



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, OCTOBER 25, 2022 6:00 P.M.

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

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Proclamations (pg. 02)
 - a. United Way Months
 - b. National Family Literacy Day – November 1, 2022
 - c. National American Indian Heritage Month

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from October 11, 2022 Regular Meeting **Action:** Motion (pg. 05)

Second Consideration Ordinance:

3. Second Consideration Ordinance No. 8198 Amending the Code of Ordinances, Sections 22-25, 22-107 and 22-134; Amending the Licensing Period **Action:** Roll Call Vote (pg. 09)

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 sign up sheet will be provided in the commission chambers for anyone wishing to speak.*

General Items:

4. Cancellation of the November 8, 2022 City Commission Meeting **Action:** Motion (pg. 14)
5. Update for Unsafe Structure 717 Spruce Street **Action:** Motion (pg. 15)

Bids, Contracts and Agreements:

6. Consider Request for Approval of the Purchase of Fire Apparatus **Action:** Motion (pg. 18)
7. Consider Approval of Contract for Limited Site Assessment – Old City Garage, 2101 S. 3rd St. **Action:** Motion (pg. 22)

First Consideration Ordinance:

8. First Consideration Ordinance for Special Use Permit for a Residential Home Stay at 771 Ottawa **Action:** Consensus (pg. 32)

Consent Agenda:

Claims for October 8, 2022, through October 21, 2022, in the amount of \$1,077,658.18; Net amount for Payroll #21 effective October 21, 2022 in the amount of \$360,661.34 (Includes Police and Fire Pension in the amount of \$9,888.71). **Action:** Motion

Other:

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *The City of Leavenworth, Kansas hopes that all of its citizens enjoy healthy, productive and meaningful lives; and*
- WHEREAS,** *The United Way of Leavenworth County advances the common good by creating opportunities for a better life for everyone; and*
- WHEREAS,** *The United Way of Leavenworth County focuses on education, income and health – which are building blocks for a good quality of life – because we all win when a child succeeds in school, when families are financially stable and when people are in good health; and*
- WHEREAS,** *It takes every part of the community – individuals, businesses and organizations – to supply the passion, expertise and resources needed to create lasting change for the better and last year Leavenworth citizens and those of Leavenworth County generously contributed their volunteer energies as well as more than \$162,000 to the United Way of Leavenworth County, thereby investing in programs and initiatives that improve lives and build stronger communities; and*
- WHEREAS,** *The United Way of Leavenworth County kicks off its annual campaign during the months of September through December to unite the community and enhance the lives of those living in Leavenworth, Kansas*

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

United Way Months

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *National Family Literacy Day, established by the 103rd Congress in 1994, and now marking its 28th anniversary on November 1, 2022, highlights the importance of reading and learning for the entire family and emphasizes the impact that parents have on their child's learning; and*
- WHEREAS,** *this day is celebrated across America each year, and focuses on special activities and events that showcase the importance of family literacy programs that empower families and build a nation of readers; and*
- WHEREAS,** *literacy programs across the United States will observe National Family Literacy Day by holding read-a-thons, book drives, workshops and family activities at schools, libraries and community centers to encourage literacy; and*
- WHEREAS,** *as many as one in six adults struggle with reading and writing, and by learning to read, individuals can gain self-respect and confidence and strive toward goals that otherwise would not be achievable; and*
- WHEREAS,** *the National Society of the Daughters of the American Revolution is a nonprofit, nonpolitical volunteer woman's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for children and adults; and*
- WHEREAS,** *education being one of the cornerstone of the National Society of the Daughters of the American Revolution Captain Jesse Leavenworth Chapter is committed in increasing literacy by promoting and supporting literacy programs.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim November 1, 2022 as:*

National Family Literacy Day

To underscore the importance of literacy, celebrate the joy of reading and encourage residents to promote literacy by reading together as a family, and to extend deep appreciation to our local librarians, educators, and literacy service providers for their tireless efforts to strengthen the literacy of our children and community.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and*

WHEREAS, *the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and*

WHEREAS, *their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and*

WHEREAS, *Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and*

WHEREAS, *in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned.*

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

National American Indian Heritage Month

I urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



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

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning and Community Development Director Julie Hurley, 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.

PRESENTATIONS & PROCLAMATIONS:

Mayor's Award – Mayor Leonhard presented the Mayor's Award to Christine Frietchen for her contributions to the community by organizing the first Camp Leavenworth 5K and walk. Ms. Frietchen was present to accept the award.

Domestic Violence Awareness Month – Mayor Leonhard read the proclamation proclaiming October as Domestic Violence Awareness Month. The proclamation was accepted by Catherine Russo, Michael Trapp, and Rep. Pat Proctor.

World Polio Day October 24, 2022 – Mayor Leonhard read the proclamation proclaiming October 24, 2022 as World Polio Day. The proclamation was accepted by Stephanie Meyer Governor of Rotary District 5710, Derek Wohlgemuth, DeEtte Lombard, and other Leavenworth Rotarians.

Military Retiree Appreciation Day October 29, 2022 – Mayor Leonhard read the proclamation proclaiming October 29, 2022 as Military Retiree Appreciation Day. The proclamation was accepted by Norm Greczyn.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the September 27, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8196 Rezoning 2101 & 2013 Vilas Street from Low Density Single Family Residential to Medium Density Single Family Residential – Planning and Community Development Director Julie Hurley reviewed the Ordinance. Ms. Hurley reviewed the following:

- This rezone request would allow for an additional 6 single family residential lots
- Planning Commission recommendation was for denial of the rezone

- Neighbors voiced concerns about the roadway on Vilas
- In order to override the Planning Commission's recommendation, a 2/3rd's majority vote is necessary
- Policy Report from August 23, 2022 included the Golden Factors that are to be considered in reviewing rezoning items
- City was made aware that they are the recipient of a grant to improve Vilas Street

Mayor Leonhard called the roll and Ordinance No. 8196 was unanimously approved.

Second Consideration Ordinance No. 8197 Adopt Text Amendments to the Code of Ordinances; Development Regulations of the City of Leavenworth – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the September 27, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8197 was unanimously approved.

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

Christine Fritchen provided a post-event debrief about the Camp Leavenworth 5K and walk

- Intent was to get people downtown in the morning of Camp Leavenworth to combat the slow period
- Survey results were that 100% of people would recommend the race to others
- Provided registration breakdown
- Reviewed marketing efforts
- Provided survey takeaways
- About 70% of participants went to Camp Leavenworth right after the race
- Looking for sponsorship opportunities for next year
- Discussed some items for consideration regarding the 2023 run/walk

Bids, Contracts and Agreements:

Consider Approval of 2023 Landfill Services Contract with Waste Management – Public Works Director Brian Faust presented for consideration approval of the refuse disposal contract with Waste Management (WM) for 2023. The City of Leavenworth has operated a municipal solid waste (MSW) collection and disposal service since at least the 1950's. The City disposes, on average, 11,500 tons of municipal solid waste each year. This waste is collected by City employees and placed into City-operated trucks and transported to a state-approved disposal site. In addition to MSW, the City disposes of approximately 3,700 tons of special waste (sludge/grit) from the Wastewater Treatment Plant. In 2018, the City made the decision to bid out landfill services. Waste Management was the low bidder and the City has been using their landfill in Shawnee since January 2019. In 2023, the cost to dispose of MSW at WM is increasing from \$27.28/ton to \$29.72/ton, and the cost for special waste is increasing from \$46.98/ton to \$52.38/ton. WM states their costs, associated with inflation and supply chain issues, have increased up to 18.1%. There are other options for solid waste disposal that can be considered over the long term. Staff is working with our WWTP consultant to evaluate the various options and to identify the most cost effective and sustainable long-term solutions. The increase will cost an additional \$28,000 for MSW and \$20,000 for special waste.

