Construction Representative III	\$122.00
Construction Tech Representative I	\$85.00
Construction Tech Representative II	\$99.00
Resident Project Manager I	\$145.00
Resident Project Manager II	\$165.00
Senior Resident Project Manager	\$183.00
Designer I	\$99.00
Designer II	\$118.00
Senior Designer	\$150.00
Technologist I	\$66.00
Technologist II	\$94.00
Senior Technologist	\$127.00
Technical Specialist I	\$113.00
Technical Specialist II	\$118.00
Senior Technical Specialist	\$143.00
Intern	\$66.00
Office Assistant	\$57.00
Project Assistant I	\$61.00
Project Assistant II	\$75.00

Schedule 2 Kansas/Missouri

Rates are good until December 31, 2022

**POLICY REPORT NO. 22-41
WATER POLLUTION CONTROL DIVISION
REPAIR BAR RAKE GEAR BOX AND RAKE ASSEMBLY**

September 13, 2022

Prepared by:

Reviewed by:



Tim Guardado,
WPC Superintendent



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



Paul Kramer,
City Manager

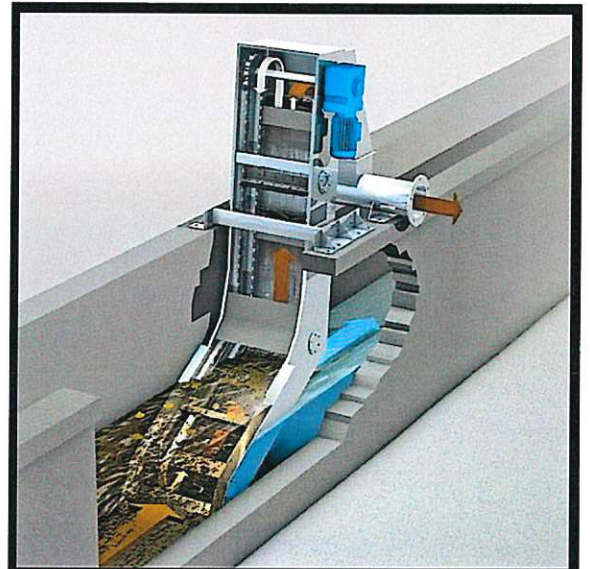
ISSUE:

Replacement of gear box and rake assembly for one of the two bar Infilco-Degremont Bar Screens. This bar screen was identified as one of the three immediate needs (bar screen, belt press and trickling filter) for the WWTP (Wastewater Treatment Plant).

BACKGROUND:

All wastewater comes into the “headworks” of the plant. This incoming wastewater carries debris that can damage pumps and other equipment. There are two Bar Screens at the front end of the treatment plant designed to remove the large debris and rags. This protects the downstream processes from damage to pumps, plugging of lines, and ponding of the Trickling Filters. Failure to remove these items also contributes to high total suspended solids throughout the plant which then adds to UV treatment costs as well.

The two original Bar Screens were installed in 1972. They were replaced in a 1997 project for \$460,000. Since that time the various floods, age and overall hostile influent environment have resulted in substantial repairs to both bar screens.



WPC staff contacted C&B Equipment (supplier of the original equipment) to get a cost of an exact replacement for the rake assembly portion of the Infilco-Degremont Bar Screen. The rake assembly includes a new gear box, drive shaft, stainless steel rake along with installation.

Douglas Pump through C&B Equipment is the only company that could get the exact replacement parts and provide a quote that included installation for the Infilco-Degremont Bar Screen rake assembly. There is a significant lead time (up to 36-weeks) when ordering the rake assembly, and it will take an additional two days for installation.

Bid Received for equipment and installation:

Douglas Pump: \$133,097.25.

BUDGET IMPACT:

The bar screen is an immediate need and the cost was included in the recommendations for the American Rescue Plan Act (ARPA) funding.

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the sole source purchase and repair bid from Douglas Pump of \$133,097.25.

ATTACHMENT:

Proposal - Douglas Pump through C&B Equipment

C&B EQUIPMENT

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

PROPOSAL

PHONE _____ DATE 8/9/2022

JOB NAME/LOCATION _____

To: Leavenworth KS
Attn: Tim

Job # _____

JOB DESCRIPTION: Bar Rake

We are pleased to help with your rake needs. We have pulled your existing rake for inspection. Found gear box bad and it's obsolete and no longer made. We have pricing for a new rake assembly to fit your existing bar screen. With the new unit you will receive a new drive shaft assembly, high efficiency gear box submersible housing with explosion proof brake motor, stainless follower roller supports, stainless rake arms, stainless rake shaft, stainless machined rake teeth, torque over load switch assembly, installation and start up.

