



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, DECEMBER 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

AWARDS:

1. Mayor's Award

OLD BUSINESS

Consideration of Previous Meeting Minutes:

2. Minutes from November 22, 2022 Regular Meeting **Action:** Motion (pg. 3)

Second Consideration Ordinances:

3. Second Consideration Ordinance No. 8201 Amending Chapter 46, Article III, Division 2 and Division 4, Grease Trap/Interceptor Regulations **Action:** Roll Call Vote (pg. 12)
 4. Second Consideration Ordinance No. 8202 Amending Chapter 44 Traffic and Vehicles, Article II Street Use Designations, Section 44-32 School Zones **Action:** Roll Call Vote (pg. 22)
 5. Second Consideration Ordinance No. 8203 Rezoning 2700 State Street from Multi-Family Residential District to Residential Mixed Use District **Action:** Roll Call Vote (pg. 25)
 6. Second Consideration Ordinance No. 8204 Rezoning 212, 220 and 224 Maple Street from High Density Single Family Residential District to Light Industrial District **Action:** Roll Call Vote (pg. 28)
 7. Second Consideration Ordinance No. 8205 Rezoning 28 Limit Street and 2 Vilas Street from Medium Density Single Family Residential District to Planned Unit Development **Action:** Roll Call Vote (pg. 31)
 8. Second Consideration Ordinance No. 8206 Authorizing the Issuance of Taxable Industrial Revenue Bonds, Series 2022 (MAPS Project) **Action:** Roll Call Vote (pg. 35)
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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:

9. Nomination for terms December 13, 2022 to December 12, 2023 (pg. 41)
 - a. Mayor December 13, 2022 to December 12, 2023 **Action:** Motion
 - b. Mayor Pro-Tem December 13, 2022 to December 12, 2023 **Action:** Motion
 - c. Financial Claims Reviewer December 13, 2022 to December 12, 2023 **Action:** Motion
10. 2023 Cereal Malt Beverage Licenses **Action:** Motion (pg. 42)
11. Cancellation of the December 27, 2022 City Commission Meeting **Action:** Motion (pg. 43)
12. Update for Unsafe Structure 717 Spruce Street **Action:** Motion (pg. 44)

Public Hearing:

13. Public Hearing for Amending the 2022 Budget (pg. 46)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comments
 - c. Close Public Hearing **Action:** Motion
 - d. Motion to Consider Amendments to the 2022 Budget **Action:** Motion

Resolutions:

14. Resolution B-2325 Planters II Tenant Write-Off Accounts **Action:** Motion (pg. 48)

Bids, Contracts and Agreements:

15. Consider Renewal of City Commercial Insurance Package 2023 **Action:** Motion (pg. 50)

16. Consider Agreement Between Kansas State Historical Preservation Officer and the City of Leavenworth

Action: Motion (pg. 52)

17. Consider Award of Poly-Cart Tippers for Refuse Trucks

Action: Motion (pg. 55)

18. Consider Purchase of Water Pollution Control Ultraviolet Lamps

Action: Motion (pg. 62)

19. Consider Award of Bid for Planters II Painting Project Floors 2 through 10

Action: Motion (pg. 68)

20. Consider Award of Bid for Planters II Flooring Project Floors 2 through 10

Action: Motion (pg. 75)

Consent Agenda:

Claims for November 19, 2022, through December 9, 2022, in the amount of \$1,745,637.88; Net amount for Longevity Pay effective November 25, 2022 in the amount of \$41,698.07; and Payroll #24 effective December 2, 2022 in the amount of \$370,169.85 (No Police & Fire Pension).

Action: Motion

Other:

Adjournment

Action: Motion



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

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, City Planner Bethany Falvey, Finance Director Roberta Beier, Human Resources Director Lona Lanter, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, Chief Building Inspector Hal Burdette, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PROCLAMATIONS & AWARDS:

Small Business Saturday November 26, 2022 – Mayor Leonhard read the proclamation proclaiming Saturday November 26, 2022 as Small Business Saturday. The proclamation was accepted by Wendy Scheidt.

Employee Service Awards – Eighteen employees reached milestones in their career with the City of Leavenworth reaching ten, fifteen, twenty and twenty-five years of service with the City. The Mayor read the names of the following employees:

10 Years

- Melissa Bower – Public Information Officer
- Justin Lacey – Fire Driver/Operator
- G. Tabor Medill III – Recreation Supervisor
- Clarice Phillips – Records Clerk
- Noah Wooten – Police Sergeant I

15 Years

- Andrea Cheatom – Housing Manager
- Tammy Herken – Telecommunications Specialist
- Roberta Johnston - Senior Court Clerk
- Jon Lemke – WPC Assistant Superintendent
- Brandon Mance – Police Sergeant

20 Years

- Roberta Eddy – Telecommunications Specialist
- Steve Grant – Parks & Recreation Director

25 Years

- Carol Charity – Manager of Information Systems
- Tyler Ewert – Fire Captain
- Sean Goecke – Police Lieutenant
- Danny Hall – Police Lieutenant

- Johnny Sweet II – Police Officer II
- Patrick Tooley – Section 8 Coordinator

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the October 25, 2022 regular meeting and November 1, 2022 special meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8199 Approval of Special Use Permit for Residential Home Stay at 771 Ottawa – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the October 25, 2022 meeting.

Commissioner Hingula:

- Asked who requested the special use permit, was it an individual or a corporation

Mr. Kramer:

- The owner of the property requested the permit

Mayor Leonhard called the roll and Ordinance No. 8199 was unanimously approved.

Second Consideration Ordinance No. 8200 Approval of Franchise Agreement with Unite Private Networks, L.L.C. – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 1, 2022 special meeting.

Commissioner Hingula:

- Asked if Unite will place utility poles in the right-of-way or underground

Mr. Faust:

- They are able to do both, there is nothing in the City Code that states they must be underground

Mayor Leonhard called the roll and Ordinance No. 8200 was unanimously approved.

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

Chad Higdon 915 Douglas Street, St. Joseph MO:

- CEO of Second Harvest Community Food Bank in St. Joseph
- Feeding America food bank that serves Leavenworth County
- Working with several partner agencies within Leavenworth County
- Need is greatest for cold storage for fresh milk, berries and vegetables
- Applying for ARPA funds in Missouri to tackle this issue of cold storage, and asking for pledges to support this endeavor
- Looking for opportunity to continue the discussion

Michael Lay 907 Columbia Ave:

- Commented that brush and trash bags have been left at the curb for an extended amount of time
- City needs to get control of the issue to avoid illegal dumping
- City is 9th on a list of most dangerous cities
- Recalled a 2019 project to grow the City, and hasn't seen any growth
- Need more options with notification for what is going on in the City

Public Hearing:

Public Hearing on and First Consideration of an Ordinance Authorizing the Issuance of Taxable Industrial Revenue Bonds, Series 2022 (MAPS Project):

Open Public Hearing:

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

Staff and Public Comments:

City Manager Paul Kramer:

- Reviewed the MAPS, Inc. project in the Gary Carlson Business Center
- The predevelopment agreement authorized the abatement, which is a 6 year tax abatement at 60%
- Going through this Industrial Revenue Bond process this evening is the vehicle for which the property taxes are abated

Close Public Hearing:

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

First Consideration Ordinance Authorizing Issuance of Taxable Industrial Revenue Bonds, Series 2022:

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

General Items:

Mayor's Appointment – Mayor Leonhard moved to appoint to the Convention & Tourism Committee Danny La Gore to an unexpired term ending January 31, 2025 and appoint to the Temporary Leavenworth Transit Advisory Committee Allen Barnes, Kelly Butler, and Linda Johnson to terms ending July 30, 2024. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Cancellation of Outstanding City Checks – Finance Director Roberta Beier presented for consideration to cancel 46 checks that remain outstanding after a period of two years from their issuance. After cancellation of the checks, if a check is presented for payment, the Finance Department will honor the obligation and issue a new check. The funds revert to the original fund upon which the funds were drawn. The outstanding checks are as follows:

City of Leavenworth
 Uncleared Checks > Two Years Old as of November 22, 2022
 November 22, 2022

Check Number	Check Date	Vendor Number	Payee	Check Amount
290029490	03/03/2020	1809	AMBER-RAE MOORE	\$ 8.00
290030757	07/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031143	08/03/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031400	09/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031678	10/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031980	11/02/2020	1809	AMBER-RAE MOORE	\$ 8.00
290029752	03/27/2020	1	Andrea Sladky	\$ 25.00
290031409	09/01/2020	1895	BART ERWIN	\$ 54.00
290030280	05/15/2020	1	Breanne Johnson	\$ 50.00
290028561	12/06/2019	1640	CHANTEL COATES	\$ 96.00
290030812	07/06/2020	1640	CHANTEL COATES	\$ 4.00
290031460	09/04/2020	1640	CHANTEL COATES	\$ 42.00
290032075	11/09/2020	1640	CHANTEL COATES	\$ 80.00
290031799	10/12/2020	1950	CLAYTON STOLLENWERK	\$ 54.00
290029660	03/20/2020	1	Cole Burns	\$ 40.00
290028324	11/22/2019	1	Daniel Vasquez	\$ 100.00
290032066	11/09/2020	1314	DARRIN MANNA	\$ 11.52
290029843	04/01/2020	1199	DEJESUS, ANA	\$ 29.00
290029210	02/07/2020	1	Dwayne O. Berry	\$ 20.00
290030146	05/01/2020	1377	JACQUELYN JACKSON	\$ 8.00
290030738	07/01/2020	1377	JACQUELYN JACKSON	\$ 8.00
290031122	08/03/2020	1377	JACQUELYN JACKSON	\$ 8.00
290031966	11/02/2020	1377	JACQUELYN JACKSON	\$ 12.00
290031857	10/26/2020	1	Jaime Scott	\$ 100.00
290030083	05/01/2020	1	Jennifer Boal	\$ 100.00
290030886	07/17/2020	1	Jordan Green	\$ 5.78
290029683	03/20/2020	1	Karolyn Taylor	\$ 10.00
290030140	05/01/2020	1243	LEE II, DAVID	\$ 56.00
290028493	12/02/2019	1737	LSF8 MASTER PARTICIPATION TRUST	\$ 489.00
290029691	03/20/2020	1	Marco Goodman	\$ 10.00
290031318	08/28/2020	1	Mary Hutchison	\$ 5.00
290031273	08/21/2020	1	Mason James Taylor	\$ 20.00
290031225	08/14/2020	1	Michael Thompson	\$ 1.00
290031435	09/04/2020	1	Sarah Hiatt	\$ 100.00
290028806	01/02/2020	1491	SCOTT LATESSA	\$ 54.00
290031391	09/01/2020	1491	SCOTT LATESSA	\$ 324.00
290031669	10/01/2020	1491	SCOTT LATESSA	\$ 54.00
290031971	11/02/2020	1491	SCOTT LATESSA	\$ 54.00
290029297	02/13/2020	1143	SEBER, CLAY	\$ 81.98
290031732	10/05/2020	1143	SEBER, CLAY	\$ 54.56
290028738	12/31/2019	1	Sue Ludwikoski	\$ 7.92
290030994	07/24/2020	8953	SUPERIOR LAWN CARE & SNOW REMOVAL LLC	\$ 1,697.25
290031320	08/28/2020	1	Tiffany Pheral	\$ 300.00
290031408	09/01/2020	1894	TRAVIS SIPES	\$ 70.00
290029188	02/03/2020	1768	VANESSA ENRIQUEZ	\$ 45.00
290029586	03/13/2020	1	William H. Wigley	\$ 237.75
Total Checks				<u>\$ 4,566.76</u>

Commissioner Hingula moved to cancel the outstanding city checks as presented. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolutions:

Resolution B-2324 Authorize Serving of Complimentary Alcoholic Liquor at Main Street Event “Alive After Five” for 2023 – City Clerk Sarah Bodensteiner presented for approval and adoption Resolution B-2324.

The resolution allows unlicensed businesses to serve complimentary alcoholic liquor or cereal malt beverages to members of the general public during Leavenworth Main Street Program "Alive After Five" events in 2023.

Commissioner Bauder moved to approve Resolution B-2324 as presented. Commissioner Martin 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 Bridge Scour Repairs Project – Public Works Director Brian Faust presented for consideration awarding the bid for the Bridge Scour Repairs Project. The bridge scour repairs for the 20th Street & Broadway bridges over Three-Mile Creek were identified during the Biennial Inspection Program. Repairs in and around the bridges are critical to maintain the integrity of the structure. Erosive action, over time, can remove material from around bridge abutments that can compromise the structure. Scour is the leading causes of bridge failures in the U.S. These scour repairs are funded through the Streets Capital Project Fund. The cost of fuel, materials and labor has continued to increase over the past year, thus proposed bids came in higher than expected. Funding for the difference will be from the Streets Capital Reserve Funds. Staff recommends that the City accept the low bid received for the Bridge Scour Repairs.

Commissioner Bauder:

- Requested clarification of what scouring is

Mr. Faust:

- Described what bridge scour repairs would entail

Commissioner Hingula:

- What is the impact of using funds from the Streets Capital Reserve Fund for the overage costs

Ms. Beier:

- There will be sufficient funds to do 2023 projects

Commissioner Martin moved to accept the low bid from Linaweaver Construction for the Bridge Scour Repairs in an amount not to exceed \$89,700.00. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Supplemental Agreement No. 1 – Airport Fuel System Replacement Project. – Public Works Director Brian Faust presented for consideration Supplemental Agreement No. 1, which increases the amount of reimbursement the City will receive from this project. In June of 2021, the City Commission approved a sole source contract with Hoidale to upgrade the Sherman Army Airfield fuel dispenser. In addition to the upgrades to the fuel system, significant electrical upgrades were required to bring the fuel system into compliance with current code. The cost for the electrical work was over \$15,000 and was not included in the original request to KDOT. When submitting the application for the 90% reimbursement, staff included the actual total project cost with both the fuel system and electrical upgrades. The requested reimbursement was based on the previously approved estimated cost of \$39,500. Total actual cost was \$53,973.35. After the City submitted the reimbursement request, KDOT notified the City that we could

request additional funding through the program. The supplemental agreement increases the amount of reimbursement the City will receive from \$35,550.00 to \$48,576.10.