Commissioner Bauder:

- Asked if the increase will cause the City to go over budget

Mr. Kramer:

- We are able to accommodate the increase within our budget
- There aren't a lot of other options in the areas, the next closest option is more expensive and farther away

Commissioner Bauder moved to approve the 2023 Landfill Services Contract with Waste Management in the amount of \$29.72 per ton for municipal solid waste and \$52.38 per ton for special waste. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Amending the Code of Ordinances, Sections 22-25, 22-107 and 22-134; Amending the Licensing Period – City Clerk Sarah Bodensteiner presented for consideration an ordinance amending Sections 22-25, 22-107 and 22-134 of the City Code of Ordinances to change the licensing period of the Health Permit, Ice Cream Vendor License/Permit, and Mobile Food Vendor License. Staff is seeking to streamline and make more efficient the licensing period of these three license types to better align with the State License renewal period. Currently the Health Permit for businesses expire on December 31st each year. The Ice Cream Vendor License and Mobile Food Vendor License expire on February 28th. All of these licenses require a copy of the current State Food Establishment License to be on file with the City. However, the State Food Establishment License expires on March 31st each year, resulting in these license types being renewed based on a State License that is set to expire in 90 days or less. Staff has heard from our business owners that they would prefer to have the renewal period occur around the same time as the State License, so they can renew at the City using their newly renewed State License. Based on these comments, Staff is proposing changing the licensing period of these three license types to an April 30th expiration date. This date would allow the business owners to obtain their license from the State and then renew their City license with all the current information and documentation. The proposed changes are being requested to better accommodate our businesses and allow for an easier licensing process.

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

Consent Agenda:

Commissioner Martin moved to approve claims for September 24, 2022 through October 7, 2022, in the amount of \$1,536,084.99; Net amount for Payroll #20 effective October 7, 2022 in the amount of \$352,978.77 (No Police and Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Advised of the increase in shelter reservations at Hawthorne Park Shelter since the splash pad opened
- Features for the splash pad are in and will be installed for opening day next year
- All 50 slots for the Trunk or Treat have been filled, the event is on October 22nd
- Breakfast with Santa will be back this year
- Mayor's Tree lighting is in November

- Mill & Overlay is on-going throughout town
- Monday, October 17th is the Small Business Symposium at the Riverfront Community Center

Commissioner Hingula:

- A lot of events in the community are happening
- A lot of sales in the downtown business area this weekend
- Come on out and shop downtown Leavenworth

Commissioner Wilson:

- Happy to be serving in this great community
- Thanks to the new businesses in town
- Thanks to the service organizations helping those in need

Commissioner Martin:

- Enjoy the fall foliage
- Excited to capitalize on opportunities that are coming to town

Commissioner Bauder:

- Coffee with a cop had a good turnout
- Encourages building a good community relationship with the police department

Mayor Leonhard:

- A lot of great things are going on in the community
- The Veterans Day Parade is coming up

Adjournment:

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

Time Meeting Adjourned 6:37 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8198
AMENDING SECTIONS 22-25, 22-107 AND 22-134 OF THE CODE OF ORDINANCE; AMENDING
THE LICENSING PERIOD**

OCTOBER 25, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the October 11, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF LEAVENWORTH, KANSAS; CHAPTER 22 HEALTH AND
SANITATION, SECTIONS 22-25, 22-107 AND 22-134 CHANGING THE
LICENSE/PERMIT PERIOD, AND ESTABLISHING NEW AND
REPLACEMENT SECTIONS.**

There have been no other changes since first consideration.

Ordinance No. 8198 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8198

(Summary Published in the Leavenworth Times on October 28, 2022)

ORDINANCE NO. 8198

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 22 HEALTH AND SANITATION, SECTIONS 22-25, 22-107 AND 22-134 CHANGING THE LICENSE/PERMIT PERIOD, AND ESTABLISHING NEW AND REPLACEMENT SECTIONS.

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

Section 1. Section 22-25 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 22-25. Health Permit.

No food or drinking establishment shall operate within the city without first obtaining a health permit. When a food or drinking establishment is in violation of this article, including any rules adopted by reference herein, the city health officer is authorized to suspend, or revoke the permit of the food or drinking establishment. Each owner or operator of a food or drinking establishment shall pay an annual health permit fee as provided in the city fee schedule. The annual permit fee shall be payable to the city clerk before the permit is issued. The health permit shall be renewed and the permit fee paid prior to May 1 each year. Proof of a valid food safety license issued by the state department of agriculture must be provided to the city clerk. The city health permit application shall be made upon a form prescribed by the city and submitted and filed with the city clerk. Such form shall include the following:

- (1) Name and permanent address and contact information of the applicant and the business. If the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
- (2) Valid state sales tax ID number; and
- (3) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for health permit certifying that all of the information provided in the application is true and correct.

Section 2. Section 22-107 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 22-107. Registration application.

- (a) All applications for new or renewal license for mobile food vending shall be made upon a form prescribed by the city and submitted and filed with the city clerk. All mobile food vending licenses are for a period of May 1 – April 30. License fees are not prorated. All applications shall be reviewed and approved by the city health officer prior to issuance of the license.
- (b) License or permit is non-transferable. Such form shall include the following:
- (1) Name and permanent address of the applicant and the business, showing proof of identification, if the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
 - (2) The name of the owner and the type, make and registration number and description of the vehicle to be used;
 - (3) Valid state sales tax ID number;
 - (4) A statement as to whether or not the applicant has ever had a mobile food vending registration or other similar license or permit revoked or suspended by the city or any other city. Such a revocation or suspension may result in the city's refusal to process the application;
 - (5) A statement that the applicant understands and agrees that registration will not be used or represented in any way as an endorsement of the applicant by the city or by an department, officer, or elected or appointed official of the city;
 - (6) Proof of a valid driver license for operation of the class of vehicle identified in the application for the applicant and any agent or employees of the applicant who will be involved in driving the identified vehicle;
 - (7) Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintain for the entire length of the registration, written by an insurance carrier licensed to do business in the state, with minimum limits of \$1,000,000.00 combined, single limit for bodily and property damage, each occurrence and \$2,000,000.00 in the general aggregate. In the description of operations section shall include the following: "Mobile Food Vending" and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis". Evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with application. Such insurance certificate shall not be cancelled without prior written notice to the city; and

- (8) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for mobile food vending certifying that all of the information provided in the application is true and correct.

Section 3. Section 22-134 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 22-134. Registration application.

- (b) All applications for new or renewal license for and ice cream vendor shall be made upon a form prescribed by the city and submitted and filed with the city clerk. All ice cream vendor license or permits are for a period of May 1 – April 30. License or permit fees are not prorated or refundable. All applications shall be reviewed and approved by the city health officer and police chief prior to issuance of the license.

- (b) License or permit is non-transferable. Such form shall include the following:

- (1) Name and permanent address of the applicant and the business, showing proof of identification, if the applicant is not an individual, the names and permanent address of the officers of the corporation or the members of the partnership, firm association or other entity, as the case may be;
- (2) The name of the owner and the type, make and registration number and description of the vehicle to be used;
- (3) Valid state sales tax ID number;
- (4) A statement as to whether or not the applicant has ever had an ice cream vending registration or other similar license or permit revoked or suspended by the city or any other city. Such a revocation or suspension may result in the city's refusal to process the application;
- (5) A statement that the applicant understands and agrees that registration will not be used or represented in any way as an endorsement of the applicant by the city or by an department, officer, or elected or appointed official of the city;
- (6) Proof of a valid driver license for operation of the class of vehicle identified in the application for the applicant and any agent or employees of the applicant who will be involved in driving the identified vehicle;
- (7) Proof that the applicant has secured commercial general liability insurance for the mobile vending operation to be maintain for the entire length of the registration, written by an insurance carrier licensed to do business in the state, with minimum limits of \$1,000,000.00 combined, single limit for bodily and property damage, each occurrence and \$2,000,000.00 in the

general aggregate. In the description of operations section shall include the following: “Ice Cream Vendor” and “City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis”. Evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with application. Such insurance certificate shall not be cancelled without prior written notice to the city; and

- (8) Signature of applicant, individually or by its members and officers, and any agents or employees of the applicant who will be involved in the applied-for ice cream vendor license or permit certifying that all of the information provided in the application is true and correct.