\$133,097.25

estimate 30 to 36 weeks ARO

freight included

NOTE: pricing is good until 09/30/22.

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

PROPOSED COST \$133,097.25

NOTES: taxes not included

PROPOSED BY Billy Perry



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

PO# _____

Date: _____

_____ print name

_____ signature


POLICY REPORT PWD NO. 22-44

**CONSIDER APPROVAL OF LOW BID FOR
THE 2ND & CHESTNUT STONE ARCH REPLACEMENT PROJECT**

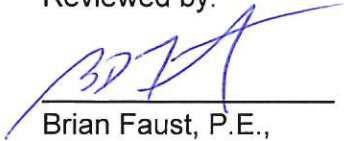
City Project 2018-895

September 13, 2022

Prepared by:


Earl Wilkinson,
Deputy Director of Public Works

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE:

Consider a contract for construction-related services from Wilson & Company Engineers for the 2nd & Chestnut Stone Arch Replacement Project.

BACKGROUND:

On February 12, 2020, the City Commission approved a design contract with Wilson & Company Engineers for the design of the 2nd & Chestnut Stone Arch Replacement Project, and on July 12, 2022, the City Commission approved a construction contract with LEXECO for the 2nd & Chestnut Stone Arch Replacement Project.

We initially considered Wilson & Company Engineers to do all construction-related services for the 2nd & Chestnut Stone Arch Replacement project, but the proposed fee to have Wilson & Company Engineers do that work was \$196,000. In an effort to reduce costs on the overall project, the Public Works staff will handle the day-to-day construction inspection and contract administration associated with the project. However, since Wilson & Company Engineers designed the 2nd & Chestnut Stone Arch Replacement Project, it would be beneficial to have them provide limited construction-related services for the project. These services would include attending the pre-construction meeting, reviewing shop drawings for the contractor, monthly progress meetings, general project coordination, final walk-through of the project, and as-constructed drawings of the project. All of these services offer necessary support to the Public Works staff.

BUDGET IMPACT:

The fee for this contract is \$34,046. Stormwater impact fee funds are available to cover this expense.

POLICY:

The City Commission generally awards construction-related services contracts to the engineering company that prepared the design documents for the project due to their familiarity with the specific details of the project. The award will be in the best interest of the City. Wilson & Company Engineers is extremely qualified for this work.

RECOMMENDATION:

Staff recommends that the City Commission award the construction-related services contract for the 2nd & Chestnut Stone Arch Replacement Project to Wilson & Company Engineers in the amount of \$34,046.

ATTACHMENTS:

Exhibit A (Scope of Services)

Exhibit B (Fee Estimate Worksheet)

EXHIBIT A
SCOPE OF SERVICES

The purpose of this contract is to provide Construction Related Services for the 2nd & Chestnut Stone Arch Replacement project.

Detailed Scope of Services

Section 1 – Construction Related Services

1) Attend Pre-Construction Meeting

The Consultant shall attend a pre-construction meeting as scheduled by the City.

2) Shop Drawing Review

The Consultant shall review shop drawings submitted by the Contractor including, but not limited to:

- Mix Designs
- Aggregate Materials
- Drainage Structures
- Pipe
- Roadway base materials
- Fencing
- Erosion Control
- Landscaping materials
- Other Items as Required

3) Monthly Progress Meetings

The Consultant shall attend monthly progress meetings as scheduled by the City.

4) General Project Coordination

The Consultant shall respond to RFIs, review change order requests, perform site visits, and attend meetings as requested to resolve routine construction issues which may arise during the 7-month construction duration (substantial completion = 180 days, final completion = 30 days after SC). It is anticipated that eight (2) hours per week will be required for general project coordination.

5) Final Walk-Through

The Consultant will attend a final walk-through with the City and Contractor after substantial completion and prepare a punch list for work that needs to be corrected. The Consultant will verify that all punch list items have been satisfactorily addressed.

6) As-Constructed Drawings

The Consultant will prepare as-constructed drawings based on plan mark-ups from the contractor and inspectors. The City shall supply a copy of the record drawings from the Contractor, a copy of the Field Inspector's notes, and any other documentation needed in the preparation of the as-constructed drawings. An as-constructed field survey will not be performed.