Commissioner Bauder moved to approve Supplemental Agreement No. 1 with KDOT for Project AV-2022-16 and authorize the Mayor to execute the agreement. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance for Grease Trap and Grease Interceptor Regulations – Deputy Public Works Director Earl Wilkinson presented for first consideration an ordinance that would facilitate regulation of grease interceptors and grease traps through installation requirements, best management practices, maintenance logs, and yearly inspections. For the last seven years, the City of Leavenworth has required installation of a grease trap or grease interceptor at any facility that prepares and/or packages food for sale or consumption, on or off-site, with the exception of private residences. In addition to the initial installation of a grease trap or grease interceptor, there is a constant need to inspect, maintain, clean and service them. The grease-laden waste created by the improperly maintained facilities leads to the following issues: Sewer line backups in the originating structure, grease entering the sanitary sewer system, which can cause significant blockages, and illicit discharge that can enter our stormwater system or creek, which is considered a violation of our Stormwater Permit. These situations besides being unsightly, possibly odorous and creating a health hazard for the public are a “non-compliance” issue with the City National Pollutant Discharge Elimination System (NPDES) Permit that often requires a report to KDHE. To address the issues regarding the operation and maintenance of these facilities, staff is proposing requirements for the inspection of grease removal devices by a registered service provider, minimum pumping frequencies for grease removal devices and best management practices to ensure continual and effective operations of grease removal devices.

Commissioner Bauder:

- What have we been doing in the past

Mr. Kramer:

- This isn't new, when KDHE approached the City, the City went to businesses to educate the business and work with them to get the grease traps/interceptors in place
- We've been operating the program for several years, currently they have to provide their inspection reports
- KDHE is waiting on the City to formalize the plan
- 95% of our businesses are already in compliance, but we have no recourse for the few businesses who don't comply with a proper grease trap program
- Nearly every business has this in place, but the program hasn't been codified

Commissioner Bauder:

- So fines can't be charged unless this is in place

Mr. Kramer:

- We plan to educate first and work with businesses
- We need something in the Code in case something becomes an issue

- If you don't charge a fee people don't typically comply
- Intent on the fee amount was to not make it onerous on the business

Commissioner Hingula:

- Asked if the fee and possible conviction from the Municipal Court Judge would be considered onerous

Mr. Kramer:

- That would be up to the Judge if it gets to that level, but the City's goal is to work with businesses to get them into compliance before it got to that point

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

First Consideration Ordinance for Amending Section 44-32 School Zones – Police Chief Patrick Kitchens presented for first consideration an ordinance that changes Section 44-32 School Zones of the City Code by adding a school zone to the area of Nettie Harnett School at 1000 3rd Avenue. At a recent community engagement event, a citizen inquired about a school zone in or around Nettie Hartnett School. Staff conducted a review and confirmed the school zone was removed when the use of the building changed. That building has changed uses over the last few years. The City conducted a very thorough recodification of the City Ordinances in 2019 and the school zone was removed. Staff confirmed with the school district that the building does have students and will continue to have them in the future. Staff recommends placing a school zone on 3rd Avenue from Congress to Marshall Street.

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

First Consideration Ordinance Rezoning 2700 State Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning 2700 State Street from Multi-Family Residential District to Residential Mixed Use District. The subject property is approximately 4 acres in size and lies directly adjacent to the north of The Guidance Center (TGC). The property is under contract to be purchased by TGC. The intent for the property is to allow for future expansion of TGC's behavioral health services, as well as to provide space for expansion of partnerships with potential primary care providers. There are also ongoing discussions with the Leavenworth Attainable Housing Group for the potential construction of a multi-family housing unit to provide transitional housing for their training and support programs to assist homeless and precariously housed persons. All intended future uses for the property, medical office and multi-family housing, are allowed uses in the Residential Mixed Use zoning district. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

First Consideration Ordinance Rezoning 212, 220 & 224 Maple Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning 212, 220 & 224 Maple Street from High Density Single-Family Residential District to Light Industrial District. The subject property is owned by Geiger Ready-Mix Co., Inc., and is currently being developed as additional parking area for employees and equipment. The subject property consists of 3 vacant lots that lie directly adjacent to property that is currently being utilized by Geiger for parking of equipment. The property is to the east of Stubby Park, and

has been vacant for at least 25 years. The two lots addressed as 220 and 224 Maples were previously owned by the City of Leavenworth, and were transferred to Geiger in 2021 for the express purpose of providing land for additional parking for the business. All other property owned and occupied by Geiger in the immediate vicinity is zoned light industrial. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

First Consideration Ordinance Rezoning 28 Limit Street & 2 Vilas Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning a portion of the property at 28 Limit Street and all of 2 Vilas Street from Medium Density Single-Family Residential District to Planned Unit Development. The rezoning is being requested in order to consolidate commonly owned property and plan for future development of residential parcels that are consistent with the existing River View Estates development. Currently, the properties addressed as 2 Limit and 16 Limit are zoned Planned Unit Development, as well as a portion of the property addressed as 28 Limit. The proposed rezoning will provide for consistent zoning and residential development pattern. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

Consent Agenda:

Commissioner Martin moved to approve claims for October 22, 2022 through November 18, 2022, in the amount of \$4,120,859.48; Net amount for Payroll #22 effective November 4, 2022 in the amount of \$358,048.74 (No Police and Fire Pension) and Payroll #23 effective November 18, 2022 in the amount of \$364,263.17 (Includes Police & Fire Pension in the amount of \$9,888.71). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Executive Session – Personnel Matters of Non-Elected Personnel – Mayor Leonhard moved to recess into executive session for a period of 15 minutes for the purpose of discussing the annual evaluation of the City Manager, under the justification to discuss personnel matters of nonelected personnel K.S.A. 75-4319 (b)1. The City Commission and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at 7:10 p.m. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

The Leavenworth City Commission returned to open session at 7:10 p.m.

Mayor Leonhard moved to approve a 1% merit increase for City Manager Paul Kramer effective with the first check of the 2023 payroll. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

Commissioner Martin:

- Stated that City Manager Kramer has done a wonderful job in his position

- Wished everyone a Happy Thanksgiving

Commission Wilson:

- Wished everyone Happy Thanksgiving
- Thanked City Manager Kramer for his leadership

Commissioner Hingula:

- Thanked Mr. Kramer for his guidance during his time on this commission
- Thanked everyone involved in the lighted parade and Christmas tree lighting, it was a great event, even though it was very cold
- Have a wonderful Thanksgiving and don't forget about events that are coming up

Commissioner Bauder:

- Thanked Mr. Kramer for his tenure with the City and all he does for the City and community
- Wished everyone a blessed Thanksgiving

Mayor Leonhard:

- Thanked Mr. Kramer for everything: it takes a good leader to have the staff at the level we have
- Wished everyone a Happy Thanksgiving
- Mentioned the 7th Street Feast event

Adjournment:

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

Time Meeting Adjourned 7:15 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8201
AMENDING CHAPTER 46, ARTICLE III, DIVISION 2 AND DIVISION 4,
GREASE TRAP/INTERCEPTOR REGULATIONS.**

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

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

**AN ORDINANCE AMENDING CHAPTER 46 (UTILITIES), ARTICLE III
(SEWERS), DIVISION 2 (CONNECTIONS) AND DIVISION 4 (INDUSTRIAL
WASTES), AND CERTAIN SECTIONS THEREIN, AND ADDING NEW
AND SUBSTITUTE PROVISIONS, AND REPEALLING THE PREVIOUS
SECTIONS SO AMENDED.**

There have been no other changes since first consideration.

Ordinance No. 8201 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8201

ORDINANCE NO. 8201

AN ORDINANCE AMENDING CHAPTER 46 (UTILITIES), ARTICLE III (SEWERS), DIVISION 2 (CONNECTIONS) AND DIVISION 4 (INDUSTRIAL WASTES), AND CERTAIN SECTIONS THEREIN, AND ADDING NEW AND SUBSTITUTE PROVISIONS, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Section 46-92 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 46-92. - Unlawful connections.

It is and shall be unlawful to connect an open gutter, cesspool, privy vault or any drain of any kind whatsoever of the surface water from the roof or yard to a sanitary sewer, or to connect any sanitary sewer or sanitary sewage to any drainage or stormwater sewer. In addition, it is and shall be unlawful for any property owner to maintain any sewer service line from the structure to the main, to include the connection at the main, that allows the flow of sewage or other waste into the soil around the service line and/or connection or that allows ground water (inflow and infiltration) into the service line, connection, or main.

Section 2. A new Section 46-93 is hereby added to the Leavenworth Code of Ordinances, to read as follows:

Sec. 46-93. – Failure repair; fees.

Upon notification by the city of any unlawful service line or connection, the property owner shall have thirty (30) days from the date of notice to repair the service line or connection. Failure on the part of the property to make the necessary repairs will result in the City initiating the repairs and assessing the property owner for all costs of the repairs and the appropriate administrative fee as prescribed in the city fee schedule, as amended. All fees not paid within thirty (30) days after completion of the repairs by the city, shall result in the costs being assessed to the property in accordance with the standard practices for the assessment of other fees.

Section 3. Chapter 46, Article III, Division 2 of the Leavenworth Code of Ordinances, is hereby amended to provide that Secs. 46-94 through 46-112 are reserved, as follows:

Secs. 46-94—46-112. Reserved.

Section 4. Section 46-150 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 46-150. – Prohibited wastes.

The following wastes shall not be discharged into the city sewers:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit, except where the volume of discharge represents a significant portion of the flow through a particular sewer, a lower limit may be prescribed to prevent odor nuisance.
- (2) Stormwater and surface drain water.
- (3) Wastes having a pH less than 5.5 or more than 10.0 or otherwise having chemical properties which are hazardous or are capable of causing damage to the sewage works or personnel.
- (4) Garbage or waste that has not been properly shredded.
- (5) Insoluble oils, fats and greases. So-called soluble oils may be permitted to the extent of 100 mg/L; provided, that subsequent dilution in the sewers or treatment plant does not result in separation.
- (6) Gasoline, naphtha, benzene, oil and other flammable or explosive liquids, solids or gases.
- (7) Any waste which contains more than 100 mg/L of fat, oil and grease (exclusive of soap).
- (8) Any corrosive, noxious or malodorous material or substance which either singly or by reaction with other wastes is capable of causing damage to the sewage works or creating a public nuisance or hazard or preventing entry into the sewers for maintenance and repair.
- (9) Any material or substance not specifically mentioned in this section which is in itself corrosive, irritating to human beings and animals, toxic or noxious or which by interaction with other wastes could produce undesirable effects including deleterious action on the sewage works, adversely affect any treatment process, constitute a hazard to human beings or animals or have an adverse effect upon the receiving stream.
- (10) Grease-laden Waste – effluent discharge that is produced from food processing, food preparation, or other sources where grease, fats, and oils enter automatic dishwasher pre-rinse stations, sinks, or other appurtenances.

Section 5. Chapter 46, Article III, Division 4 of the Leavenworth Code of Ordinances, is hereby amended to provide that Secs. 46-155 through 46-199 are reserved, as follows:

Secs. 46-155—46-199. Reserved.

Section 6. A new Division 5 is hereby added to Chapter 46, Article III the Leavenworth Code of Ordinances, to read as follows:

**DIVISION 5.—REGULATING AND PERMITTING THE OPERATION OF
FACILITIES PRODUCING GREASE-LADEN WASTE AND SERVICE
PROVIDERS FOR GREASE INTERCEPTION DEVICES**

Sec. 46-200. – Definitions.

The following words and terms, as used in this division, shall be deemed to mean and be construed as follows:

Automatic Grease Removal Device – a plumbing appurtenance installed in a sanitary drainage system to intercept free-flowing fats, oils, and grease from wastewater discharge. Such a device operates on a time or event-controlled basis and has the ability to remove free-floating fats, oils, and grease automatically without the intervention from the user, except for maintenance.

Grease Interceptor – a plumbing appurtenance installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. Such device has the ability to intercept free-flowing fats and oils with a flow rate **greater than 50 gallon per minute.**

Grease Trap - (also known as grease interceptor, grease recovery device and grease converter) is a plumbing device designed to intercept most greases and solids before they enter a wastewater disposal system. They are used to reduce the amount of fats, oils and greases (FOGs) that enter the main sewers with a flow rate less than 50 gallon per minute.

Food Service Establishment – any facility that prepares and/or packages food for sale or consumption, on or off site, with the exception of private residences. The term “food service establishment” includes, but is not limited to food courts, food manufacturers, food processors, food packagers, restaurants, grocery stores, delicatessens, bakeries, lounges, hospitals, hotels, nursing homes, churches, college dining halls, Greek housing (sororities and fraternities), prisons, and cafeterias in schools.

Grease-Laden Waste – Effluent discharge that is produced from food processing, food preparation, or other sources where grease, fats, oils, and grease enter automatic dishwasher pre-rinse stations, sinks, or other appurtenances.

Sec.46-201. – Grease Discharge Permit Required; Application, Term, and Fee.

- (a) It shall be unlawful for any person, firm, or corporation to operate a facility in which grease-laden waste is produced without obtaining a grease discharge permit for each grease removal device located at the facility. Provided that, “facility” shall not include any individual dwelling unit as such term is defined by the latest adopted building codes of the city. All food service establishments shall be presumed to be facilities in which grease-laden waste is produced.
- (b) The owner, manager, or agent of a facility shall make written application to the Director of Public Works, or a designee, on a form furnished by the city. The application shall be accompanied by the appropriate fee per the city fee schedule, as amended, and for renewals, shall include a copy of the maintenance log per Section 46-203(g) below. Facilities have until the last working day of the month in which their permit expires, per paragraph (c) of this section, to complete the requirements to renew their permit. Permits

issued pursuant to this division are nontransferable. A new permit application and fee shall be required for each change of ownership of a licensed facility.