(c) No license shall be issued under this division to any person who:

- (1) Is required to register pursuant to the Kansas Offender Registration Act, K.S.A. 22-4901 et seq., or pursuant to an offender registration act of any state;
- (2) Has been convicted of a felony;
- (3) Has been convicted in the past five years of a misdemeanor or ordinance violation involving force, violence, deceit, or fraud; or
- (4) Has been convicted in the past three year of any law prohibiting leaving the scene of an accident; driving under the influence of alcohol or drugs; reckless; fleeing or eluding a police officer; driving while license is suspended or revoked; failure to report an accident; or five or more traffic violations (not including parking violation).

Section 4. Sections 22-25, 22-107 and 22-134 of the Leavenworth Code of Ordinances, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the 25th day of October, 2022.

Camalla M. Leonhard, Mayor

{SEAL}

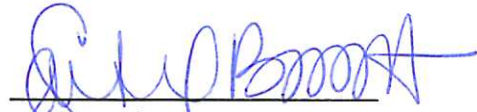
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
CANCELLATION OF THE
NOVEMBER 8, 2022 REGULAR MEETING**


OCTOBER 25, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Request cancellation of the November 8, 2022 regular meeting.

BACKGROUND:

Section 2-52(e) of the City Code of Ordinances states:

Cancellation or modification. The city commission may cancel or modify any ordinarily established meetings by motion and approval by a majority of a quorum at any regularly scheduled or special meeting. Notwithstanding the foregoing, the mayor (and, in the absence of the mayor, the mayor pro tem), after consulting with the city manager, shall be authorized to cancel a meeting and make a temporary change in a meeting date when such actions are reasonably necessary due to reasons of health, safety, or welfare, or the known inability to obtain a quorum. Appropriate notice of such cancellation or change in meeting date shall be provided to the public and commission members.

RECOMMENDATION:

Cancellation of the meeting on November 8, 2022. The cancellation will be posted on the doors of City Hall and on social media.

CITY COMMISSION ACTION:

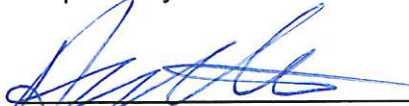
Motion to Cancel the November 8, 2022 Regular Meeting.

POLICY REPORT PWD NO. 22-51

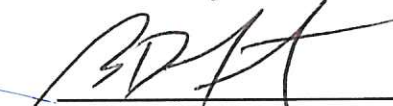
**UPDATE FOR UNSAFE STRUCTURE
717 SPRUCE STREET**

October 25, 2022

Prepared by:


Harold D. Burdette,
Chief Building Inspector

Reviewed by:


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

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Consider current status of the structure located at 717 Spruce Street.

BACKGROUND:

This structure was damaged by fire on November 13, 2021. The City received a check from insurance proceeds for \$15,000. A Public Hearing was held on March 22, 2022, regarding the status of repairs. The Commission adopted Resolution No. B-2311, which stated that the owner was to commence with repairs and the City Commission would review the status of the project after 90 days.

As noted in the update provided to the City Commission on June 28, there was little to no damage to the exterior of the building due to the fire, but there is still a window on the south side of the building on the second floor that is broken and needs to be repaired. There are no records of a furnace being installed yet either. The 2018 International Residential and Property Maintenance Codes require a heating facility in habitable rooms.

Staff has attempted to contact the owner by phone and mail with no success to get an update on the situation.

When structures are damaged by fire and other hazards, and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return it to the property owner once repairs have progressed to a reasonable point, or are completed and the structure is ready for occupancy. In this situation, the money will be returned to the previous property owner when released.

Staff does not recommend releasing the funds until the window has been repaired and a heat source has been installed.

RECOMMENDATION:

Staff recommends that the City Commission allow up to another 90 days for repairs to be made to 717 Spruce Street.

ATTACHMENT:

Photos of structure



06/22/2022



06/22/2022

**POLICY REPORT NO FD #2022-03
REQUEST FOR APPROVAL OF THE PURCHASE OF FIRE APPARATUS FOR THE
FIRE DEPARTMENT**

October 25, 2022

Prepared by:



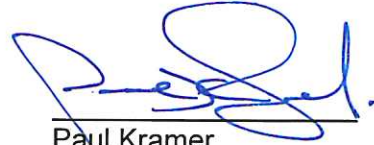
Isaiah Maher
Fire Captain

Reviewed by:



Gary Birch
Fire Chief

Approved by:



Paul Kramer
City Manager

ISSUE:

The Fire Department is requesting approval to purchase a Pierce Pumper Truck manufactured and furnished to our specifications, utilizing the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

GOAL:

In 2016, we revised our apparatus replacement model:

- Single manufacturer (cab and chassis manufactured and assembled)
- Standardize the fleet (training, operating, parts, and maintenance)
- Local vendor (parts and warranty work)
- Reduce average age of the fleet
- Reduce maintenance cost
- Increase safety and dependability
- Increase points towards our ISO rating

BACKGROUND:

NFPA recommends apparatus replacement at 10-15 years on pumpers and 15-20 years for aerials. These recommendations will vary depending on miles driven, care and maintenance of the apparatus. This purchase will replace our 2003 (20-year-old) Ferrara Fire Pumper Truck with 104,000 miles. With this purchase, six of our seven apparatus will be from one manufacturer. A standardized fleet assists with maintenance, driver operator familiarity and training. Prior to 2017, we had apparatus from six different manufacturers and only five with pumping capabilities.

Our 2003 apparatus does not meet today's safety options:

- Airbags
- Backup cameras
- Interior sound reduction

**POLICY REPORT NO FD #2020-03
REQUEST FOR APPROVAL OF THE PURCHASE OF FIRE APPARATUS FOR THE
FIRE DEPARTMENT**

October 25, 2022

Maintenance issues associated with older apparatus:

- Increase downtime due to additional maintenance
- Additional time required to obtain parts
- Parts no longer in stock/discontinued
- Replacing/Repairing items outside of routine maintenance

COST:

The total cost of this apparatus is \$859,749.00. A discount of \$27,268.56 will be deducted from the purchase price for utilizing the H-GAC program, leaving a net cost of \$832,479.44

SUMMARY:

- Replaces our current 20-year-old apparatus.
- Immediately reduces the average age of our fleet from 12 to 9 years
- Utilize the H-GAC Cooperative Purchasing program administered by the Mid-America Regional Council (MARC).
- Specifications are drafted around our current 2017 apparatus with very few changes.
- Build time has increased from 12-15 months to 28 months.

The local dealer for Pierce is Conrad Fire Equipment in Olathe, Kansas. The estimated delivery time for this apparatus purchase is 28 months.

RECOMMENDATION:

Approval to proceed with the purchase of a Pierce Pumper Truck through Conrad Fire Equipment utilizing the H-GAC Cooperative Purchasing program for \$832,479.44

FINANCE:

Funds from the American Rescue Plan Act (ARPA) will be utilized for the purchase per the direction of the City Commission.