Proj.: 2nd & Chestnut CRS
 By: CDLoughman
 Date: July 27, 2022
 Client: City of Leavenworth
 Notes:

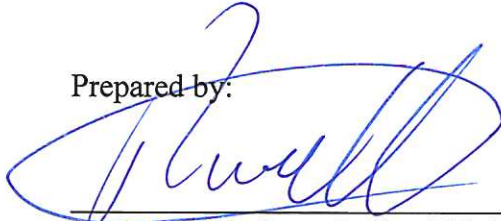
**EXHIBIT B
FEE ESTIMATE WORKSHEET**

Fee Reviewed by
Date:

TASK I.D.	WORK TASK DESCRIPTION	ESTIMATED MANHOURS			TOTAL HOURS	LABOR EFFORT	EXPENSE EFFORT	TOTAL FEE
		TASK CODE WCI CLASS	1051 P5	1051 P4				
	TITLE	Project Manager	Project Engineer	CADD Designer				
SECTION 1 - CONSTRUCTION RELATED SERVICES								
1	Attend Pre-Construction Meeting	2	2		4.00	\$ 614.00	\$ 50.00	\$ 664.00
2	Shop Drawing Review		40		40.00	\$ 5,600.00	\$ -	\$ 5,600.00
3	Monthly Progress Meetings	24	24		48.00	\$ 7,368.00	\$ -	\$ 7,368.00
4	General Project Coordination	28	56		84.00	\$ 12,516.00	\$ 700.00	\$ 13,216.00
5	Final Walk Through	4	8		12.00	\$ 1,788.00	\$ 50.00	\$ 1,838.00
6	As-Constructed Drawings		16	40	56.00	\$ 5,360.00	\$ -	\$ 5,360.00
	Subtotal	58	146	40	244.00	\$ 33,246.00	\$ 800.00	\$ 34,046.00
TOTALS		58	146	40	244.00	\$ 33,246.00	\$ 800.00	\$ 34,046.00

Policy Report No. 6-2022
49th Edition of Standard Traffic Ordinance
September 13, 2022

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 49th Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

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

The Changes are listed below:

Article 1. Definitions

Amended: All-Terrain Vehicle
Electric-Assisted Bicycle
Motor Vehicle
Motorcycle
Motorized Bicycle

Section 10.1 Funeral Procession

Section 119 Parades and Processions

Section 30 Driving Under the Influence of Intoxicating Liquor or Drugs: Penalties

Section 30.1 Driving a Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties

Section 30.5 Commercial Driver's License' Diversion Agreements Not Allowed

Section 126.1.1 Display of License Plate

Section 135 Electric-Assisted Bicycles, Traffic Law Application

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 49th Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

(Summary Publish in the Leavenworth Times on _____, 2022)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES" 49th EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

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

Sec. 44-1. Incorporating Standard Traffic Ordinances.

- (a) **Adoption.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leavenworth, Kansas, that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 49th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed.
- (b) **Marked copies on file.** One official copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____" with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. _____, and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) **Omissions, changes, additions, and deletions to the standard traffic ordinances for Kansas Cities.**

Article 11. Pedestrians. Section 69(d) relating to pedestrians soliciting is hereby omitted and deleted.

Article 14. Miscellaneous Rules. Section 114.5 relating to Work-Site Utility Vehicles is hereby amended to read as follows:

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

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway; or

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

Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles. Section 135.1 is amended to read as follows:

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

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

Section 2. REPEAL. Section 44-1 of Chapter 44, Traffic and Vehicles and Section 44-5 of Chapter 44, Breath and Blood Alcohol Test for Driver Under 21 Years of Age, of the Code of

Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance and all other ordinances that are in conflict herewith, are hereby repealed.