- (c) Permits shall be renewed annually by May 1.
- (d) The Director of Public Works, or a designee, shall issue or renew a permit for a facility that complies with the terms of this division. The Director of Public Works may modify the terms and conditions of any permit, in order to protect the sanitary sewer system. The permit holder shall receive at least thirty (30) day notice of such modification, except in the event of an emergency as described in Section 46-204(e) below.
- (e) The permit fee shall be as stated in the city fee schedule, as amended, for a grease removal device and only one fee per facility. Permit fees shall not be prorated for permits in effect for less than the full calendar year. If a facility fails to submit all needed documents to renew its permit(s) prior to expiration, an additional late fee, as stated in the city fee schedule, will be assessed for each month until the documents are received. A facility that is late in renewing its permit shall be in violation of this ordinance and any assessed late fees shall be in addition to the penalties provided for in Section 46-206(c) and (d) below.

Sec. 46-202. – Conditions of the Grease Discharge Permit; Variances

Each facility with a grease discharge permit is subject to the requirements of this section. Failure to abide by these requirements shall be unlawful. The requirements are as follows:

- (a) Each facility shall install and maintain grease removal devices as required by the latest adopted Plumbing Code of the city. If the facility's existing grease removal devices are not adequately sized for the facility's activities, the facility shall replace the devices to meet the requirements of the latest adopted Plumbing Code of the city. Installations in existence prior to the adoption of this section shall not be required to replace the existing grease removal device provided a maintenance plan is submitted and approved by the Director of Public Works, or designee, that ensures grease-laden wastes will not enter the city's wastewater system.
- (b) The permit holder shall ensure the inspection of, and shall maintain, and require all employees, agents, and other representatives to maintain the grease removal devices in accordance with the requirements of Section 46-203 below and the best management practices approved by the Director of Public Works and in accordance with the manufacturer's installation and maintenance instructions.
- (c) The permit holder shall allow the facility to be inspected by the city, and the permit holder shall make grease removal devices accessible and exposed for inspection purposes, in connection with the issuance or renewal of a grease discharge permit, or at any reasonable time, without prior notice, to confirm the permit holder's compliance with this division. Such inspections may include measuring, testing, or sampling.

- (d) A permit holder may make written request to the Director of Public Works for a variance from any of the requirements of this division. Such written request must be made on a form provided by the city. The Director of Public Works, or a designee, will issue a written response to the variance request within thirty (30) days. Denials may be appealed to the City Manager through the process described in Section 46-204(f) below.

Sec. 46-203. – Maintenance of Grease Interceptors and Devices; Best Management Practices; Pumping and Minimum Pumping Frequency; Inspection; Maintenance Log.

- (a) Illegal Discharge – It is and shall be unlawful for the permit holder to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removal device. It is and shall be unlawful for the permit holder to direct or allow any person to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removing device.
- (b) Pumping – All grease removal devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids by a registered service provider pursuant to Section 46-205 below. Decanting or discharging of removed waste back into the grease removal device from which the waste was removed or any other grease removal device, for the purpose of reducing the volume to be disposed, is prohibited.
- (c) Minimum Pumping Frequency – Grease removal devices must be pumped out completely a minimum of once every 180 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system.
- (d) Best Management Practices – The Director of Public Works shall adopt best management practices to ensure continual and effective operation of grease removal devices, and the Director may update or modify the best management practices to meet or exceed industry standards. The permit holder shall comply with, and cause the permit holder's employees, agents, and other representatives to comply with, the best management practices adopted by the Director of Public Works.
- (e) Spills – If grease-laden waste spills onto the public right-of-way, parking area, driveway, or other location that may cause run-off into the stormwater management system, the spill shall be immediately cleaned up in a manner that complies with the best management practices approved by the Director of Public Works. The permit holder shall notify the Director of Public Works, or a designee, that such spill occurred by as soon as possible. If the permit holder fails to clean the spill to the City's satisfaction, then the spill constitutes, and shall be treated as a nuisance pursuant to Chapter 28 of the City Code of Ordinances, and a violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), of which prohibits the unauthorized discharge of pollutants from a point source into any waters or tributary of navigable waters of the United States and thereby creates a nuisance and hazard to the community as

defined by the Environmental Protection Agency and shall be subject to additional enforcement in accordance with those provisions.

- (f) Inspection – The permit holder shall have all Automatic Grease Removal Devices, Grease Traps and Grease Interceptors inspected by a registered service provider pursuant to Section 46-205 on an annual basis. Such registered service provider may not be the permit holder or an employee of the permit holder. Grease removal devices must be emptied by the service provider at the time of service or cleaning. The results of the inspection shall be recorded on the maintenance log described in paragraph (g) below or the service manifest from the disposal/service provider and shall be reported on a separate inspection form produced by the city and submitted to the city within fifteen (15) days of the inspection date. An inspection report will only be considered valid for permit renewal if it has been completed within sixty (60) days prior to the permit expiration date per Section 46-201(c).

If the inspector notes deficiencies in a grease removal device, the permit holder shall ensure that a city licensed plumbing contractor obtain a plumbing permit from the Leavenworth Building Inspection Division, if required, and make necessary repairs to ensure compliance within sixty (60) days of the date of the inspection, unless an extension is approved by the Director of Public Works. The permit holder shall provide documentation of such repairs to the Director of Public Works, and allow inspection thereof, within fifteen (15) days of the completion of the repairs.

- (g) Maintenance Log – On a form furnished by the city, each permit holder shall maintain a true and accurate log for each of the grease removal devices which provides for entry of the following information:

- (1) The date of each pumping service; the name of the person performing the service and the name of the company with which the service provider is affiliated; the amount removed; the condition of the device; and the signature of the manager or authorized representative of the facility in which the grease removal device is located; and
- (2) All of the information regarding the annual inspection required by paragraph (f); the name of the person performing the inspection; and the name of the company with which the inspector is affiliated.
- (3) The manifest with all the required information from the pumping service in Section 46-203(g)(1) above may be attached to the maintenance log in lieu of written entry of the information.

The maintenance log shall be kept in a readily accessible location and made immediately available upon request of a city representative. Each permit holder shall submit a copy of the previous year's maintenance log when renewing their annual permit and shall maintain copies of the log for three (3) years. If a maintenance log is lost and cannot be submitted, the permit holder shall have an opportunity to verify all of the information required by the maintenance log in a manner acceptable to the city, any failure to do so within

ten (10) days following the city's request shall be unlawful and a violation of this division.

Sec. 46-204 – Denial, Suspension, Revocation of Permit, or Water Service Disconnect.

- (a) The Director of Public Works may deny, revoke, or suspend a permit, and/ or request disconnection of the water service for any of the following reasons:
 - (1) Failure to submit a complete application or pay any fees;
 - (2) Fraud, misrepresentation, or false statement in the permit application or inspection and repair records; or
 - (3) Failure to comply with any of the provisions of this or any other city ordinance or other law.
- (b) Such denial, revocation, suspension, or discontinuance shall not become effective until the applicant/permit holder has been served a notice. The notice shall state the reason for noncompliance and include a time period for the applicant/permit holder to comply. Service (serving of notice) may be accomplished by personal service, or regular mail. Service by regular mail shall be deemed complete three (3) days after the city has placed the notice in the US mail. Such notice shall inform the applicant/permit holder of the action taken and shall notify the person of the right to appeal, pursuant to Section 46-204(f). Such action shall be effective upon the seventh day following service upon the applicant/permit holder, unless an appeal is filed. If an appeal is filed, such action shall be stayed until the final written decision on the appeal is rendered.
- (c) In any suspension of the license, the Director of Public Works may place such conditions upon the suspension as deemed advisable. Any conditions of the suspension shall be set forth in the notice.
- (d) Operating a facility after the effective date of a permit's denial, revocation, or suspension is and shall be unlawful.
- (e) Emergency Suspension – The Director of Public Works may pursue immediate suspension of the water service when, in the opinion of the Director of Public Works, such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the public health, safety, or welfare, or to prevent interference with, or a threat to, the sanitary sewer collection system. If the person notified of such suspension fails to comply with the order, the director shall take steps necessary to discontinue water service. The person may file a written appeal to such order with the City Manager, within two (2) business days of the order being made, and the appeal shall be heard within two (2) business days of the filing. Service shall remain suspended during the appeal period. Service shall be reinstated when the condition causing the threat is corrected, or if the person successfully appeals the director's order.

- (f) Appeal and Hearing – A person receiving any notice or order may appeal the requirements contained therein pursuant to this subsection, except in the case of an emergency order, which shall comply with the process set forth in Section 46-204(e). The person must file a written appeal with the City Manager within seven (7) days of receiving service, and the appeal must state why the requirements should be modified or should not apply to the recipient. The City Manager will hold a hearing, at which the person must be heard, within seven (7) days of receiving the appeal.

Sec. 46-205. – Registration and Inspection.

- (a) The city will establish and manage registration for all persons, firms, or businesses that desire to be authorized to pump, clean, and/or inspect grease removal devices within the sanitary sewer service area. The registration shall be for a period of three (3) years at which time the person, firm, or business must re-register. The registration required by the city shall be in addition to any other permits, registrations, or occupational licenses required by federal, state, and local agencies having lawful jurisdiction. The registration is not transferable. There are no fees required to be registered.
- (b) Pumping and Cleaning – Any person, firm, or business desirous of collecting, pumping, or hauling wastes from, or cleaning Automatic Grease Removal Devices, Grease Traps and Grease Interceptors from businesses located within the sanitary sewer service area shall be required to register with the city. It is and shall be unlawful for any person, firm, or business to pump out or clean grease removal devices within the sanitary sewer service area without being registered.
- (c) Inspection – A registered service provider person, firm, or business may also perform inspections of grease removal devices per Section 46-203(f). Food service establishment owners, or employees thereof, may complete the inspection in an un-official capacity, but they will not be qualified to perform the official inspections required by the ordinance. It is and shall be unlawful for any person or employee of a firm or business to perform inspections of a grease removal device within the sanitary sewer service area that is not registered.
- (d) Plumbers – Any plumber desirous of installing, repairing, and/or inspecting automatic grease removal devices or grease interceptors within the sanitary sewer service area per Section 46-205 shall be licensed through the Building Inspection Division of the City of Leavenworth. Plumbers shall also be required to be a registered service provider through the city for the purpose of performing inspections. It is and shall be unlawful for any plumber to perform inspections or repairs of grease removal devices within the sanitary sewer service area without being licensed, registered, and certified.

Sec. 46-206 – Enforcement.

- (a) Before additional action is taken to enforce the provisions of this division, a person or entity found to be in violation shall first be served with a notice of violation. Notice will be deemed sufficient if it is delivered by personal service

or regular mail and adequately describes the nature of the violation and outlines a reasonable timeline for the alleged violator to come into compliance of at least ten (10) days following the date of notice. Notice shall be deemed given immediately in the case of personal service and in the case of service by regular mail, three (3) days after the date of mailing.

- (1) Upon the finding of a suspected violation or illicit discharge into the sanitary sewer collection system, the City Inspector shall be notified to do an immediate and unannounced inspection of the grease removal devices in the suspect facility.
 - (2) If a violation of the maintenance requirements for the grease removal device has been identified, the facility shall be responsible for all costs associated with the cleaning and removal of the violation in the sanitary sewer collection system. All cleaning and removal costs will be in accordance with the city fee schedule, as amended. Any fee imposed for cleaning of the sanitary sewer collection system and/or removal of grease from the sanitary sewer collection system that has not been paid within thirty (30) days of receipt of the billing, shall be deemed a violation of this ordinance. Service shall be in accordance with Section 46-206(a).
- (b) Following the expiration of the time period granted in paragraph (a), a person or entity found to be in violation of this division shall be guilty of a misdemeanor.
 - (c) A fine not to exceed \$500.00 shall be levied upon a first conviction. Each day of violation shall constitute a separate offense.
 - (d) A fine not less than \$500.00 and not to exceed \$1,000.00 shall be levied upon a second and subsequent conviction. Each day shall constitute a separate offense.

Section 7. Sections 46-92, 46-93, and 46-150 of the Leavenworth Code of Ordinances, in existence as of and prior to the adoption of this ordinance, and all other sections in conflict with the terms of this ordinance, are hereby repealed.

Section 8. 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 13th day of December 2022.

Camalla M. Leonhard, Mayor

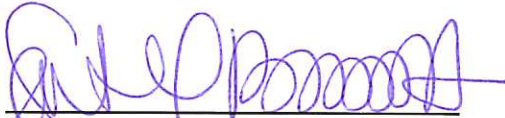
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ATTEST:

Sarah Bodensteiner, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8202
AMENDING CHAPTER 44 TRAFFIC AND VEHICLES, ARTICLE II STREET USE DESIGNATIONS,
SECTION 44-32 SCHOOL ZONES.**

DECEMBER 13, 2022


Sarah Bodensteiner, CMC
City Clerk


Paul Kramer
City Manager

BACKGROUND:

At the November 22, 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 44 TRAFFIC AND
VEHICLES, ARTICLE II STREET USE DESIGNATIONS, SECTION 44-32
SCHOOL ZONES; PROVIDING SUBSTITUTE PROVISIONS AND
REPEALLING THE SECTION AMENDED.**

There have been no other changes since first consideration.

Ordinance No. 8202 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8202

(Summary Publish in the Leavenworth Times on December 16, 2022)

ORDINANCE NO. 8202

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 44 TRAFFIC AND VEHICLES, ARTICLE II STREET USE DESIGNATIONS, SECTION 44-32 SCHOOL ZONES; PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTION AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 44 Traffic and Vehicles, Article II Street Use Designations, Sec. 44-32 School Zones, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-32. – School zones.

(a) The following streets and portions are designated as school zones:

(1) Anthony School:

- a. 2nd Avenue between Evergreen Street to Thornton Street as a school zone.
- b. 4th Avenue between Evergreen Street to Thornton Street as a school zone.
- c. Thornton Street between 2nd Avenue to 4th Avenue as school zone.
- d. Evergreen Street between 2nd Avenue to 4th Avenue as a school zone.