CONTRACT PRICING WORKSHEET
For MOTOR VEHICLES Only

Contract No.:

FS12-19

Date Prepared:

09/12/22

*This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.*

Buying Agency:	Leavenworth City Fire Department	Contractor:	Conrad Fire Equipment
Contact Person:	Gary Birch - Fire Chief	Prepared By:	Trey Johnson
Phone:	913-682-3346	Phone:	913-780-5521
Fax:	N/A	Fax:	N/A
Email:	gbirch@firstcity.org	Email:	trevj@conradfire.com

Product Code:	FS19VC08	Description:	Pierce Pumper PUC
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	\$704,945.00
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B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Subtotal From Additional Sheet(s):			\$146,639.00
Subtotal B:			\$146,639.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary

Description	Cost	Description	Cost
Subtotal From Additional Sheet(s):			\$6,164.00
Subtotal C:			\$6,164.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	For this transaction the percentage is:	0.72%
--	---	-------

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	857748	=	Subtotal D:	\$857,748.00
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E. H-GAC Order Processing Charge (Amount Per Current Policy)

Subtotal E:	\$2,000.00
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F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation

Description	Cost	Description	Cost
100% Pre-Payment Discount	-\$41,884.29		
Contract Discount	-\$27,268.56		
Subtotal F:			-\$69,152.85

Delivery Date:	28 Months ARO	G. Total Purchase Price (D+E+F):	\$790,595.15
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Pulse Number	Qty	Description	Published Options	Unpublished Options
117	1	Tire Chains - Rear Axle	\$5,405.00	
151	1	Aggressive Down shift	\$175.00	
159	1	Add Extended Bumper	\$2,845.00	
161	1	Bumper tray with cover	\$1,179.00	
170	1	Raised roof, custom cab	\$2,923.00	
172	1	Full height Cab doors - Raised Roof	\$2,771.00	
174	1	Mounting plate on engine tunnel	\$615.00	
175	1	Electric Windows	\$2,579.00	
186	1	EMS Compartment in Cab	\$3,902.00	
187	1	EMS Compartment w outside access (each)	\$4,316.00	
208	3	Spare 12 volt power (each)	\$579.00	
213	10	Install Customer Antenna	\$1,070.00	
214	1	Install Customer GPS	\$472.00	
215	1	install Customer radio	\$1,171.00	
223	1	Camera System, Sides and rear to monitor	\$2,650.00	
233	1	Intercom Wireless System	\$6,944.00	
234	4	Intercom Headset - Wired	\$2,764.00	
235	1	Intercom Headset - wireless	\$1,595.00	
240	1	Kussmaul Charger	\$2,258.00	
245	1	Auto-eject 20 amp	\$669.00	
256	2	12 volt LED Scene - A	\$3,186.00	
263	2	12 volt LED Flood Recessed or surface (per light) A	\$5,178.00	
275	1	Hose Bed Cover, Aluminum	\$8,919.00	
280	1	PUC Body Configuration	\$15,838.00	
287	1	PUC Flip-out steps	\$1,185.00	
293	1	Ladder Storage next to tank	\$5,900.00	
310	9	Adjustable Compartment shelves	\$2,196.00	
312	1	Swing-out tool board	\$2,897.00	
314	4	Slide-out floor tray	\$4,104.00	
315	1	Tool board in Slide-out tray	\$2,037.00	
316	1	Adjustable slide-out tray	\$883.00	
320	2	Vertical Partition	\$652.00	
334	1	Increase Pump from 1250 to 1500 gpm	\$7,514.00	
345	1	Preconnect 1.5" with 2.0" plumbing - Speed or cross	\$2,954.00	
362	1	Provide (2) Speedlays IPO Crosslay with Rollers	\$6,862.00	
369	1	Hose Reel, above pump w/ 150' Hose	\$4,561.00	
422	1	Q2B Siren	\$5,347.00	
423	1	Chrome Bell with manual pull string	\$3,643.00	
428	1	Traffic Directing light bar "A"	\$1,900.00	
461	3	Electrical Receptacle duplex (per each) 15 or 20 amp	\$1,311.00	
495	1	Two-tone Cab paint	\$3,706.00	
503	1	Graphics upgrade 1	\$3,128.00	
558	1	Deck Gun with Tips, Manual	\$5,856.00	
668316	1	Velocity to Impel		-\$16,542.00
802234	1	Gear Case, Integrated Pump Transmission, PUC-NG, Cummins		\$22,706.00
Base Bid			\$704,945.00	
Published Options			\$146,639.00	
Total Published Options			\$851,584.00	
Unpublished Options			\$6,164.00	0.72%
Total Options w/o HGAC Fee			\$857,748.00	

**POLICY REPORT NO. 22-49
APPROVE CONTRACT FOR LIMITED SITE ASSESSMENT
OLD CITY GARAGE – 2101 S. 3RD STREET**

October 25, 2022

Prepared By:

Reviewed By:



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



Paul Kramer,
City Manager

ISSUE:

Consider approval of a Limited Site Assessment (LSA) contract with Blackstone Environmental Inc.

BACKGROUND:

The City of Leavenworth previously operated a maintenance facility at 2101 S. 3rd Street – just north of Price Chopper.

There have been several evaluations in the area to help determine what, if any, spills may have entered the soil at this location. The City has been working with the Kansas Department of Health and Environment (KDHE) regarding soil condition and previously removed underground storage tanks.

Recently, KDHE solicited proposals for an LSA at this location. Three consultants submitted bids with Blackstone Environment providing the lowest cost for these services. Consultant that submitted bids are:

- Blackstone Environmental, Inc.
- Larsen & Associates, Inc.
- SCS Engineers

Funding will be from the Storage Tank Trust Funds managed by KDHE; however, the City, as the owner, will need to sign a contract with Blackstone.

BUDGET IMPACTS:

The contract is for \$38,276.70; however, these funds will be paid from Storage Tank Trust Funds. If the City signs the attached Limited Power of Attorney form, KDHE will pay the contractor directly.

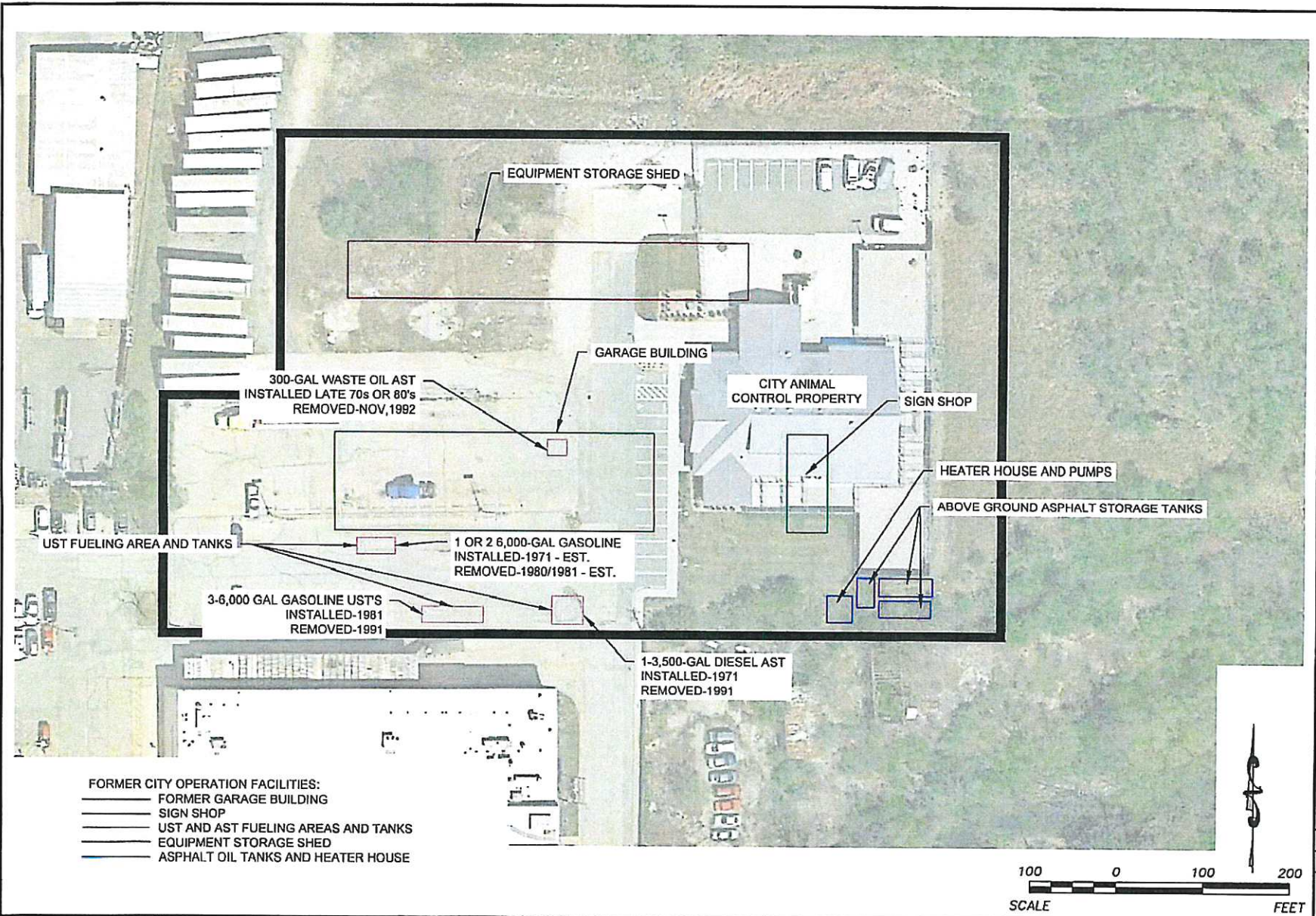
STAFF RECOMMENDATION:

Staff recommends the City Commission approve the contract and the Limited Power of Attorney with Blackstone Environmental in the amount of \$38,276.70 for a Limited Site Assessment at 2101 S. 3rd Street.

