



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, FEBRUARY 14, 2023 6:00 P.M.

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

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Black History Month (pg. 03)
2. Susan B. Anthony Day, February 15th (pg. 04)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

3. Minutes from January 24, 2023 Regular Meeting **Action:** Motion (pg. 05)

Second Consideration Ordinance:

4. Second Consideration Ordinance No. 8209 Amending the Code of Ordinances regarding Towing and Impoundment of Vehicles **Action:** Roll Call Vote (pg. 11)

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.*

Public Hearing:

5. Public Hearing Waiver of Distance Requirement Temporary Liquor Permit at Immaculate Conception Church (pg. 20)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comment
 - c. Close Public Hearing **Action:** Motion
 - d. Consider Waiver **Action:** Motion

General Items:

6. Consider Transient Merchant Permit Waiver for Dark River Artifact Show at Riverfront Community Center **Action:** Motion (pg. 22)
7. Mayor's Appointments **Action:** Motion (pg. 24)
8. Review Draft of 2022 KDHE Annual Report for Stormwater **Action:** None (pg. 25)
9. Acceptance of Land for Public Right-of-Way for Greenamyre Addition, Final Plat **Action:** Motion (pg. 40)
10. Acceptance of Land for Public Utilities for Riverview Estates, Final Plat **Action:** Motion (pg. 42)
11. Acceptance of Land for Public Utilities for U-Haul, Final Plat **Action:** Motion (pg. 45)

Resolutions:

12. Resolution B-2326 Setting the Public Hearing for Unsafe or Dangerous Structures **Action:** Motion (pg. 47)
13. Resolution B-2327 Section Eight Management Assessment Program(SEMAP) Certification **Action:** Motion (pg. 51)

Bids, Contracts and Agreements:

14. Consider Award of Bid for Tracked Skid-Steer Loader **Action:** Motion (pg. 58)
15. Consider Award of Bid for Street Sweeper **Action:** Motion (pg. 68)
16. Consider Award of Bid for Havens Park Trail Extension Project **Action:** Motion (pg. 72)
17. Consider Purchase of Pull Type Batwing Finish Mower **Action:** Motion (pg. 75)

18. Consider Purchase of Bobcat Skid-Steer Loader

Action: Motion (pg. 79)

First Consideration Ordinance:

19. First Consideration Ordinance for Amending the Development Regulations Article 9

Action: Consensus (pg. 83)

Consent Agenda:

Claims for January 20, 2023 through February 10, 2023, in the amount of \$3,129,256.51; Net amount for Payroll #02 effective January 27, 2023, in the amount of \$381,368.04 (Includes Police & Fire Pension in the amount of \$10,383.15) and Payroll #03 effective February 10, 2023 in the amount of \$353,857.15 (No Police & Fire Pension).

Action: Motion

Other:

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the City of Leavenworth is proud to recognize February as Black History Month. This is a time for all of our citizens to learn, reflect, and honor the history and contributions of Black Americans to our city, state, and country; and*

WHEREAS, *we continue to work towards fulfilling our principles that all people are created equal and have equal rights to fulfill their dreams; and*

WHEREAS, *our city shares the rich history of the Legacy of the Buffalo Soldiers and their brave contributions toward fulfillment of our Nation's promise; and*

WHEREAS, *Black History Month is a time to engage in learning that creates greater understandings of the importance of diversity and unity; and*

WHEREAS, *the celebration of Black History Month is a positive way of recognizing the culture and history of Black Americans as vital to the core beliefs and values of this society; and*

WHEREAS, *in honor of Black History Month, community celebrations as well as educational and historical activities have been planned.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim February 2023 as:*

Black History Month

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

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *During the year 2023, the Leavenworth County Historical Society recognizes the achievements and contributions made in Leavenworth for the Women's Suffrage Movement that promoted social and political change; and*

WHEREAS, *Susan B. Anthony, women's rights activist and sister of Colonel Daniel R. Anthony, first visited Leavenworth in January 1865, advocating the rights of both freed slaves and women, and was a resident in Leavenworth when President Abraham Lincoln was assassinated. Her brother owned the Leavenworth Times; and*

WHEREAS, *Leavenworth was the largest city in Kansas in 1867, when it became the first state in The Union to offer a popular referendum on women's suffrage. Susan B. Anthony campaigned here, along with national women's suffrage activists such as Elizabeth Cady Stanton; and*

WHEREAS, *Susan B. Anthony successfully led the campaign for women's municipal suffrage in Kansas in 1887, the first State to do so. The bill was signed by Gov. John A. Martin on February 15. She returned to Leavenworth in 1894 for the second state campaign along with other suffrage and state leaders, Rev. Anna H. Shaw, Carrie Catt Chapman, Anna Diggs and Laura Johns; and*

WHEREAS, *The nephew of Miss Anthony, Daniel R. Anthony, Jr., voted for the 19th Amendment as a Kansas Congressman and in 1923, introduced the Equal Rights Amendment in Congress.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim February 15, 2023 as:*

Susan B. Anthony Day in Leavenworth

and to be annually recognized in subsequent years. I urge all citizens to become familiar with the unique history, services and benefits offered in Leavenworth, the first city of Kansas.