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

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

Camalla M. Leonhard, Mayor

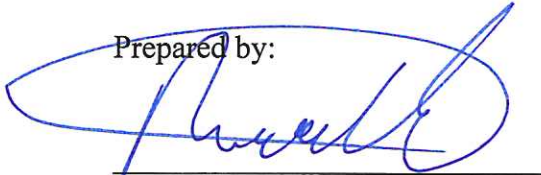
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

Policy Report No. 7-2022
2022 Uniform Public Offense Code
September 13, 2022

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 2022 Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

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

The following changes are noted:

Section 1.1 Definitions

Amended: Controlled Substance
Law Enforcement Officer
Dwelling
Motor Vehicle
Possession
Public Employee
Vehicle Dealer
Wildlife
Written Instrument

Section – 3.2.1 Sexual Battery

Section 6.1 Theft

Section 6.5 Criminal Deprivation

Section 6.18 Motor Vehicle Dealers,; Selling Motor Vehicles Without a License

Section 7.5 Distribution of Unattributed Applications for Advance Voting Ballots

Section 7.14 Electioneering

Section 7.15 Intimidation of a Witness or Victim

Section 9.9.5 Unlawful Possession of a Simulated Substance

Section 10.30 Operating an Aircraft Under the Influence

Section 10.30.1 Same; Preliminary Breath Test

Section 10.30.2 Same; Definitions

Section 11.8 Gambling

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 2022 Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth including the noted exemptions.

(Summary Publish in the Leavenworth Times on _____, 2022)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" 38th EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

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

Chapter 30. Offenses. Sec. 30-1. Incorporating Uniform Public Offense Code.

- (a) **Adoption.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Leavenworth that certain code known as the "Uniform Public Offense Code for Kansas Cities," 38th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereinafter omitted, deleted, modified, or changed.
- (b) **Marked Copies on File.** One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. _____ and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- (c) **Omissions, changes, additions, and deletions to the Uniform Public Offense Code for Kansas Cities.**

Article 3. Offenses Against Persons. Section 3.2.1, Sexual Battery, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.1, Lewd, Lascivious Behavior, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.3, Selling Sexual Relations, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.5, Buying Sexual Relations, is hereby declared to be omitted and deleted.

Article 5. Offenses Affecting Children. Section 5.7, Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor, is hereby omitted and deleted. (See Section 30-2, Selling, giving or furnishing cigarettes or tobacco products to a person under 21 years of age, of the Code of Ordinances, City of Leavenworth, Kansas.)

Article 10. Offenses Against Public Safety. Section 10.6, Air Gun, Air Rifle, Bow and Arrow, Slingshot, BB Gun, or Paintball Gun, is hereby omitted and deleted. (See Section 30-3, Air guns, air rifles, bow and arrows, slingshots and BB guns of the Code of Ordinances, City of Leavenworth, Kansas.)

Article 11. Offenses Against Public Morals. Section 11.15, Permitting a Dangerous Animal to be at Large, is hereby declared to be omitted and deleted. (See Chapter 8, Animals, of the Code of Ordinances, City of Leavenworth, Kansas.)

Section 2. REPEAL. Section 30-1 of Chapter 30, Offenses, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance and all other ordinances that are in conflict herewith, are hereby repealed.

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

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

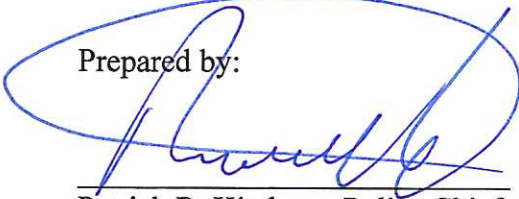
Camalla M. Leonhard, Mayor


{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

Policy Report No. 8-2022
2022 Intersection Traffic Control Device Master Index
September 13, 2022

Prepared by:

Patrick R. Kitchens, Police Chief

Approved by:

Paul Kramer, City Manager

ISSUE:

Place an ordinance on first consideration that adopts the 2022 Intersection Traffic Control Device Master Index.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 2022 Intersection Traffic Control Device Master Index.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE “2022 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX”.

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

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

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

The “2022 Intersection Traffic Control Device Master Index” prepared and published by the city in book form for the purpose of regulating intersection traffic control devices within the city, is adopted as though fully set forth herein. One copy of the adopted index, marked “Official Copy as Adopted by ordinance _____,” and to which shall be attached a copy of said ordinance, shall be filed with the city clerk and available to the public for inspection at all reasonable business hours.

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

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

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

{SEAL}

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**EXECUTIVE SESSION
ATTORNEY-CLIENT PRIVILEGE**

SEPTEMBER 13, 2022

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for a period of _____ minutes for the purpose of *discussing a real property matter with the City Attorney, under the justification for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship* K.S.A. 75-4319 (b) 2. The City Commission, City Manager, and City Attorney will be present. The open meeting will resume in the City Commission Chambers at _____ p.m.