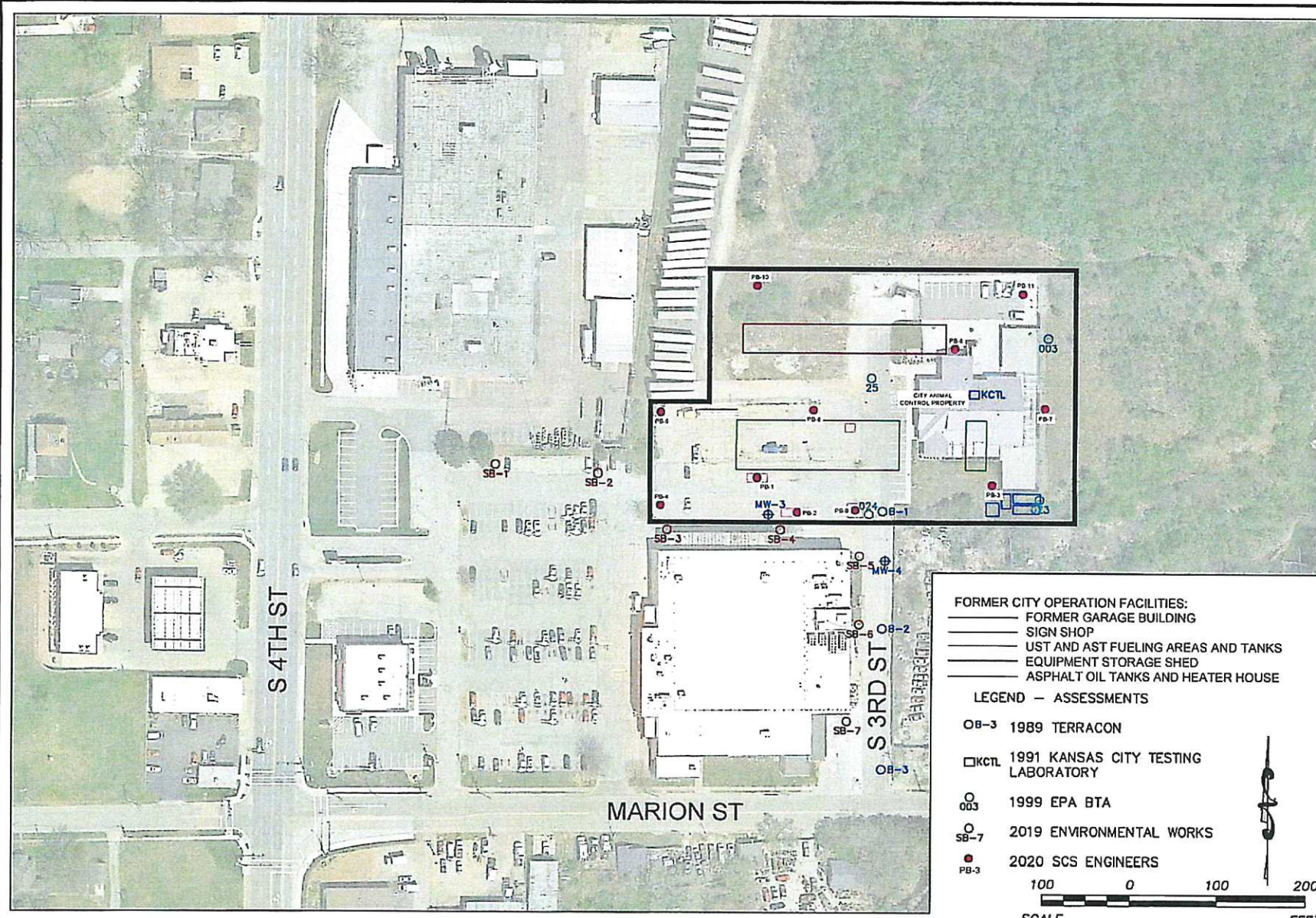
ATTACHMENTS:

- Site Layout
- Owner-Operator Standard Contract
- Limited Power of Attorney
- Limited Site Assessment Requirements (KDHE)
- Proposal from Blackstone Environmental

I:\Projects\2020\2020-08-11\2020-08-11\2020-08-11\Fig 3 - Former Location of Former City Garage Operations.v02.dwg Dst 13, 2020 - 11:41am Layout Name: 3 Df: 4770dsw



REV	DATE							
SHEET TITLE		FIGURE 3 - FORMER LOCATION OF CITY GARAGE OPERATIONS						
CLIENT		FORMER CITY OF LEAVENWORTH GARAGE 2109 S. 3RD STREET LEAVENWORTH, KANSAS 66048 KDHE PROJECT CODE CA-02-7382						
CADD FILE		S:\Projects\2020\2020-08-11\2020-08-11\Fig 3 - Former Location of Former City Garage Operations.v02.dwg						
DATE		7/16/20						
DRAWING NO.		3						



FORMER CITY OPERATION FACILITIES:
 ———— FORMER GARAGE BUILDING
 ———— SIGN SHOP
 ———— UST AND AST FUELING AREAS AND TANKS
 ———— EQUIPMENT STORAGE SHED
 ———— ASPHALT OIL TANKS AND HEATER HOUSE

LEGEND — ASSESSMENTS
 ○ OB-3 1989 TERRACON
 □ KCTL 1991 KANSAS CITY TESTING LABORATORY
 ○ 003 1999 EPA BTA
 ○ SB-7 2019 ENVIRONMENTAL WORKS
 ● PB-3 2020 SCS ENGINEERS

REV	DATE

SHEET TITLE
FIGURE 4A - PRIOR ASSESSMENT LOCATIONS - SOIL
 PROJECT TITLE
CITY OF LEAVENWORTH

CLIENT
 FORMER CITY OF LEAVENWORTH GARAGE
 2109 S. 3RD STREET
 LEAVENWORTH, KANSAS 66048
 KDHE PROJECT CODE CA-02-73882

SCS ENGINEERS
 4115 W. 119TH ST., SUITE 100
 LEAVENWORTH, KS 66048
 PH: 785.842.1100 FAX: 785.842.1102
 WWW.SCSENGINEERS.COM
 PROJECT: 001 DATE: 10/1/20


CADD FILE:
 DATE: 10/1/20
 DRAWING NO.
4A

CONTRACT

This CONTRACT is entered into between City of Leavenworth hereinafter referred to as the Owner/Operator; and Blackstone Environmental, Inc. hereinafter referred to as the Vendor.