(2) David Brewer School:

- a. Ottawa Street 150 feet east of 17th Street to 19th Street as a school zone.
- b. 18th Street between Ottawa Street to Miami Street as a school zone.
- c. 17th Street between Ottawa Street to Miami Street as a school zone.

(3) Henry Leavenworth Elementary School: 20th Street north and south of Vilas Street as a school zone.

(4) Lawson Elementary School: 5th Street between Kiowa and Pawnee Street as a school zone.

(5) Leavenworth High School: 10th Avenue between Marion Street and Halderman Street as a school zone.

(6) Nettie Hartnett School: 3rd Avenue between Congress to Marshall Street as a school zone

(7) Xavier Catholic School:

- a. Muncie Road between Hughes Road to Lakeview Drive as a school zone.

- b. Hughes Road 150 feet south of its intersection with Muncie Road as a school zone.
- (8) St. Paul Lutheran Elementary School and Xavier Upper Schools: 7th Street between Miami to Pottawatomie Street as a school zone.
- (9) Warren Middle School: New Lawrence Road from 100 feet south of Gatewood Street to 200 feet south of Wildwood Street as a school zone.
- (10) Xavier Pre-school: 2nd Avenue between Prospect Street to Ohio Street
- (b) All school zones are in effect when schools are in session and during the hours posted on school zoning signage.
- (c) All school zones shall be clearly marked with static signage or electronic signage that indicates the beginning of and the end of a school zone as required by Manual of Uniformed Traffic Control Devices.

State Law reference – Authority to decrease speed limits in school zones. K.S.A. 8-1560(a)(4).

Section 2. Chapter 44 Traffic and Vehicles, Article II Street Use Designations, Sec. 44-32 School Zones of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 13th day of December 2022.

Camalla M. Leonhard, Mayor

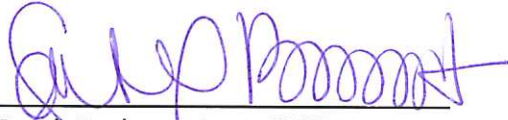
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ATTEST:


Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8203
REZONING 2700 STATE STREET FROM MULTI-FAMILY RESIDENTIAL DISTRICT (R-MF) TO
RESIDENTIAL MIXED USE DISTRICT (RMX).**

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

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

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX
A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
BY REZONING 2700 STATE STREET FROM MUTLI-FAMILY RESIDENTIAL
DISTRICT (R-MF) TO RESIDENTIAL MIXED USE DISTRICT (RMX).**

There have been no other changes since first consideration.

Ordinance No. 8203 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8203

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

ORDINANCE NO. 8203

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 2700 STATE STREET FROM MUTLI-FAMILY RESIDENTIAL DISTRICT (R-MF) TO RESIDENTIAL MIXED USE DISTRICT (RMX).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 7th day of November 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 12th day of October 2022 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 2700 State Street, Leavenworth Kansas from Multi-Family Residential District (R-MF) to Residential Mixed Use District (RMX); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit, is hereby rezoned from Multi-Family Residential District (R-MF) to Residential Mixed Use District (RMX).

LOT OR BLOCK SEVEN (7), LESS THE NORTH 58 FEET IN JOHNSON'S SUBDIVISION, IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, LESS AND EXCEPT THE EAST 30 FEET THEREOF.

And **more commonly referred to as 2700 State Street**, Leavenworth, Kansas

Section 2: That the "Zoning District Map" adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

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

PASSED and APPROVED by the Governing Body on the 13th day of December 2022.

Camalla M. Leonhard, Mayor

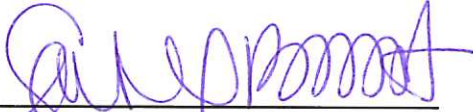
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8204
REZONING 212, 220 AND 224 MAPLE STREET FROM HIGH DENSITY SINGLE FAMILY
RESIDENTIAL DISTRICT (R1-6) TO LIGHT INDUSTRIAL DISTRICT (I-1).**

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

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

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX
A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
BY REZONING 212 MAPLE STREET, 220 MAPLE STREET, AND 224 MAPLE
STREET FROM HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6)
TO LIGHT INDUSTRIAL DISTRICT (I-1).**

There have been no other changes since first consideration.

Ordinance No. 8204 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8204

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

ORDINANCE NO. 8204

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 212 MAPLE STREET, 220 MAPLE STREET, AND 224 MAPLE STREET FROM HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6) TO LIGHT INDUSTRIAL DISTRICT (I-1).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 7th day of November 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 12th day of October 2022 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 212 Maple Street, 220 Maple Street, and 224 Maple Street, Leavenworth Kansas from High Density Single Family Residential District (R1-6) to Light Industrial District (I-1); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit, is hereby rezoned from High Density Single Family Residential District (R1-6) to Light Industrial District (I-1).

ALL OF LOTS 9, 10, 11 AND 12, BLOCK 10, FACKLERS ADDITION, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS ACCORDING TO THE RECORDED PLAT THEREOF DESCRIBED BY ROGER B. DILL KANSAS PS 1408, ON SEPTEMBER 20, 2022.

And more commonly referred to as 212 Maple Street, 220 Maple Street, and 224 Maple Street, Leavenworth, Kansas

Section 2: That the “Zoning District Map” adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

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

PASSED and APPROVED by the Governing Body on the 13th day of December 2022.

Camalla M. Leonhard, Mayor

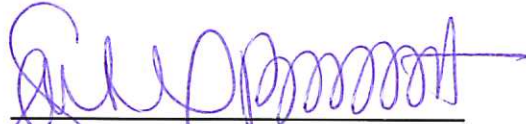
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8205
REZONING 28 LIMIT STREET AND 2 VILAS STREET FROM MEDIUM DENSITY SINGLE FAMILY
RESIDENTIAL DISTRICT (R1-9) TO PLANNED UNIT DEVELOPMENT (PUD).**

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

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

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX
A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
BY REZONING 28 LIMIT STREET AND 2 VILAS STREET FROM MEDIUM
DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-9) TO PLANNED UNIT
DEVELOPMENT (PUD).**

There have been no other changes since first consideration.

Ordinance No. 8205 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8205

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

ORDINANCE NO. 8205

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 28 LIMIT STREET AND 2 VILAS STREET FROM MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-9) TO PLANNED UNIT DEVELOPMENT (PUD).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 7th day of November 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 12th day of October 2022 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 28 Limit Street and 2 Vilas Street, Leavenworth Kansas from Medium Density Single Family Residential District (R1-9) to Planned Unit Development (PUD); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit, is hereby rezoned from Medium Density Single Family Residential District (R1-9) to Planned Unit Development (PUD).

A TRACT OF LAND BEING A PART OF LOTS 1 AND 2, RIVER VIEW REPLAT, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, AND ALSO BEING APART OF LOTS 2, 3, AND 4, RIVER VIEW ROAD SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, AND ALSO BEING A PART OF LOT 8, NEW VIEW SUBDIVISION, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, AND ALSO BEING A PART OF LOTS 21, 22, AND 23, BLOCK 27, SOUTHSIDE PARK, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, AND ALSO BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE

6TH PRINCIPAL MERIDIAN, ALL BEING IN LEAVENWORTH COUNTY, KANSAS, A DESCRIPTION WRITTEN BY D. STEVEN WEST, PS NO. 1614, ON SEPTEMBER 22, 2022 AND BEIN MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 RIVER VIEW REPLAT, SAID CORNER ALSO BEING THE EAST-MOST SOUTHEAST CORNER OF LOT 7 NEW VIEW SUBDIVISION, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF FORMER LOT 4 RIVER VIEW ROAD SUBDIVISION, AND ALSO FORMER LOT 8 NEW VIEW SUBDIVISION; THENCE N 48°35'54" E ALONG THE SOUTHEAST LINE OF SAID LOT 7, A DISTANCE OF 178.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, SAID CORNER ALSO BEING AN INFLECTION POINT ALONG THE WEST LINE OF SAID LOT 1 RIVER VIEW REPLAT, SAID CORNER ALSO BEING AN INFLECTION POINT ALONG THE WEST LINE OF FORMER LOT 4 RIVER VIEW ROAD SUBDIVISION, AND ALSO AN INFLECTION POINT ALONG THE WEST LINE OF FORMER LOT 8 NEW VIEW SUBDIVISION; THENCE N 40°40'22" W ALONG THE EAST LINES OF LOTS 3-7 OF SAID NEW VIEW SUBDIVISION, IN COMMON WITH THE WEST LINE OF FORMER LOT 4 RIVER VIEW ROAD SUBDIVISION, AND THE WEST LINE OF SAID RIVER VIEW REPLAT, A DISTANCE OF 436.20 FEET TO THE NORTHWEST CORNER FORMER LOT 4 RIVER VIEW ROAD SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N 40°40'22" W ALONG THE EAST LINES OF LOTS 2 AND 3 OF NEW VIEW SUBDIVISION, IN COMMON WITH THE WEST LINE OF THE REMAINING PORTION OF SAID FORMER LOT 8, NEW VIEW SUBDIVISION, A DISTANCE OF 161.90 FEET TO THE NORTH-MOST CORNER OF LOT 2 NEW VIEW SUBDIVISION, SAID CORNER ALSO BEING THE EAST-MOST NORTHEAST CORNER OF LOT 1 NEW VIEW SUBDIVISION, SAID CORNER ALSO BEING AN INFLECTION POINT ON THE WEST LINE OF THE REMAINING PORTION OF SAID FORMER LOT 8, NEW VIEW SUBDIVISION; THENCE N 08°09'04" W CONTINUING ALONG SAID WEST LINE OF LOT 8, A DISTANCE OF 21.83 FEET TO THE NORTH-MOST NORTHEAST CORNER OF SAID LOT 1 NEW VIEW SUBDIVISION, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SAID LOT 8 NEW VIEW SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTH LINE OF VILAS STREET AS SHOWN ON PLATS OF SOUTH SIDE PARK, NEW VIEW SUBDIVISION, AND RIVER VIEW REPLAT; THENCE N 23°15'41" W, A DISTANCE OF 32.53 FEET TO A POINT ON THE CENTERLINE OF VILAS STREET AS NOW ESTABLISHED; THENCE N 89°28'18" E ALONG SAID CENTERLINE, A DISTANCE OF 349.90 FEET THENCE N 00°52'52" W, A DISTANCE OF 186.44 FEET TO THE NORTHWEST CORNER OF THE LOT 23, BLOCK 27, SOUTH SIDE PARK, SAID POINT ALSO BEING ON THE SOUTH SIDE OF A 16.5 FEET WIDE ALLEY IN BLOCK 27, SOUTH SIDE PARK; THENCE N 89°05'38" E ALONG THE NORTH LINES OF LOTS 23, 22, AND 21, BLOCK 27, SOUTH SIDE PARK, A DISTANCE OF 180.85 FEET TO THE NORTHEAST CORNER OF LOT 21, BLOCK 27, SOUTH SIDE PARK; THENCE S 43°08'53" E, A DISTANCE OF 214.21 FEET TO THE SOUTHEAST CORNER OF LOT 21, BLOCK 27, SOUTH SIDE PARK, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF VILAS STREET AS NOW ESTABLISHED,

AND SAID POINT ALSO BEING THE NORTH-MOST NORTHWEST OF LOT 2 RIVER VIEW REPLAT; THENCE S 39°32'59" E ALONG THE WEST LINE OF SAID LOT 2 RIVER VIEW REPLAT, A DISTANCE OF 77.23 FEET TO AN INFLECTION CORNER ALONG THE WEST LINE OF SAID LOT 2 RIVER VIEW REPLAT, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF THE REMAINING PORTION OF SAID FORMER LOT 8, NEW VIEW SUBDIVISION, AND ALSO BEING ON THE SOUTH LINE OF SAID VILAS STREET; THENCE S 39°32'59" E ALONG THE EAST LINE OF SAID FORMER LOT 8 NEW VIEW SUBDIVISION, A DISTANCE OF 191.07 FEET TO THE NORTHEAST CORNER OF FORMER LOT 2 RIVER VIEW ROAD SUBDIVISION; THENCE S 89°12'15" W ALONG THE NORTH LINE OF SAID FORMER LOT 2 RIVER VIEW ROAD SUBDIVISION, A DISTANCE OF 90.28 FEET TO THE NORTHWEST CORNER OF SAID FORMER LOT 2 RIVER ROAD SUBDIVISION; THENCE S 89°47'08" W ALONG THE NORTH LINES OF FORMER LOTS 3 AND 4 RIVER VIEW ROAD SUBDIVISION, A DISTANCE OF 633.45 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 RIVER VIEW ROAD SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING, AND CONTAINING 177,448.63 SQ. FT.

And more commonly referred to as 28 Limit Street and 2 Vilas Street, Leavenworth, Kansas

Section 2: That the "Zoning District Map" adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

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

PASSED and APPROVED by the Governing Body on the 13th day of December 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8206
AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (MAPS PROJECT).

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

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

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS, OF NOT TO EXCEED \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (MAPS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR 21ST CENTURY MANAGEMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

There have been no other changes since first consideration.