WHEREAS, the Owner/Operator is in need of Storage Tank consulting and testing services at KDHE project name Leavenworth, City of, Garage, KDHE project code U4 - 052 - 15362, site address 2101 South 3rd Street, Leavenworth, Kansas 66048, the Owner/Operator has requested bids from qualified firms to provide said services, and the Vendor is qualified to provide the required services, the Owner/Operator and Vendor agree as follows:

1. The Vendor shall perform all services called for under the Request for Proposal (RFP) in accordance with the specifications called for in said RFP.
2. The Owner/Operator shall compensate the Vendor for its services under the terms and conditions of said RFP in the amount of \$ 38,276.70, with payment to be made upon successful completion of the services required by the RFP which is incorporated herein.
3. It is expressly agreed that the terms of each and every provision in this Contract shall prevail and control over the terms of any other conflicting provision in any other document relating to the subject matter of this Contract or to which this Contract is attached.
4. This Contract shall be subject to, governed by, and construed according to the laws of the State of Kansas.
5. The Vendor shall comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and shall not discriminate against any person who performs work pursuant to this Contract, because of race, religion, color, sex, physical handicap unrelated to such person's ability to engage in this work, national origin or ancestry, or age.
6. This Contract shall not be considered accepted, approved or otherwise effective until the Owner/Operator receives the required insurance certificates.
7. By signing this Contract, the respective representatives of the Owner/Operator and Vendor hereby represent that they are duly authorized to execute this Contract on behalf of the party they represent and that their principal agrees to be bound by the provisions herein.
8. The Owner/Operator will not be responsible for, nor indemnify a Vendor for, any federal, state or local taxes that may be imposed or levied upon the subject matter of this Contract.

Owner/Operator


Vendor

Date
10/7/22

Date

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I/We, the undersigned "Applicant" do hereby appoint
Blackstone Environmental, Inc., herein after referred to as "Contractor", of
Johnson County, Kansas State, to be my/our true and lawful attorney in fact
as defined in the KDHE's Bid Project Proposal in my place and stead, and for my use and benefit to
represent me/us concerning reimbursement matters relating to KDHE project name
Leavenworth, City of, Garage, KDHE project code U4 - 052 - 15362,
site address 2101 South 3rd Street, Leavenworth, Kansas 66048.

I/We authorize the Contractor to prepare, sign, and submit reimbursement requests to KDHE
on my/our behalf.

I/We authorize the Contractor to receive, endorse, and redeem co-pay reimbursement checks
from KDHE on my/our behalf.

I/We further give and grant unto said attorney in fact full power and authority to do
everything necessary and proper to be done in the exercise of any of the foregoing powers as fully as
I/we might or could do if personally present, with full power of substitution and revocation, hereby
ratifying and confirm all that the attorney shall lawfully do or cause to be done hereunder.

IN TESTIMONY WHEREOF, I have hereunder set my hand this ____ day of
_____, 20____.

Signature of Applicant

Printed Name of Applicant

**LIMITED SITE ASSESSMENT
SITE SPECIFIC INFORMATION**

KDHE PROJECT NAME: Leavenworth, City of, Garage
KDHE PROJECT CODE: U4-052-15362
FACILITY I.D.: 08286
FACILITY ADDRESS, CITY: 2101 S 3rd, Leavenworth
APPLICANT CONTACT: Paul Kramer
CONTACT TELEPHONE: 913-680-2604
KDHE PROJECT MANAGER: Matt Lawhon
KDHE TELEPHONE: 785-296-1674

SITE INFORMATION: The site is owned by the City of Leavenworth, who is the Trust Fund applicant. Depth to the saturated zone is estimated to be 15'. Included within EXHIBIT 1 is the Buried Tank Leak Assessment form completed by the KDHE district staff pursuant to their initial assessment. Reports from nearby LUST sites are available from the KDHE Project Manager upon request. The KDHE Environmental Interest Finder can be used to search LUST sites in the area. <https://maps.kdhe.state.ks.us/keif/>

SITE WORK: The actual work conducted will be based on the site conditions encountered during drilling activities.

- Laboratory soil samples will be collected from all wells and soil borings (excluding the soil borings used to collect hydrologic data).
- The Vendor will determine the extent of soil and groundwater contamination, and other goals of this investigation.
- KDHE must be contacted if any wells are dry or inaccessible prior to groundwater sampling.
- Contact the Project Manager, prior to completion of drilling activities, to determine if additional borings and/or wells are needed to define the extent of soil and/or groundwater contamination.
- Flushmount Well Completion Pads: The Vendor will complete all well pads with 2' x 2' x 6" concrete or 2' diameter concrete at this site. This includes, but is not limited to, surface areas of grass, gravel, and dirt. For wells constructed within existing concrete or asphalt surface areas at this site, the concrete pad may be less than 2' x 2' x 6" or 2' diameter but must be greater than 2 inches from the edge of the metal well vault.

All work will be conducted in accordance with the requirements in the LSA RFP Rev 15, 03/2021. This document is available from the KDHE Project Manager upon request or at <https://www.kdhe.ks.gov/1743/Request-for-Proposals>. KDHE reserves the right to reject bid proposals in which line item rates are not equitably distributed across all required tasks regardless of previously approved rates. For preparing and submitting bid proposals, refer to the current Kansas Petroleum Storage Tank Release Trust Fund Policy and Procedure Manual at: <https://www.kdhe.ks.gov/1021/Storage-Tank-Trust-Funds>

SITE SPECIFIC WORK SHEET

Monitor Wells (Number)	Borings** Plugged (Number)	Lab Soil Samples (Number)	Water Samples (Number)	Product Samples (Number)	Screen* Length Per Well (Feet)	Total Well Footage (Feet)	Total Boring Plugging (Feet)
9	6	65	9	1	10	180	100

*Screen length is based on estimated groundwater depth. If actual groundwater depth is different, screen length should be adjusted based on the following groundwater depths: <25 feet-10 foot screens; 25-49 feet-15 foot screens; 50-74 feet-20 foot screens; 75-100 feet-25 foot screens; >100 feet-30 foot screens.

**Includes two borings to collect saturated and unsaturated zone hydrologic data. Soil samples for constituent lab analysis should not be collected from these two borings.

LSA 15

BID PROPOSAL COVER SHEET

PROJECT INFORMATION

KDHE PROJECT NAME: Leavenworth, City of, Garage

KDHE PROJECT CODE: U4-052-15362

ADDRESS: 2101 S 3rd, Leavenworth

APPLICANT CONTACT: Paul Kramer

TELEPHONE NUMBER: 913-680-2604

VENDOR INFORMATION

VENDOR NAME: Blackstone Environmental, Inc.

CONTACT: Theresa Ferguson

ADDRESS: 16200 Foster St, Overland Park, Kansas 66085

TELEPHONE NUMBER: 913-956-6224

EMAIL: tferguson@blackstone-env.com

KDHE INFORMATION

PROJECT MANAGER: Matt Lawhon

ADDRESS: 1000 SW Jackson, Suite 410, Topeka, KS 66612-1367

TELEPHONE NUMBER: 785-296-1674

EMAIL: matthew.lawhon@ks.gov

**BID
NUMBER**

22021

**BID DUE
DATE**

09/16/22

**LIMITED SITE ASSESSMENT
PROJECT BID PROPOSAL SHEET**

KDHE PROJECT NAME: Leavenworth, City of, Garage

VENDOR NAME: Blackstone Environmental, Inc.

KDHE PROJECT CODE: U4-052-15362

KDHE PROJECT MGR: Matt Lawhon

BID NO: 22021

DUE: 09/16/22

Proposals not submitted on this original form will be disqualified.

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>FIELD WORK PLAN</u>						
Work Plan Preparation	\$500.00	Lump Sum	X	1	=	\$500.00
FIELD WORK PLAN SUBTOTAL						\$500.00

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>DRILLING ACTIVITIES</u>						
Rig Mobilization (HSA)*	\$1.75	Mile/Lump Sum**	X	90	=	\$157.50
Drill Rig With Crew (HSA)	\$13.00	Foot	X	280	=	\$3,640.00
Monitoring Well Installation	\$12.00	Foot	X	180	=	\$2,160.00
Monitoring Well Completion	\$235.00	Well	X	9	=	\$2,115.00
Monitoring Well Development	\$80.00	Well	X	9	=	\$720.00
Soil Boring Plugging (6 Borings)	\$2.50	Foot	X	100	=	\$250.00
Potholing ***	NC	Cost + %	X	1	=	NC
Private Utility Locate ***	NC	Cost + %	X	1	=	NC
Staff (List)						
Professional 1 (Field Geologist) - Travel	\$80.00	Hour	X	2	=	\$160.00
Professional 1 (Field Geologist) - Onsite	\$80.00	Hour	X	24	=	\$1,920.00
		Hour	X	NC	=	NC
Access - Site property and 5 offsite Properties (List Staff)						
		(onsite)	X	NC	=	NC
		(offsite)	X	NC	=	NC
Per Diem (List)						
		Day	X	NC	=	NC
		Day	X	NC	=	NC
Support Vehicle	\$40.00	Day	X	3	=	\$120.00
Support Vehicle	\$0.75	Mile	X	90	=	\$67.50
City Permit (Boring Permit, Dirt Cut Fee, etc.)	NC	Permit	X	5	=	NC
DRILLING ACTIVITIES SUBTOTAL						\$11,310.00

* Includes one support vehicle per LSA RFP.

** Local mobilization (<= 50 miles) shall be a lump sum amount.

*** Cost not required - refer to RFP definitions. The specific cost + percentage must be included in the unit column (i.e. 6%/8%/10%).

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>OFFSITE SOIL WASTE HANDLING AND DISPOSAL*</u>						
<u>Landfill Disposal**</u>						
Disposal of HSA Waste	\$250.00	Ton	X	7	=	\$1,750.00
Rolloff - Rental/drop off/pick up***	NC	Cost + %	X	1	=	NC
Drums	\$75.00	Drum	X	16	=	\$1,200.00
Transportation of HSA Waste - Subcontractor***	\$528.00	Cost + 10%	X	1	=	\$528.00
Transportation of HSA Waste - Vendor		Mile	X	NC	=	NC
Staff						
		Hour	X	NC	=	NC
Waste Characterization	<u>Lab Method</u>					
		Sample	X	NC	=	NC
		Sample	X	NC	=	NC
WASTE SUBTOTAL						\$3,478.00

* To be used if offsite soil waste disposal is necessary.

** Disposal tickets indicating amount disposed (in tons/gallons) must be submitted with invoices.

*** Cost not required - refer to RFP definitions. The specific cost + percentage must be included in the unit column (i.e. 6%/8%/10%).

**LIMITED SITE ASSESSMENT
PROJECT BID PROPOSAL SHEET**

KDHE PROJECT NAME: Leavenworth, City of, Garage

VENDOR NAME: Blackstone Environmental, Inc.

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>SURVEYING (9 Wells)*</u>	<u>\$1,459.70</u>	Cost + 10%	X	<u>1</u>	=	<u>\$1,459.70</u>
SURVEYING SUBTOTAL						<u>\$1,459.70</u>
* The specific cost + percentage must be included in the unit column (i.e. 6%/8%/10%).						
	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>SAMPLING AND ANALYTICAL</u>						
Technical 3 (Sampling Tech.) - Travel*	<u>NC</u>	Hour	X		=	<u>NC</u>
Technical 3 (Sampling Tech.) - Onsite	<u>\$70.00</u>	Hour	X	<u>4.5</u>	=	<u>\$315.00</u>
Support Vehicle*	<u>NC</u>	Mile	X		=	<u>NC</u>
<u>SOIL SAMPLES</u>						
		<u>Lab Method</u>				
BTEX, 1,2 DCA, MtBE, Naphthalene, and EDB	<u>\$33.00</u>	<u>8260</u>	Sample	X	<u>65</u>	<u>\$2,145.00</u>
LRH	<u>\$11.00</u>	<u>KS LRH</u>	Sample	X	<u>65</u>	<u>\$715.00</u>
MRH/HRH	<u>\$44.00</u>	<u>KS MRH/HRH</u>	Sample	X	<u>65</u>	<u>\$2,860.00</u>
<u>GROUNDWATER SAMPLES**</u>						
BTEX, 1,2 DCA, MtBE, and Naphthalene	<u>\$33.00</u>	<u>8260</u>	Sample	X	<u>7</u>	<u>\$231.00</u>
Full PAH Scan	<u>\$71.50</u>	<u>8270 SIM***</u>	Sample	X	<u>9</u>	<u>\$643.50</u>
EDB	<u>\$44.00</u>	<u>8011</u>	Sample	X	<u>9</u>	<u>\$396.00</u>
LRH	<u>\$11.00</u>	<u>KS LRH</u>	Sample	X	<u>9</u>	<u>\$99.00</u>
MRH/HRH	<u>\$44.00</u>	<u>KS MRH/HRH</u>	Sample	X	<u>9</u>	<u>\$396.00</u>
Full VOC Scan	<u>\$71.50</u>	<u>8260</u>	Sample	X	<u>2</u>	<u>\$143.00</u>
Trip Blanks (Full VOC Scan)	<u>\$71.50</u>	<u>8260</u>	Sample	X	<u>1</u>	<u>\$71.50</u>
Trip Blanks (BTEX only)	<u>\$33.00</u>	<u>8260</u>	Sample	X	<u>3</u>	<u>\$99.00</u>
LNAPL Sample	<u>NC</u>	<u>LRH, MRH, HRH</u>	Sample	X	<u>1</u>	<u>NC</u>
SAMPLING AND ANALYTICAL SUBTOTAL						<u>\$8,114.00</u>
*Provide a Rate, Quantity, and Cost for returning to the site one time to sample dry wells or if the wells were not sampled after installation or enter "NC" for the unit rate and line item total cost if it is proposed at no cost.						
**Includes cost for sample collection including low purge samplers, pumps, bailers, etc.						
***Alternative methods will not be reimbursed (including Low PAH)						
	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>HYDROLOGIC TESTS</u>						
<u>UNSATURATED ZONE</u>						
Water Content	<u>\$20.00</u>	Test	X	<u>2</u>	=	<u>\$40.00</u>
Dry Bulk Density	<u>\$80.00</u>	Test	X	<u>2</u>	=	<u>\$160.00</u>
Total Organic Carbon	<u>\$60.00</u>	Test	X	<u>2</u>	=	<u>\$120.00</u>
Specific Gravity	<u>\$55.00</u>	Test	X	<u>2</u>	=	<u>\$110.00</u>
<u>SATURATED ZONE</u>						
Permeameter	<u>\$240.00</u>	Test	X	<u>2</u>	=	<u>\$480.00</u>
HYDROLOGIC TESTS SUBTOTAL						<u>\$910.00</u>
	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
<u>REPORT PREPARATION</u>						
Final Report	<u>\$1,500.00</u>	Lump Sum	X	<u>1</u>	=	<u>\$1,500.00</u>
REPORT PREPARATION SUBTOTAL						<u>\$1,500.00</u>
TOTAL ASSESSMENT COST:						<u>\$27,271.70</u>

**LIMITED SITE ASSESSMENT
PROJECT BID PROPOSAL SHEET**

EXHIBIT 2
Page 3 of 3

KDHE PROJECT NAME: Leavenworth, City of, Garage

VENDOR NAME: Blackstone Environmental, Inc.

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
MONITORING						
Monitoring Mobilization	\$0.75	Mile	X	180	=	\$135.00
Technical 3 (Sampling Tech.) - Travel	\$70.00	Hour	X	6	=	\$420.00
Technical 3 (Sampling Tech.) - Onsite	\$70.00	Hour	X	18	=	\$1,260.00
Per Diem	NC	Event	X		=	NC
Well Gauging (if required)	NC	Well	X	9	=	NC
FIELD STAFF SUBTOTAL						\$1,815.00

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
GROUNDWATER SAMPLING & ANALYTICAL*						
	<u>Lab Method</u>					
BTEX, 1,2 DCA, MtBE, and Naphthalene	8260	\$33.00	Sample	X	36	\$1,188.00
Full PAH Scan**	8270 SIM***	\$71.50	Sample	X	36	\$2,574.00
EDB**	8011	\$44.00	Sample	X	36	\$1,584.00
LRH	KS LRH	\$11.00	Sample	X	36	\$396.00
MRH/HRH	KS MRH/HRH	\$44.00	Sample	X	36	\$1,584.00
Trip Blanks (BTEX only)	8260	\$33.00	Sample	X	8	\$264.00
GROUNDWATER SAMPLING SUBTOTAL						\$7,590.00

*Includes cost for sample collection including low purge samplers, pumps, bailers, etc.

**Please refer to the LSA Final Report Approval letter for one year Post LSA quarterly analytical requirements. These methods may not be required.