Ordinance No. 8206 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8206

ORDINANCE NO. 8206

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS, OF NOT TO EXCEED \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (MAPS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR 21ST CENTURY MANAGEMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the City of Leavenworth, Kansas, (the “Issuer”) is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended, (collectively, the “Act”) to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds, Series 2022 (MAPS Project), in an aggregate principal amount not to exceed \$1,500,000 (the “Bonds”) for the purpose of providing funds to 21st Century Management, LLC, a Kansas limited liability company (together with its successors and assigns, the “Company”) to (a) acquire certain real property, do sitework, and acquire, construct, equip and furnish a commercial flex office warehouse building together with all other facilities, improvements, and things necessary and incidental thereto, located generally at 5001 S. 13th Street in the City of Leavenworth, Kansas, and (b) pay certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

WHEREAS, the Issuer has in accordance with K.S.A. 12-1749c heretofore notified the unified school district within which the Project site is located that the Issuer intends to grant an ad valorem tax abatement for property to be financed with the proceeds of the Bonds; and

WHEREAS, the Issuer’s resolution of intent, Resolution No. B-2285, adopted July 13, 2021, (the “Resolution”) expresses the Issuer’s intent to take all appropriate action to request the Kansas Board of Tax Appeals approve a 100% ad valorem tax abatement, conditioned on (among other things) obtaining necessary governmental approvals and entering into an agreement for ad valorem tax abatement for the property to be financed with the Bonds; and

WHEREAS, the Lease Agreement (defined herein) constitutes such an agreement; and

WHEREAS, by the adoption of this Ordinance, the Issuer desires to approve the Resolution as an inducement resolution or letter of intent; and

WHEREAS, the Issuer has, in accordance with K.S.A. 12-1749d, (a) prepared an analysis of the costs and benefits of its proposed ad valorem tax exemption in connection with the Project on revenues of the State of Kansas, (b) conducted a public hearing on granting the proposed tax exemption after having given notice thereof published in the official newspaper of the Issuer at least once seven (7) days prior to such

hearing, and (c) notified the governing body of any city or county and unified school district within which the Project property proposed for exemption is located; and

WHEREAS, the Company has certified and affirmed that it is not a retailer as defined in K.S.A. 79-3602, as amended; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the "Bond Indenture"), by and between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as Bond Trustee (the "Bond Trustee"); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement of even date herewith (the "Base Lease") between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the "Lease Agreement"), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided.

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

Section 1. Findings and Determinations. The Issuer hereby makes the following findings and determinations with respect to the Company and the Bonds to be issued by the Issuer, based upon representations made to the Issuer:

(a) The Company has properly requested the Issuer's assistance in financing the costs of the Project;

(b) The Issuer's Resolution expressing the Issuer's intent to issue the Bonds is, in accordance with K.S.A. 12-1749c, hereby approved;

(c) The issuance of the Bonds for the purpose of providing funds to finance the costs of the Project is in furtherance of the public purposes set forth in the Act; and

(d) The Bonds are being issued for a valid purpose under and in accordance with the provisions of the Act.

Section 2. Authorization of the Bonds. The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$1,500,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at an interest rate and be payable at such times, and have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

Section 3. Limited Obligations. The Bonds shall be limited obligations of the Issuer, payable solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer, the State of Kansas (the "State") or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer or any charge upon its general credit or against its taxing power.

Section 4. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), and the Issuer is hereby authorized to execute and deliver each of such documents (the "Issuer Documents") with such changes therein (including the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof:

- (a) Bond Indenture;
- (b) Base Lease Agreement;
- (c) Lease Agreement; and
- (d) Bond Purchase Agreement.

Section 5. Execution of Bonds and Documents. The Mayor of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The City Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

PASSED by the Governing Body of the City of Leavenworth, Kansas this 13th day of December, 2022.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

[SUMMARY ORDINANCE FOR PUBLICATION]

(PUBLISHED IN *The Leavenworth Times* ON December 16, 2022)

SUMMARY OF ORDINANCE NO. 8206

On December 13, 2022, the governing body of the City of Leavenworth, Kansas, passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS, OF NOT TO EXCEED \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2022 (MAPS PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR 21ST CENTURY MANAGEMENT, LLC, AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The bonds approved by the Ordinance are being issued in an aggregate principal amount not to exceed \$1,500,000 for the purpose providing funds to 21st Century Management, LLC, a Kansas limited liability company to acquire certain real property, do sitework, and acquire, construct, equip and furnish a commercial flex office warehouse building together with all other facilities, improvements, and things necessary and incidental thereto, located generally at 5001 S. 13th Street in the City of Leavenworth, Kansas, and pay certain costs of issuance of the bonds. The bonds shall be limited obligations of the City of Leavenworth, Kansas, payable from lease payments to be made by 21st Century Management, LLC, in amounts sufficient to pay the principal of and interest on the bonds. The bonds and interest thereon shall not be deemed to constitute a debt or liability of the City of Leavenworth, the State of Kansas (the "State") or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City of Leavenworth, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the bonds shall not, directly, indirectly or contingently, obligate the City of Leavenworth, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 N. 5th Street. A reproduction of the original ordinance is available on the City's official website www.leavenworthks.org for a minimum of one week following the publication date of this Summary in the City's official newspaper.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

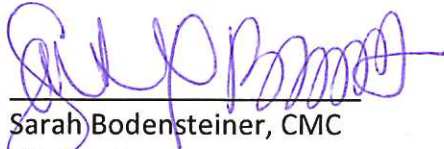
DATED: December 13, 2022.

David Waters, City Attorney

**POLICY REPORT
MAYOR, MAYOR PRO-TEM AND FINANCIAL CLAIMS REVIEWER
NOMINATIONS**

DECEMBER 13, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ACTION:

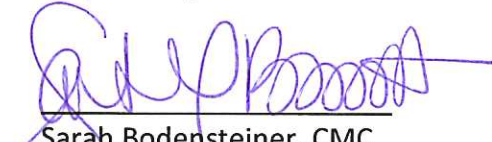
Nominations for Mayor, Mayor Pro-Tem and Financial Claims Reviewer:

1. Mayor – December 13, 2022 to December 12, 2023 **Action: Motion**
2. Mayor Pro-Tem – December 13, 2022 to December 12, 2023 **Action: Motion**
3. Financial Claims Reviewer– December 13, 2022 to December 12, 2023 **Action: Motion**

**POLICY REPORT
CEREAL MALT BEVERAGE LICENSES FOR 2023**

DECEMBER 14, 2021

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

ISSUE:

Request approval to issue Cereal Malt Beverage licenses effective January 1, 2023.

BACKGROUND:

The following 19 establishments made application for renewal of their Cereal Malt Beverage license and paid the applicable fee. The Leavenworth Police Department performed a records check and approved the applicants for renewal.

Establishment

Address

OFF PREMISE CONSUMPTION:

7-Eleven	609 Metropolitan Ave
Casey's General Store #1261	2004 Spruce St
Casey's General Store #2609	950 Eisenhower Rd
Casey's General Store #2826	2100 S 4 th St
Dillons #40	720 Eisenhower Rd
Home Town	111 N Broadway St
Minit Mart #600576	3122 S 4 th St
Murphy USA #7486	1050 Eisenhower Rd
Price Chopper #20	2107 S 4 th St
Sam's Food Mart LLC	1031 Metropolitan Ave
Star Gas	788 Spruce St
Walgreens #12923	2900 S 4 th St
Walmart #26	5000 10 th Ave

ON-PREMISE CONSUMPTION:

Abe's Place	5101 10 th Ave
Ava's Island Café	732 Shawnee St
Eddie's Grocery	1101 Spruce St
Little Bar	1431 10 th Ave
Nu Way Drive Inn	510 Shawnee
Towne Pub Restaurant	1001 Ottawa St

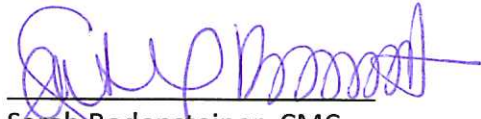
STAFF RECOMMENDATION:

Staff recommends approving the issuance of the 2023 Cereal Malt Beverage Licenses as presented.

**POLICY REPORT
CANCELLATION OF THE
DECEMBER 27, 2022 REGULAR MEETING**

DECEMBER 13, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Request cancellation of the December 27, 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:

Staff recommends cancellation of the meeting on December 27, 2022. The cancellation will be posted on the doors of City Hall and on social media.

CITY COMMISSION ACTION:

Motion to Cancel the December 27, 2022 Regular Meeting.

POLICY REPORT PWD NO. 22-55

UPDATE FOR UNSAFE STRUCTURE
717 SPRUCE STREET

December 13, 2022

Prepared by:


Harold D. Burdette,
Chief Building Inspector

Reviewed by:


Brian D. Faust
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. Staff has updated the City Commission on progress twice before.

The repairs that staff was waiting for have been completed. The window has been repaired, a furnace was installed, and the installation was inspected and approved on December 1, 2022.

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.

RECOMMENDATION

Staff recommends that the City Commission approve releasing the funds back to the property owner.

ATTACHMENT

Photo of structure

717 Spruce Street



Policy Report - Finance

Proposed Amendments to the 2022 Budget

December 13, 2022

Prepared by:



Roberta Beier
Finance Director

Approved by:



Paul Kramer
City Manager

Issue:

This Policy Report proposes a republication of the 2022 budget which will increase the expenditure authority to accommodate unanticipated expenditures for the following funds:

- Storm Water Fund
- Auto TIF Fund

According to K.S.A. 79-2929a, municipalities are authorized to amend the budget to spend money not in the original budget as long as the additional expenditures do not require additional tax levies.

Background:

In September 2021, The Commission approved and adopted the 2022 budget establishing the maximum expenditures for various funds and the amount of ad valorem taxes levied to provide funding for those expenditures.

According to Kansas Statutes, funds cannot exceed the expenditure authority without amending the budget. Budget amendments must be made from existing revenues and cannot require additional tax levies. Before proposing an amendment to the budget, there must be a notice of public hearing published in the local newspaper 10 days prior to the hearing.

A notice of Public Hearing for amending the 2022 budget was published in the Leavenworth Times on Wednesday, November 30th, 2022.

Due to circumstances that were not anticipated when the 2022 budget was originally published, the above mentioned funds will exceed their expenditure authority. Additional revenues are available to support the increased expenditures.

Recommendation:

Staff recommends that the 2022 budget for the above mentioned funds be amended as proposed. The proposed amendments require no additional tax levies.

Explanation of Amendments

Storm Water Fund

The proposed amendment would increase the Storm Water Fund's 2022 spending authority by \$200,000 to cover expenditures related to Storm Water Capital Project expenditures. The funding comes from the reserves in this fund.

Auto TIF

The proposed amendment would increase the Auto TIF spending authority by \$100,000 due to increased revenues that need to be distributed according to the terms of the TIF Development Agreements.

POLICY REPORT
RESOLUTION TO COLLECT UNCOLLECTIBLE TENANT ACCOUNTS
December 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 removing twelve (12) tenant accounts from the rent register at Planters II.

RESOLUTION:

Past due rent or damage assessments are determined to be uncollectible for various reasons. Some tenants are deceased or have been moved to nursing homes and have no ability to repay. Others have moved from the forwarding address provided to the LHA. Attempts to find or otherwise recover the money have been unsuccessful. The Resolution deletes the accounts in accordance with the procedures to keep the Housing Authority's rent register current. The process is required by the U.S. Department of Housing and Urban Development (HUD) and is included in management policy resolutions adopted for the operation of Planters II.

This housekeeping function is performed at least once each year.

COMMISSION ACTION:

Motion to adopt the attached resolution deleting uncollectable tenant accounts.

RESOLUTION NO. B-2325

A RESOLUTION AUTHORIZING CERTAIN TENANT ACCOUNTS TO BE DELETED BY THE LEAVENWORTH HOUSING AUTHORITY, LEAVENWORTH, KANSAS.

WHEREAS, Planters II, the Leavenworth Public Housing Authority operating a 105 unit low income residents is required by program regulations to annually report uncollected tenant accounts; and,

WHEREAS, the uncollected tenant accounts listed in this resolution shall be deleted.

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

Section 1. The following tenant accounts are hereby deleted:

<u>Name</u>	<u>Amount</u>
Wilma Barfield	\$ 391.88
Debra Carron	\$ 400.13
Sherry Fennel	\$ 111.97
Robert Gillaspie	\$ 2,005.73
Donald Harris	\$ 766.59
Edward Hill	\$ 1,489.28
Paul Johnson	\$ 1,181.29
Patricia Logan	\$ 518.11
Damon Perryman	\$ 418.42
Douglas Sievers	\$ 187.00
Sheri Snodgrass	\$ 2,726.32
David Wright	\$ 1,114.20

Section 2. This resolution shall be effective from and after its passage as provided by law.

PASSED AND APPROVED this 13th day of December 2022.

Mayor

{SEAL}

ATTEST:


Sarah Bodensteiner, CMC
City Clerk

**POLICY REPORT
CONSIDER COMMERCIAL INSURANCE PACKAGE FOR 2023**

DECEMBER 13, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

ISSUE:

To approve the City's Commercial Insurance Package effective January 1, 2023.

BACKGROUND:

Each year the City, in conjunction with Mike Reilly of the Reilly Company, reviews the renewal or possible bids for insurance coverage for the City. This year, our current provider Travelers, provided a renewal quote for the 2023 coverage.

Per the Premium Summary provided with the policy report, Travelers quoted a price of \$454,141.00. This is an increase of \$15,104.00 (roughly 3.5%). A 5% increase was budgeted for 2023.

Travelers has instituted a mandatory \$100,000 minimum property deductible for the perils of wind and hail. Currently, the wind and hail deductible is \$50,000. As such, the Reilly Company has gone to market to get a deductible buy-down option, which would reduce the deductible back to \$50,000.

The City's insurance broker, Mike Reilly will review the quote and the buy-down option, and answer any questions the Commission may have.

ACTION:

Motion to approve the 2023 commercial insurance package with Travelers in the amount of \$454,141.00.

OR

Motion to approve the 2023 commercial insurance package with Travelers to include the buy-down option.

ATTACHMENTS:

- Premium Summary

PREMIUM SUMMARY

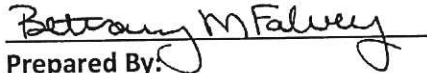
DESCRIPTION OF COVERAGE	TRAVELERS 2022-23	TRAVELERS 2023-24
Property & Earthquake	\$134,342	\$134,404
Commercial Inland Marine	\$ 8,004	\$ 8,004
Commercial General Liability	\$ 58,481	\$ 52,237
Crime	\$ 1,289	\$ 1,289
Commercial Automobile	\$111,688	\$129,404
Public Officials E & O	\$ 18,698	\$ 17,405
Law Enforcement Liability	\$ 56,147	\$ 57,982
Public Entity Employment Practices Liability	\$ 29,058	\$ 29,855
Umbrella Excess Liability	\$ 16,356	\$ 17,243
Cyber Liability	\$ 4,974	\$ 6,318
Package Total	\$439,037	\$454,141

POLICY REPORT
Agreement between Kansas State Historic Preservation Officer
and City of Leavenworth

December 13, 2022

SUBJECT:

Consider agreement between the Kansas State Historic Preservation Officer and the City of Leavenworth for performance of project reviews under KSA 75-2724



Prepared By:
Bethany Falvey
City Planner



Reviewed By:
Paul Kramer
City Manager

DISCUSSION

Under KSA 75-2724, as amended, the State Historic Preservation officer (SHPO) may enter into an agreement authorizing a city or county to make recommendations or to perform certain statutory responsibilities of the SHPO if a city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program.