***Alternative methods will not be reimbursed (including Low PAH).

	<u>RATE</u>	<u>UNIT</u>	<u>X</u>	<u>QUANTITY</u>	<u>=</u>	<u>COST</u>
REPORT PREPARATION						
Quarterly Sampling Report	\$400.00	Lump Sum	X	4	=	\$1,600.00
REPORT SUBTOTAL						\$1,600.00

TOTAL ONE YEAR MONITORING COST: \$11,005.00

TOTAL ASSESSMENT COST: \$27,271.70
(From page 2 of 3)

TOTAL ONE YEAR MONITORING COST: \$11,005.00
(From page 3 of 3)

TOTAL PROJECT COST: \$38,276.70

Please provide the following required information:

Driller & Kansas License #: Larsen & Associates, #757

Surveyor & Kansas License #: SMH Consultants, #783

Sampling and Analytical Laboratory Name: Teklab, Inc.

Hydrologic Tests Laboratory Name: Alpha Omega

Project Geologist & Kansas License #: Theresa Ferguson, #840

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2022-22-SUP
771 OTTAWA**

OCTOBER 25, 2022

SUBJECT:

Place on first consideration an ordinance to approve 2022-22-SUP



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Paul Kramer,
City Manager

NATURE OF REQUEST

The applicant, Carl Piekarski, is requesting a Special Use Permit to allow a Residential Home Stay in the R1-6 zoning district, located at 771 Ottawa Street. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The Development Regulations define a Residential Home Stay as:

Residential Home-Stay: Any furnished residential structure wherein one limited-term boarder (not to exceed 180 days) is allowed the use of an entire structure, or a portion of a structure, and its grounds. No management or owner presence is required and no meals are served. In approval of a **Residential Home Stay** the city may consider impact on neighbors' parking needs, etc. and place additional requirements as deemed appropriate. Such a business shall be registered with the City Clerk as a rental property.

Per the applicant, they intend to utilize the two-bedroom structure for short-term rentals with a focus on the military and hospital sectors in Leavenworth. The property provides a driveway for off-street parking and a fenced back yard for privacy. Since purchasing the property in August, 2021, the applicant has replaced windows, installed a new deck, remodeled the kitchen and bathroom, and refinished hardwood floors and installed new carpeting.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

Short-term residential rental units fill a need in the community, by allowing another lodging option for visitors to Leavenworth. Many visitors whose stay may extend beyond what would normally be served by

a hotel but who do not have need to obtain a standard 12 month lease for a residential unit may prefer the comforts of a single-family dwelling. Additionally, short-term rental units may provide an important convenience for existing residents of Leavenworth who may need temporary alternative housing due to home renovations or other similar activities.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as a single-family residence.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received one inquiry from a notified property owner who indicated no concerns with the proposal.

The Planning Commission considered this item at their October 3, 2022, meeting and voted 5-0 to recommend approval of the Special Use Permit.

ACTION:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a Residential Home Stay at 771 Ottawa.
- Deny the Special Use Permit request to allow a Residential Home Stay at 771 Ottawa.
- Remand the Special Use Permit request to allow a Residential Home Stay at 771 Ottawa to the Planning Commission for further consideration.

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

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A RESIDENTIAL HOME STAY TO BE LOCATED AT 771 OTTAWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, 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 3rd day of October, 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 and mailed to all property owners within 200 feet of the said property on the 8th day of September 2022; and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request for a Residential Home Stay at 771 Ottawa Street, Leavenworth, Kansas.

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

Section 1. That a special use permit be issued for a Residential Home Stay on the following described property:

LOTS 21 AND 22, BLOCK 112 IN WESTERN ADDITION TO THE CITY OF LEAVENWORTH, ALSO THE FRACTIONIN DAY AND MACAULAY'S SUBDIVISION WHICH LIES BETWEEN THE SOUTH LINE OF OTTAWA STREET AND THE NORTH LINE OF SAID LOTS 21 AND 22 IN SAID BLOCK 112 IN SAID WESTERN ADDITION, AND ADJOINING SAID LOTS ON THE NORTH AND BEGINNING OF THE SAME WIDTH ALL ACCORDING TO THE PLAT OF SAID WESTERN ADDITION AND DAY AND MACAULAY'S SUBDIVISION ON RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS ALL IN LEAVENWORTH COUNTY, KANSAS.

More commonly referred to as: 771 Ottawa Street, Leavenworth Kansas.

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

- a.) A Lodging Permit shall be obtained from the City of Leavenworth Office of the City Clerk each year and payment of Transient Guest Taxes as required to the City of Leavenworth.
- b.) The Special Use Permit shall become null and void upon the sale of the property.

- c.) The property shall be used for the boarding of one limited-term boarder (individual or family) only, and shall not function as an event venue, to include the hosting of parties attended by individuals not listed on the lease agreement.
- d.) Any guests of the property must park in the driveway or garage of the home.
- e.) Any police response to the subject property shall be reported to the City Commission, which may result in revocation of the Special Use Permit.

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

Passed by the Leavenworth City Commission on this ____ day of ____, 2022.

Camalla M. Leonhard, Mayor

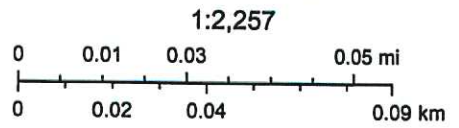
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

2022-22-SUP 771 Ottawa



9/29/2022, 10:50:25 AM



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2022-22 SUP

Application No.	11839
Fee (non-refundable)	\$350.00
Filing Date	8/4/22
Received By	WM
Hearing Date	10/3/22
Publication Date	9/8/22

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Short - Term Rental


Residential Home Stay

in accordance with the attached site plan on the following described property:

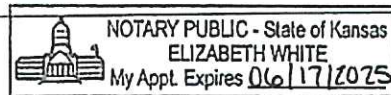
Subject Property:	771 Ottawa Street, Leavenworth KS 66048		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:			
Zoning:	R1-6	Historic District:	N/A

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	PIE2REI, LLC Carl Piekarski, Partner and Owner		
Owner Address:	8401 W 86th Terrace, Overland Park, KS 66212		
Contact No.		Email:	pikep8@msn.com

Signature of Owner(s): 

State of KANSAS)
County of JOHNSON) (SEAL)



Signed or attested before me on: 8/4/2022

Notary Public: Elizabeth White

My Appointment Expires: 06/17/2025

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:			
Address:			
Contact No.		Email:	

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.

Check list below...

<input checked="" type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input checked="" type="checkbox"/>	Attach full legal description obtained through the Register of Deeds Office
<input checked="" type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input checked="" type="checkbox"/>	Supporting documentation (See General Instructions)



8401 W. 86th Terrace,
Overland Park KS. 66212
(720) 363-1913

August 4, 2022

To Whom it Concerns,

The purpose of this letter is to describe the intended use for the property located at 771 Ottawa Street in Leavenworth.

Our desire is to provide a place for short-term rents with a focus on the military and hospital sectors in Leavenworth. We purchased the property in August of 2021 and completely rehabbed the property with new windows, deck, kitchen, and bathroom. We had the hardwood floors refinished, and added new carpeting. The property allows for off street parking with a fenced in backyard for privacy. There two bedrooms and one bath; a living room; dining room and a sun room at the rear before going out onto the small deck.

The minimum stay would be 3 days with the longest being 6 months. As of the writing of this letter there are no pending tenants or leasees. There will not be any meal services or cleaning services provided. The property will be professionally clean each time a tenant permanently departs i.e. the lease term ends.

We called obtained from the GIS Department of Leavenworth County a certified list of property owners, addresses, and tax identification numbers of all properties located within 200 feet of our property listed above.

A site plan was not necessary per Ms. Julie Hurley at the Leavenworth City building.

We obtained a copy of the Deed of Trust from the Leavenworth County Building, attached.

The property will not be used as a "Child Care Center."

We appreciate your time and consideration in this matter.

Best Regards,

Carl Piekarski PhD, Partner
PIE2REI, LLC.
720-275-4894
Pikep8@msn.com