The City of Leavenworth meets all of the aforementioned requirements, and first entered into an agreement with the Kansas State Historic Preservation Officer to perform statutory reviews in 2000. The agreement is renewable every five years, and this is a five-year extension of the agreement currently in place.

ACTION:

Approve agreement between the Kansas State Historic Preservation Officer and the City of Leavenworth for performance of project reviews.

**Agreement between the Kansas State Historic Preservation Officer
and City of Leavenworth, Kansas:
Performance of project reviews under K.S.A. 75-2724, as amended**

Under subsection (e) of K.S.A. 75-2724, as amended, the State Historic Preservation Officer may enter into an agreement authorizing a city or county to make recommendations or to perform certain statutory responsibilities of the State Historic Preservation Officer if the State Historic Preservation Officer determines that the a city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission, and is actively engaged in a local historic preservation program.

Whereas the City of Leavenworth, Kansas, hereinafter referred to as the "City," has requested that the State Historic Preservation Officer enter into such an agreement, and whereas the State Historic Preservation Officer has determined that the City meets the requirements of K.S.A. 75-2724 (e), therefore the City and the State Historic Preservation Officer hereby agree to the following terms:

1. The City's historic preservation board, known as the Leavenworth Preservation Commission hereafter referred to as "Board," shall perform all responsibilities of the State Historic Preservation Officer under K.S.A. 75-2724 (a), (b) and (c) , as amended. For all projects within the City that are required by said statute to be sent to the State Historic Preservation Officer, the Board shall review and make a determination. If a particular professional discipline such as archeology, architecture or history is not represented on the Board, it shall seek professional advice from the State Historic Preservation Officer or locally as needed in that area when reviewing projects under K.S.A. 75-2724 (a). The State Historic Preservation Officer retains the responsibility to review projects affecting or directly involving historic properties owned by the state of Kansas included in the National Register of Historic Places or the Register of Historic Kansas Places.
2. The City shall develop a list of project types proposed for administrative review by the City's preservation planning staff to address minor projects that do not warrant full review by the Board. The City shall submit the list, along with the name(s) of staff designated to perform the reviews, to the State Historic Preservation Officer for approval prior to its adoption. City staff shall not be granted the authority to make the determination that a proposed project will damage or destroy any historic property included on the National Register of Historic Places or the Register of Historic Kansas Places. When such a determination is likely to be made under an administrative review, that project shall be submitted to the Board which shall make the official determination.
3. The Board and City staff shall utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for Rehabilitating Historic Buildings and supplemental guidelines, as needed, as the basis for reviewing all projects. The State Historic Preservation Officer shall approve in advance all other supplemental guidelines utilized. To ensure consistent use and understanding of these Standards and Guidelines, preservation planning staff and preservation Board members shall attend training annually that further their understanding of preservation-related topics and issues. Training may be provided by staff of the State Historic Preservation Office from time to time.
4. The Board or City staff may request the technical assistance of the State Historic Preservation Office for complex projects. The State Historic Preservation Office shall respond with written comments to the Board or City staff upon such request.
5. The Board shall forward its findings and decisions to the State Historic Preservation Officer on a monthly basis or at the time of submission of the minutes of each meeting of the Board, whichever is applicable. If the Board determines that a proposed project will damage or destroy any historic property included on the National Register of Historic Places or the Register of Historic Kansas Places, the Board shall advise the State Historic Preservation Officer, in writing, of such finding through regularly submitted minutes.

6. Determinations by the Board that a project will damage or destroy any historic property may proceed if appealed by the applicant to the Leavenworth City Commission, for action as provided under subsection (a) of K.S.A. 75-2724. In those instances where the decision of the Commission is contrary to the findings of the Board, the project shall not proceed until: (1) the City Commission has made a determination that there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to such historic property resulting from such use and (2) five days' notice of such determination has been given to the State Historic Preservation Officer as required by K.S.A. 75-2724 (a).
7. This agreement shall be in effect for five years from the date of execution by both parties and shall be renewable for additional five-year terms at the option of both parties.
8. Amendments to this agreement will be in effect upon their signed acceptance by the City and the State Historic Preservation Officer.
9. Either party may terminate this agreement for good cause upon ninety days written notice to the other party.
10. As provided in K.S.A. 75-2724 (e), the State Historic Preservation Officer shall retain final authority to implement the provisions of K.S.A. 75-2724 et seq., as amended. Nothing in this agreement shall be construed as limiting the authority of the State Historic Preservation Officer to investigate, comment, and make determinations otherwise permitted by K.S.A 75-2724.

Date

Authorized representative of the City of Leavenworth

Date

State Historic Preservation Officer

**POLICY REPORT PWD NO. 22-56
POLY-CART TIPPERS FOR REFUSE TRUCKS**

December 13, 2022

Prepared by:



Brian Faust, PE
Director of Public Works

Reviewed by:



Paul Kramer
City Manager

ISSUE:

Consider the purchase of six (6) poly-cart tippers along with truck modifications and installation of the tippers on the City's six (6) rear-load refuse trucks. The purchase and installation of the poly-cart tippers are needed as the City transitions from manual refuse collection to a hybrid system that utilizes both poly-carts and manual collection.

BACKGROUND:

During the October 4, 2022 Work Session, the City Commission provided a consensus to staff to move forward with the hybrid approach to solid waste collection. Staff developed specifications and bid the poly-cart tippers, the needed modifications to the trucks along with the installation of the equipment. The bids were advertised plus the City notified five (5) equipment companies that would likely be able to provide the tippers. Bids were opened on November 30, 2022.

The City received one (1) bid from Elliott Equipment Company. A second company planned to bid, but notified staff on November 30th that they were unable to submit due to a personal issue.

Bid Received for equipment and installation:

Elliott Equipment Company: \$61,158.00
Staff Estimate: \$72,000.00

BUDGET IMPACT:

Funding for the tippers will be from the American Rescue Plan Act (ARPA).

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the purchase, truck modifications and installation of the poly-cart tippers from Elliott Equipment Company in an amount of \$61,158.

ATTACHMENT:

Bid from Elliott Equipment Company
Bid Specifications

CITY OF LEAVENWORTH KANSAS
SOLID WASTE DIVISION
POLY-CART TIPPERS and INSTALLATION BID Tab
BID #01RF-2022-04

Vehicle	Description	Price
3383	2015 Freightliner - Magnum	\$ 11,950.00
3384	2006 Freightliner - Heil	\$ 12,442.00
3385	2018 Freightliner - Magnum	\$ 11,950.00
3386	2019 Freightliner - Magnum	\$ 11,950.00
3387	2022 Freightliner - Magnum	\$ 6,433.00
3388	2020 Freightliner - Magnum	\$ 6,433.00
Total		\$ 61,158.00

* Pricing includes longer kick bar arms
If using existing arms deduct <\$ 2,750.00> total

FIRM SUBMITTING BID:

Elliott Equipment Company

ADDRESS:

14001 Bots Rd.

CITY, STATE & ZIP CODE:

Grandview, MO 64030

AUTHORIZED SIGNATURE:

[Signature]

TITLE:

Vice President

TELEPHONE NUMBER:

(816) 761-4840 Ext. 2401

EMAIL:

kevinh@elliottequipco.com

DATE:

11/16/2022

DATE BID EXPIRES:

12/30/2022

SPECIAL NOTES:

* - See above regarding longer kick bar arms for each truck. Deduct is for total bid if using existing ones.

NON- COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, say that he/she has not, nor has any other member, representative, or agent of the firm company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone such letting nor to prevent any person from bidding nor to include anyone to refrain for bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/ She further says that no person or persons, firms or corporation has; have to will receive directly, any rebate, fee gift, commission or thing of value on account of such of sale.

OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

Dated this 16th day of November, 2022

Elliott Equipment Company
(Name of Organization)

Vice President
(Title of person signing)

[Signature]
(Signature)

ACKNOWLEDGEMENT

STATE OF Missouri)

)SS

COUNTY OF Jackson)

Before me, a Notary Public, personally appeared the above name and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to me this 16 day of November, 2022

[Signature]
Notary Public Signature

My Commission Expires: Dec 8, 2025

LISA HILGENDORF
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Jackson County
My Commission Expires: Dec. 8, 2025
Commission Number 13534799

**Purchasing Office
100 North 5th Street
City Hall
Leavenworth, Kansas 66048
(913) 684-0348
Invitation to Bid
For: Poly Cart Tippers and Installation Bid**

Sealed bids will be received prior to the time and date specified below. Time will be defined as the prevailing local time. Sealed bids received after said time and date will not be considered. Please make sure you have included a notarized non-collusion affidavit.

BID # 01RF-2022-04

Bid Opening:

Date: November 30,2022

Time: 3:00 P.M.

**Place: Leavenworth City Hall
2nd Floor Conference Room
100 N. 5th Street
Leavenworth, KS 66048**

CITY OF LEAVENWORTH KANSAS
SOLID WASTE DIVISION
POLY-CART TIPPERS and INSTALLATION BID
NOTICE TO BIDDERS
BID #01RF-2022-04

The City of Leavenworth will accept bids for the purchase of poly-cart tippers and installation on our trucks for use by the Solid Waste Division according to the attached specifications. Bidders are expected to examine the specifications and all special and general conditions. **FAILURE TO DO SO WILL BE AT THE BIDDER'S RISK.**

This letter will serve as our invitation to submit a bid for the tippers and installation to the City of Leavenworth Purchasing Office. Bids must be submitted on a form provided by the City (page 4), signed by an authorized person and placed in a sealed envelope addressed to the Purchasing Office. **CLEARLY MARK ON THE ENVELOPE BID #01RF-2022-04.**

The City of Leavenworth is Tax-Exempt. Tax-Exempt #KS2EC23FC2. Federal, State and local taxes will not be paid on the purchase price.

The City of Leavenworth reserves the right to reject any or all bids and make multiple awards. The city also reserves the right to waive minor technicalities. The acceptance of a bid within sixty (60) days by the issuance of a Purchase Order will constitute a valid contract. The purchase of tippers and installation must be completed by May, 2023.

The items under this bid will be warranted for one full year. Failure to warrant item or failure of an item to meet specifications under this bid is cause for vendor to lose their rights to bid on any future products for the City of Leavenworth.

The bids will be due to the City Clerks off by 3pm on November 30th, 2022. The bid opening will be at 3pm in the 2nd floor conference room of City Hall. **NO FAXED BIDS WILL BE ACCEPTED.**

Non-Collusion Affidavit attached with this bid must be filled out, notarized and submitted with your bid.

FAILURE TO FOLLOW THESE PROCEDURES IS CAUSE FOR REJECTION OF THE BID.

If you have any questions concerning this bid, please contact Stephanie Alexander, Purchasing Agent at City Hall, 100 N. 5th Street, Leavenworth, KS 66048 phone # (913) 684-0348.

CITY OF LEAVENWORTH KANSAS
 SOLID WASTE DIVISION
 POLY-CART TIPPERS and INSTALLATION BID
 SPECIFICATIONS
 BID #01RF-2022-04

The Solid Waste Division of the City of Leavenworth needs to purchase six (6) poly-cart tippers and trash truck modifications to install one (1) poly-cart tipper on each of the six (6) rear loaders. Four (4) of the trucks will need to have the rear sill extended to accommodate the tippers.

The following is a list of the trucks and details:

<i>Vehicle #</i>	<i>YEAR</i>	<i>MAKE</i>	<i>MODEL</i>	<i>BODY</i>
3383	2015	FREIGHTLINER	M2-112	MAGNUM 13448M
3384	2006	FREIGHTLINER	M2-106	HEIL 612-3204 s/n FP5801335
3385	2018	FREIGHTLINER M2	114SD	MAGNUM 15532M
3386	2019	FREIGHTLINER M2	M2-106	NEW WAY COBRA MAGNUM 17477M
3387	2008	FREIGHTLINER	M2-106	NEW WAY COBRA MAGNUM 22876M
3388	2020	FREIGHTLINER	M2-106	NEW WAY COBRA MAGNUM 18547M

- (6) poly cart tippers installed on our (6) rear loaders with clearance for the dumpster tipper bar as in attached picture.

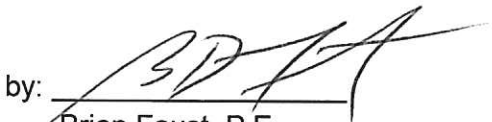
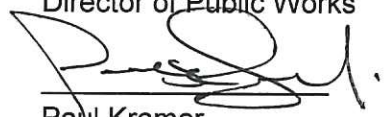


- **(1) Cart Tipper per truck, offset to the passenger side of the truck so we can install another in the future if desired.**
- **(4) Trucks will need the rear sill extended to accommodate the tipper.**
- **(5) Trucks will need a handle installed.**
- **All (6) have available valves.**
- **Tippers shall be designed to lift and tip fully loaded poly-carts/roll-out carts (ROC) that will vary in size from 32 and 96 gallons. Tippers shall be compatible with ANSI type B & G containers.**
- **Tippers shall be ANSI certified.**
- **Trucks will be "swapped out" 1 at a time as work is completed. All work should be complete by May.**

**POLICY REPORT NO. 22-54
WATER POLLUTION CONTROL (WPC) DIVISION
PURCHASE OF ULTRAVIOLET LAMPS FROM EPEC WATER**

December 13, 2022

Prepared by: 
Tim Guardado
WPC Superintendent

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

Paul Kramer,
City Manager

ISSUE:

Consider the purchase of 480 Low-Pressure, High-Volume Ultraviolet (UV) Lamps and Associated parts to replace all lamps in Channel #3 of our Trojan 3000plus UV system.

BACKGROUND:

The Ultraviolet disinfection system was placed in service in 2012. New lamps are warranted for 12,000 hours or 36 months from the date of purchase. The current lamps were replaced in 2017 and have 11,647 hours on them.



UV Channel



UV Lamps

In an effort to save on the cost of replacing lamps, the City has maintained a steady flow to UV system by installing Variable Speed Drives (VSDs) for several of our upstream pumps. This has resulted in less on and off cycles for the lamps meaning fewer hour and fewer chances of lamps and ballast burning out. Staff has also worked with Ray Lindsey Company to reprogram the lighting controller. This adjusted the number and intensity of the lamps that are on at any one time, further

reducing hours on the lamps and extending their operational life. These efforts have bought another couple of years on each channel.

Parts requiring replacement:

- 480 Wiper Seal Kits
- 480 Lamps
- 48-10 Pack Sleeve Sealing O-Ring

WPC City staff will remove and replace lamps to eliminate 3rd-party installation costs.

City staff has looked for Cooperative pricing with the Mid-America Regional Council. We have found no such contracts out there. Staff has also looked at using a 3rd party that can provide lamps meeting the equipment specifications.

Lamps Vendors Contacted:

- 1) UV Doctor – We requested sample lamps. Twice the sample lamps arrived damaged. The one sample light we were able to use was installed on September 29, 2022. On November 1, 2022, the lamp was reading in our system as failed.

Quote:\$109,440

- 2) EPEC Water – We requested sample lamps. The lamps were packaged exceptionally well. We installed these lamps on October 30, 2022. To this point they are still working.

Quote:\$88,440

- 3) Trojan UV – Company that makes the system. Never had any problems with their lamps.

Quote:\$141,288

Lamp warranty:

- Vendors 1 and 2 vendors: 0 – 12,000 hours, lamps will be replaced for free.
- Vendor 3 - Prorated by hours

BUDGET IMPACT:

The 2022 Budget included \$100,000 for replacement of the UV lamps in Channel #3. Funding is from the Sewer Fund Operating Budget. There is also funding in 2023 for replacement of the next (last) channel of lamps.

STAFF RECOMMENDATION:

The Staff recommends the City Commissioners approve the purchase of 480 UV lamps with the associated parts and supplies from EPEC Water for a not-to-exceed cost of \$88,440. City staff will install the lamps and monitor the performance of the 3rd party vendor over a six-month period. Based on their performance, staff will determine if they are more cost effective and meeting our permit requirements compared to the original manufacturer.

OPTIONS/ALTERNATIVES: The City Commission can accept the bid as recommended by City Staff, select a different supplier, or reject the bids.

ATTACHMENTS:

Quotations from the 3 Vendors
2022 CIP Sheet with funding identified



A TROJAN TECHNOLOGIES BUSINESS

A division of Trojan Technologies Group ULC
 3020 GORE ROAD
 LONDON, ONTARIO, CANADA N5V 4T7
 T 519.457.3400 F 519.457.3030 www.trojanuv.com

QUOTE

Original

QUOTE FOR: CITY OF LEAVENWORTH - WPC
 1800 2ND AVE
 LEAVENWORTH, KS
 66048-4464
 UNITED STATES

SHIP TO: CITY OF LEAVENWORTH - WPC
 1800 2ND AVE
 LEAVENWORTH, KS
 66048-4464
 UNITED STATES

FOR CUSTOMER SERVICE, CONTACT
 VOICE -
 FAX -
 EMAIL -

FORWARD AGENT:
 CUSTOMER #: 091071
 QUOTE #: 128404
 QUOTE DATE: 06-20-2022
 REFERENCE: PN 511771
 LOB: W97 AFTERMARKET PARTS

We thank you for your inquiry.

QTY	UNIT	ITEM	PRICE	UNIT	AMOUNT
<p>TIM GUARDADO TGUARDADO@FIRSTCITY.ORG 913-758-6636</p>					
480.00	EA	794447-ORD LAMP, GA64T6HE ANGLE BASE Patent No. 8,167,654 and Canadian Patent No. 2,613,147	260.10EA	0	124848.00
48.00	EA	316144P O-RING, SLEEVE SEAL UV3+	2.50EA	0	120.00
480.00	EA	327122 SEAL KIT, UV3+ PLAST CANISTER	34.00EA	0	16320.00
1.00	EA	FREIGHT FREIGHT		0	

GOODS	COSTS	TOTAL USD
141288.00		141288.00

DELIVERY TERMS: NO URGENCY FOR DELIVERY

PAYMENT TERMS:

FREIGHT MAY BE ADDED TO THE TOTAL OF THIS QUOTE ONLY IF REQUESTED.

SUBJECT TO SALES TAX, WHERE APPLICABLE. Tax to be included if not tax exempt.

GST# R105405385

THIS QUOTE EXPIRES: 07-20-2022

U.S. CUSTOMERS MUST PROVIDE SHIP TO'S FEDERAL I.D. #'s

FOR SHIPPING PURPOSES UPON RECEIPT OF A FORMAL PURCHASE ORDER.

SOLD:

SHIP:



Date Jul 18, 2022

Leavenworth KS WWTP
Tim Guardado
1800 South 2nd Street
Leavenworth, KS 66048

QUOTE # LEAVENWORTHKS7-19

Please review the quote:

Line	Qty	Part #	Description	USD Price	Ext. Price
1	480	UVDRX 1605A	GIA1570T6LCA/2S13/CB-034 - Trojan 3000Plus Lamp # 794447-ORD Replacement	\$175.00	\$84,000.00
2	480	UVDRX 1658	Quartz sleeve O-ring - Trojan 3000Plus #316144 Replacement	\$2.00	\$960.00
3	480	327122	Wiper Seal Kits	\$51.00	\$24,480.00
Total				\$109,440.00	

Delivery: 4 to 6 weeks. Due to Covid-19, delivery times may vary.

Protocol and Warranty:

Send UV Doctor your used ballast and we will completely rebuild it replacing all components with the capacity for failure including all transformers, resistors and solder points. We will ship your rebuilt ballast back to you. UV Doctor will guarantee performance to OEM specifications for a period of 3 years. ONE year with free replacement for failure and prorated after that.

Payment Terms: Net 30 with approved credit. new customers please fax references

Shipping Terms: FOB Newport WA

Quote is valid for 90 days and is subject to the terms and conditions attached.

Sincerely,

Teresa Reed

209 S. WASHINGTON AVE. NEWPORT WA 99156
TEL: (509) 447-5800 - FAX: (509) 447-5822



Environmental Process Equipment Company

15954 S Mur-Len Rd. #292
Olathe, KS 66062
www.epecwater.com
Phone: (913) 238-2038

QUOTATION

Date: 12/7/2022

To: City of Leavenworth
Attention: Tim Guardado
From: Joe Foster
Subject: UV Parts
Quote Number: 11012022-1

Part No.	Description	Qty	Unit Price	Line Total
LPL-0095	240 Watt ORD Trojan	480	121.25	58,200
APL-0100	Sleeve O-rings	480	.50	240.00
WS-278	Wiper Seal Kits	480	62.50	30,000
			Subtotal	88,440.00
			Sales Tax	
			Total	88,440.00

VALIDITY: 30 days from quotation date.
FREIGHT: FOB manufacturing site with freight allowed to jobsite.
TAXES: Pricing does not include sales, regional, use or any other applicable taxes.
TERMS: Net 30 days.
START-UP / TRAINING: Included

If there are any questions regarding this proposal, please do not hesitate to contact the undersigned for discussion.

Best Regards,
Joe Foster
Environmental Process Equipment Company
913-238-2038
jfoster@epecwater.com

**Capital Improvements Program
2022-2026
Sewer Improvements - UV Lamp Replacement**

Purpose: The annual allocation is for the replacement of the UV lamps. This will conclude in 2023.


Impact on Operating Budget: The entire allocation for the UV Lamp Replacement is funded by the Sewer Fund Operating Budget per the below schedule. The UV Lamp Replacement will have no impact on the operating budget in future years.

Source	Comments	Year	Requested	Projected
Sewer Fund Operating Budget		2022	\$ 100,000	\$ 100,000
Sewer Fund Operating Budget		2023	100,000	100,000
		2024	-	-
		2025	-	-
		2026	-	-
			\$ 200,000	\$ 200,000

Uses		Year	Requested	Projected
Maintenance	UV Lamp Replacement	2022	\$ 100,000	\$ 100,000
Maintenance	UV Lamp Replacement	2023	100,000	100,000
		2024	-	-
		2025	-	-
		2026	-	-
			\$ 200,000	\$ 200,000

**POLICY REPORT
ACCEPT LOW BID FOR PLANTERS II FOR PREPPING AND PAINTING WALLS,
CEILINGS AND DOORS ON FLOORS 2 THROUGH 10
DECEMBER 13, 2022**


PREPARED BY:


Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:


Julie Hurley, Executive Director
Planning & Community Development

APPROVED BY:


Paul Kramer
City Manager

ISSUE:

Review and award of bid for prepping and painting all walls, ceilings and doors on floors 2 through 10. The paint on the walls in these areas has exceeded its lifespan.

REVIEW OF QUOTATIONS:

The Housing Manager, Andrea Cheatom, received quotes as stated below:

- | | |
|-----------------------|--------------|
| 1. Swann Painting | \$60,110.00 |
| 2. 3R Painting LLC | \$152,856.00 |
| 3. E. L. Construction | \$63,450.00 |

The Leavenworth Housing Authority contacted three companies to supply a proposal for the specified work. All three companies responded and provided a proposal. Procedure was performed in accordance with HUD's procurement policy. Proposal was also given in compliance with Davis-Bacon wages.

STAFF RECOMMENDATION:

Staff recommends that the quote of \$60,110 be awarded to Swann Painting.

BUDGET IMPACT:

There are sufficient funds available in the Capital Fund Program grant for Planters II for this project.

COMMISSION ACTION:

Acting as the Housing Authority, authorize the low quotation for prepping and painting walls, ceilings and doors on floors 2 through 10 of Planters II of \$60,110.00 to Swann Painting.

LEAVENWORTH HOUSING AUTHORITY
REQUEST FOR QUOTATION
PREPPING AND PAINTING WALLS, CEILINGS AND DOORS ON FLOORS
2 THROUGH 10 AT PLANTERS II BUILDING AT 200 SHAWNEE ST,
LEAVENWORTH, KS 66048

TOTAL PRICE FOR THIS PROJECT: \$63,450.00

LIST OF REFERENCES ATTACHED: COMPLY YES NO

ABLE TO PROVIDE INSURANCE AS SPECIFIED IF AWARDED CONTRACT COMPLY YES NO

COMPANY SUBMITTING QUOTATION: E.L Construction

ADDRESS: PO BOX 901185 KC, MO 64190

CITY, STATE, ZIP CODE: KC, MO 64190

PHONE NUMBER: 816-868-2299 FAX NUMBER: _____

AUTHORIZED SIGNATURE: Rafael Tormes

PRINTED NAME: Rafael Tormes

DATE QUOTATION EXPIRES: 1/31/2023

SPECIAL NOTES: _____

- ACKNOWLEDGE RECEIPT OF DAVIS-BACON WAGE DETERMINATION: YES NO
- ACKNOWLEDGE RECEIPT OF HUD FORM 5370-EZ, General Contract Conditions for Small Construction/Development Contracts YES NO
- ACKNOWLEDGE RECEIPT OF TABLE 5.1, Handbook No. 7460.8 REV 2 YES NO
- ACKNOWLEDGE RECEIPT OF SECTION 3-Required Contract Language YES NO

Tormes Enterprises
 PO Box 901185
 Kansas City, MO 64190
 816-868-2299
 rt1.elc@gmail.com

Proposal

ADDRESS

Andrea Cheatom
 Planters 2
 200 Shawnee St
 Leavenworth, KS 66048

PROPOSAL # 1970

DATE 12/02/2022

EXPIRATION DATE 01/31/2023

ACTIVITY	DESCRIPTION	AMOUNT
Drywall	-Repair drywall as needed to include holes, popping joints, nail pops, imperfections, etc ***This estimate includes small repairs and not re doing original work that may not have been done to satisfaction*** ***All work described above goes for all 9 floors in the building***	0.00
Interior Painting	-Caulk door frames as needed (approx 16 tenant doors, 2 fire doors, 2 elevator doors) -Paint door frames as needed with Sherwin Williams Pro Mar 200 oil based enamel in a satin finish(approx 16 tenant doors, 2 fire doors, 2 elevator doors) *Frames and doors to have 2 coats of paint* -Paint all walls in the 2 hallways, laundry rooms and foyer with Pro Mar 200 latex paint in an egg-shell finish -The walls will be a base coat and the columns down each hallway will be a secondary color -Apply stain blocker on any water spots on the ceiling in the foyer -Paint ceiling with ceiling white paint in a flat finish -Add an 18" stencil of the floor number in the foyer wall -Foyer and laundry room to have one accent wall ***All work described above goes for all 9 floors in the building***	0.00
Clean up	-Clean up all masking material used during the project and haul off	0.00
Disclaimer	* For any color changes, additional charges may occur due to extra labor and paint, to cover existing. * Any unseen repairs needed and not included in proposal will be charged by materials and time. *Carpet and cove base to be demolished before painting takes place *Estimate includes light touch ups after the carpet has been installed *Estimate includes working at the pace of one floor at a time *Estimate includes collaborating with flooring contractor to keep a good order of progress *This estimate is for prevailing wages	0.00

ACTIVITY	DESCRIPTION	AMOUNT
Total	*This estimate includes liability insurance and workman's compensation This estimate includes all labor and materials unless otherwise stated in the line item	63,450.00

.....

We carry full liability and worker's compensation insurance for your protection.

TOTAL

\$63,450.00

Accepted By

Accepted Date

LEAVENWORTH HOUSING AUTHORITY
REQUEST FOR QUOTATION
PREPPING AND PAINTING WALLS, CEILINGS AND DOORS ON FLOORS
2 THROUGH 10 AT PLANTERS II BUILDING AT 200 SHAWNEE ST,
LEAVENWORTH, KS 66048

TOTAL PRICE FOR THIS PROJECT: \$ 60,110⁰⁰

LIST OF REFERENCES ATTACHED: COMPLY YES NO


ABLE TO PROVIDE INSURANCE AS SPECIFIED IF AWARDED CONTRACT COMPLY YES NO

COMPANY SUBMITTING QUOTATION: Swann Painting

ADDRESS: 410 S. 7th

CITY, STATE, ZIP CODE: Leavenworth, KS 66048

PHONE NUMBER: 913-651-6400 ^{mobile} FAX NUMBER: 913-954-1515

AUTHORIZED SIGNATURE: 

PRINTED NAME: Ed Pruitt

DATE QUOTATION EXPIRES: 11-22-23

SPECIAL NOTES: _____

ACKNOWLEDGE RECEIPT OF DAVIS-BACON WAGE DETERMINATION: YES NO

ACKNOWLEDGE RECEIPT OF HUD FORM 5370-EZ, General Contract Conditions for Small Construction/Development Contracts YES NO

ACKNOWLEDGE RECEIPT OF TABLE 5.1, Handbook No. 7460.8 REV 2 YES NO

ACKNOWLEDGE RECEIPT OF SECTION 3-Required Contract Language YES NO

PROPOSAL



SWANN PAINTING CO. LLC

"QUALITY NAME IN PAINTING"

ESTABLISHED 1970

COMMERCIAL - RESIDENTIAL *** INTERIOR - EXTERIOR

410 SO. SEVENTH STREET-----913-651-6400-----LEAVENWORTH, KANSAS 66048



PROPOSAL TO:	Leavenworth Housing Authority	WORK PHONE	DATE
ADDRESS:	200 Shawnee St.	CELL PHONE-----	
CITY-STATE-ZIP:	LEAV., KS. 66048	FAX NUMBER-----	
		E-MAIL -----	

WWW.SWANNPAINTING.COM

LABOR AND MATERIAL FOR INTERIOR PAINTING AT -

INCLUDES:

- * WALLS - * PATCH AND REPAIR ANY VOIDS, SCRATCHES AND CRACKS
 - * PRIME REPAIRED AREAS AS NEEDED
 - * PAINT ALL AREAS - TWO COATS EGGSHELL FINISH - "PRO-MAR 200"
- * APPLY SEALER (KILZ) TO ANY WATER STAINS - TO PREVENT FUTURE BLEED THRU

Scope of work

- Paint all hallways and doorways on floors 2-10
- Paint all elevator doors and frame floors 2-10
- Paint all walls and door frames in all laundry rooms- remove wall coverings in all laundry rooms
- Paint all fire and roof access doors on floor 10
- Patch, repair and sand any voids, scratches and cracks in laundry room and floors 2-10 as needed
- Touch-up paint all ceilings in elevator lobbies, laundry rooms and where needed floors 2-10
- Apply sealer (Kilz) to any water stains on ceilings in elevator lobbies, laundry rooms and where needed on floors 2-10

Body paint color to be Sherwin Williams #7567 Natural Tan Eggshell

Accent color to be Sherwin Williams #0008 Cajun Red Eggshell

Swann will provide all paint and supplies to complete our scope of work

Swann Painting will cleanup our refuse daily

Prevailing wages with weekly reports as needed

WWW.SWANNPAINTING.COM

WE PROPOSE TO COMPLETE THE WORK AS OUTLINED AND SPECIFIED ABOVE FOR THE SUM OF:

DOLLARS \$ 60,110.00



TAX WHERE APPLICABLE - NOT INCLUDED

Quality of all material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard trade practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written agreement, and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Owner to carry fire, weather related and other necessary insurance. Swann Painting Co. is fully covered by workman's comp., and business liability insurance.

authorized signature:

ROBERT E. SWANN JR

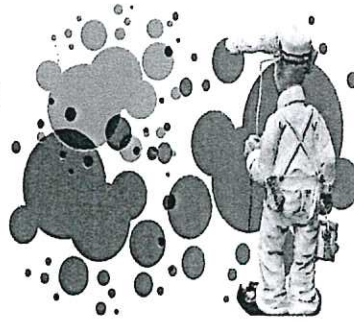
ACCEPTANCE OF PROPOSAL: THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED

TO COMPLETE THE ABOVE WORK AS SPECIFIED. PAYMENT WILL BE MADE AT COMPLETION OF JOB.

SIGNATURE:

SIGNATURE:

3R PAINTING LLC
Interior, Exterior
Residential / Commercial
* Licensed & Insured *
(913) 433-1363
Rito R Rosales



Leavenworth Housing Authority
200 Shawnee St
Leavenworth,KS. 66048

Date: 10 / 25 / 2022

INTERIOR PAINTING QUOTE

SCOPE OF THE WORK

- Hallway : walls color SW #7567 Natural Tan. Hallway columns accent color SW #0008
- Laundry Room : walls SW#7567 (one wall accent)SW# 0008
- Lobby : walls color SW #7567, soffits accent color SW# 0008
- Elevators : doors and door frames accent color SW# 0008
- Fire doors and Laundry room doors :accent color SW#0008
fix the scratches , primer and paint
- Door frames : accent color SW# 0008
- Ceiling lobbies :(Kilz primer to any water stain) Touch up paint.

Special Notes

Tape and plastic to protect lights, wood doors, glass windows, fire alarms , railings, everything as necessary.

Primer , spackling , Caulking where needed. Fixing cracks on the walls.

The color of the paint will be chosen by the owner.

Two coats of paint . Sherwin Williams Paint.

Materials and paints are included in the price.

Total of hallways : 9

PRICE: \$16,984 per hallway

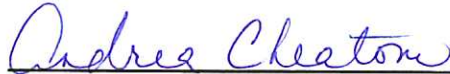
TOTAL:\$152.856.00

-----74-----
owner Signature

3R Painting LLC.

**POLICY REPORT
ACCEPT LOW BID FOR PLANTERS II REMOVAL AND INSTALLATION OF ALL
FLOORING AND COVE BASE ON ALL FLOORS 2 THROUGH 10
DECEMBER 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:

Review and award of bid for the replacement of flooring and cove base at Planters II to include hallways, laundry rooms and elevator lobbies on floors 2 through 10.

REVIEW OF PROPOSALS:

Proposals were received by Andrea Cheatom, Housing Manager, at the Leavenworth Housing Authority. Following are the proposals received:

- | | |
|----------------------------|-----------------|
| 1. Seifert's Flooring Inc. | \$101,655.72 |
| 2. Midwest Carpet Center | \$106,630.85 |
| 3. Purecraft LLC | Declined to bid |

The Leavenworth Housing Authority contacted five companies to supply a proposal for the specified work. Three companies responded and only two provided a proposal. Procedure was performed in accordance with HUD's procurement policy. Proposal was also given in compliance with Davis-Bacon wages.

STAFF RECOMMENDATION:

Staff recommends that the proposal of \$101,655.72 be awarded to Seifert's Flooring, LLC.

BUDGET IMPACT:

There are sufficient funds available in the Capital Fund Program grant for Planters II for this project.

COMMISSION ACTION:

Acting as the Housing Authority, authorize the low proposal for the removal and installation of all flooring on floors 2 through 10 of Planters II of \$101,655.72 to Seifert's Flooring LLC.

LEAVENWORTH HOUSING AUTHORITY
REQUEST FOR QUOTATION

REMOVAL AND INSTALLATION OF ALL FLOORING AND COVE BASE IN ALL
COMMON AREAS ON FLOORS 2 THROUGH 10 AT PLANTERS II BUILDING AT 200
SHAWNEE ST, LEAVENWORTH, KS 66048

TOTAL PRICE FOR THIS PROJECT: 101,655⁷²

LIST OF REFERENCES ATTACHED: COMPLY YES NO

ABLE TO PROVIDE INSURANCE AS SPECIFIED IF AWARDED CONTRACT COMPLY YES NO

COMPANY SUBMITTING QUOTATION: SEIFERT'S FLOORING INC

ADDRESS: 18025 FAIRMOUNT RD

CITY, STATE, ZIP CODE: LEAVENWORTH, KS 66048

PHONE NUMBER: 913-724-3777 FAX NUMBER: 913-724-1818

AUTHORIZED SIGNATURE: 

PRINTED NAME: MARK W. SEIFERT

DATE QUOTATION EXPIRES: 1/1/2023

SPECIAL NOTES: _____

ACKNOWLEDGE RECEIPT OF DAVIS-BACON WAGE DETERMINATION: YES NO

ACKNOWLEDGE RECEIPT OF HUD FORM 5370-EZ, General Contract Conditions for Small Construction/Development Contracts YES NO

ACKNOWLEDGE RECEIPT OF TABLE 5.1, Handbook No. 7460.8 REV 2 YES NO

ACKNOWLEDGE RECEIPT OF SECTION 3-Required Contract Language YES NO

***Please return Quotation Form on or before November 30, 2022.**

SEIFERT'S FLOORING, INC.

PHONE: 913.724.3777
FAX: 913.724.1818

18025 FAIRMOUNT ROAD
TONGANOXIE, KS 66086

THE SCOPE OF WORK BEING BID IS
9 FLOORS OF CARPET IN THE HALLWAYS
WITH 4" BARS AND TEND OUT

9 FLOORS OF LVT IN THE COMMON AREAS WITH 4" BARS
8 FLOORS OF LVT IN UTILITY ROOMS WITH 4" BARS

ALL AREAS TO BE TORN OUT AND DISPOSED OF WITH AN
ON SITE DUMPSTER SUPPLIED BY SEIFERT'S FLOORING

ALL AREAS WILL BE LEFT CLEAN

LEAVENWORTH HOUSING AUTHORITY
REQUEST FOR QUOTATION
REMOVAL AND INSTALLATION OF ALL FLOORING AND COVE BASE IN ALL
COMMON AREAS ON FLOORS 2 THROUGH 10 AT PLANTERS II BUILDING AT 200
SHAWNEE ST, LEAVENWORTH, KS 66048

TOTAL PRICE FOR THIS PROJECT: \$100,630.85

LIST OF REFERENCES ATTACHED: COMPLY YES NO

ABLE TO PROVIDE INSURANCE AS SPECIFIED IF AWARDED CONTRACT COMPLY YES NO

COMPANY SUBMITTING QUOTATION: MIDWEST CARPET CENTER

ADDRESS: 621 E 4th ST.

CITY, STATE, ZIP CODE: TONGANOXIE, KS 66086

PHONE NUMBER: 913 369 2842 FAX NUMBER: 913 845 2278

AUTHORIZED SIGNATURE: *Krissy Dye*

PRINTED NAME: KRISSEY DYE

DATE QUOTATION EXPIRES: 3/31/2023

SPECIAL NOTES: _____

ACKNOWLEDGE RECEIPT OF DAVIS-BACON WAGE DETERMINATION: YES NO

ACKNOWLEDGE RECEIPT OF HUD FORM 5370-EZ, General Contract Conditions for Small Construction/Development Contracts YES NO

ACKNOWLEDGE RECEIPT OF TABLE 5.1, Handbook No. 7460.8 REV 2 YES NO

ACKNOWLEDGE RECEIPT OF SECTION 3-Required Contract Language YES NO

***Please return Quotation Form on or before November 30, 2022.**

Midwest Carpet Center Enterprises LLC
 621 East 4th St
 Tonganoxie, KS 66086
 913-369-2842

Proposal #: MI001859
 Sale Date: 10/19/2022
 Install Date:
 Sales Rep: Hollingsworth, M
 Sales Rep:

SOLD TO

Planters II, Bob
 200 Shawnee Street
 Leavenworth KS 66048
 913-682-2200

SHIPPED TO

Printed 12/02/22 12:05:34

Planters II
 200 Shawnee Street
 Leavenworth KS 66048
 Andrea 913-682-2200

1	Proposal Linear Effect 24x24	Georgian Brick	Install carpet tiles in hallway on floors 2-10 10695sf SqYd 1192.00 SqYd 1192.00	\$38.00	\$45,296.00
2	Proposal Kolay LVP		Install luxury vinyl plank in 8 laundry rooms & 9 entries 3481' SqFt 3481.00 SqFt 3481.00	\$7.00	\$24,367.00
3	Proposal Mohawk Cove Base 4" R Ash Brown		Install covebase 5000 lineal feet LnFt 5000.00 LnFt 5000.00	\$2.95	\$14,750.00
4	Proposal		Install flat metal 5 sticks Each 5.00	\$50.00	\$250.00
5	Proposal Rubber Reducer & Track		Install black rubber reducer and track LnFt 20.00 LnFt 20.00	\$30.00	\$600.00
6	Proposal		Tear out vct in laundry rooms-possible lay over with lvp TBD SqFt 680.00	\$1.00	\$680.00
7	Proposal		Take up and haul off existing glue down carpet in hallways & entries SqFt 13300.00	\$0.70	\$9,310.00
8	Proposal Enpress Adhesive 4 gall		Adhesive for carpet tiles Each 13.00 Each 13.00	\$175.00	\$2,275.00

9	Proposal	THIS DOES NOT INCLUDE ADDITIONAL MATERIAL FOR REPAIRS		
10	Proposal	ALL MATERAIL IS ORDERD TO THE FULLEST CARTON		
11	Proposal	THERE IS A 3% CONVIENENCE FEE WHEN PAYING BY CARD		
12	Proposal	Remove existing covebase		
			LnFt 5000.00	\$0.35
				\$1,750.00
13	Proposal	Adhesive for luxury vinyl flooring		
	Diverse Adhesive 4-gall		Each 150.00	\$5.00
				\$750.00
14	Proposal	THIS DOES NOT INCLUDE MOVING ANY FURNITURE		

Subtotal:	\$100,028.00
Sales Tax:	\$6,602.85
Total:	\$106,630.85
Payments:	\$0.00
Balance:	\$106,630.85

Andrea Cheatom

From: Bob Knudson <purecraftllc@gmail.com>
Sent: Tuesday, November 29, 2022 3:20 PM
To: Andrea Cheatom

Hello

I apologize - I will be declining Your bid request

We are on a large job for 6 months beginning in January

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**