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

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



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

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Police Chief Patrick Kitchens, Deputy Police Chief Maj. Dan Nicodemus, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to approve the minutes from the January 10, 2023 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8207 Approval of Special Use Permit for Residential Home Stay 723 S. 10th Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on January 10, 2023.

Mayor Wilson called the roll and Ordinance No. 8207 was unanimously approved.

Second Consideration Ordinance No. 8208 Granting an Electric Franchise with Evergy Kansas Central, Inc. - City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on January 10, 2023.

Mayor Wilson called the roll and Ordinance No. 8208 was unanimously approved.

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

Louis Klemp 1816 Pine Ridge Dr.:

- Mentioned the \$84 stormwater fee for vacant lots
- Shared his thoughts on the new Centennial Bridge
- Mentioned a protocol issue at a recent meeting

General Items:

Consider Abatement of Administrative Fees on Nuisance Special Assessment 1229 Spruce Street – City Clerk Sarah Bodensteiner presented the item for consideration and reviewed the details as follows:

- Mr. Fruechting purchased the property at the September 29, 2022 Sheriff's Sale, as the property was involved in a foreclosure action due to non-payment of a mortgage. Prior to the Sheriff's Sale there was a special assessment placed against the property for nuisance abatements totaling \$1,609.58.
- In the past, the City Commission has reduced the fees to the actual cost of the mowing incurred by the City and a \$100.00 administrative fee. This would reduce the Special Assessment from \$1,609.58 to \$209.58. Typically the Commission sees these requests come through for properties acquired at a Tax Sale, which are properties that are several years delinquent on their tax payments.
- The property was purchased to revitalize, however the special assessment amount is a larger expense that was not anticipated. The plan is to sell the property once revitalized.

Commissioner Hingula:

- Asked if these assessments are announced at the time of the sale, so the potential owner would know that

Mr. Fruechting:

- Stated he didn't know the process to check with the County tax office before the Sheriff's Sale
- Discussed his plans to revitalize and sell the property

Commissioner Leonhard moved to reduce the 2022 Special Assessments on the property at 1229 Spruce Street from \$1,609.58 to \$209.58. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Camp Leavenworth Event Management Contract – Assistant City Manager Penny Holler presented for consideration a comprehensive management contract with O'Neill Events and Marketing for the 2023 City of Leavenworth festival. In the fall of 2022, nearly 7,000 residents and visitors attended the Camp Leavenworth festival to enjoy two days of food, live music, and fun activities. Last year's event highlighted local people and businesses including food vendors, craft vendors, and musicians. It also introduced the Camp 5K Run/Walk bringing in additional visitors to the festival on Saturday. O'Neill Events & Marketing was the event organizer that facilitated the 2022 event. Their past work has also included high profile events including the Kansas City Chiefs Super Bowl Parade, the World War I Museum Centennial Event, and Kansas City's Irish Fest. The proposed contract would utilize O'Neill's knowledge of the City and the festival to facilitate the 2023 event. The 2023 Scope of Work has no fee increase from 2022. Keli Wenzel with O'Neill Events and Marketing was present for any questions.

Mayor Wilson:

- Asked if there are any big plans for 2023

Ms. Wenzel:

- Already working on ideas for 2023
- Wanted to build a solid community event first and then build on that progress

Commissioner Hingula:

- Asked if an after-action review is conducted to review items that went well and items that could be improved upon

Ms. Wenzel:

- After every event we look at what went well and what we can improve on

Commissioner Martin:

- Stated he's excited for the 2023 event and if we can get more participants for the 5K

Commissioner Hingula moved to approve the comprehensive management contract with O'Neill Events and Marketing for the 2023 City of Leavenworth Camp Leavenworth festival in an amount not to exceed \$68,200.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

The Mayor called for a 5 minute break.

The meeting resumed at 6:25 p.m.

Consider Leavenworth Attainable Housing Proposal – City Manager Paul Kramer discussed the proposal from Leavenworth Attainable Housing regarding their homeless transitional housing program, which was for the City to use American Rescue Plan Act funding for two (2) duplex housing units for the program. Leavenworth Attainable Housing is also partnering with Depaul USA to help manage the program. At the request of the City Commission, Chuck Levesque, President of Depaul USA, presented a more detailed proposal for the project at the January 3rd meeting, along with providing more information on the Depaul organization. Following that meeting, Depaul and Leavenworth Attainable Housing submitted a revised proposal, to expand the scope to include the two duplex units, as well as the intent to purchase, rehabilitate and incorporate four single-family homes into the project. The proposal is before the Commission for consideration. Mr. Kramer suggested the following structure to allocate the funds:

1. Funding for land and/or property acquisition as outlined in the proposal would happen following an agreement and prior to closing. The City Manager's Office would confirm an agreement and contract had been completed and prior to closing would issue that portion of the funding.
2. Funding for the construction would be allocated following full building permits being issued by the City. At that point, the City would expend construction funding in an amount not to exceed \$600,000.00 total (including funding provided for land and property acquisition).

Sister Vickie Perkins:

- Stated this project will help with individual housing needs, as the 7 properties already in the program are for families

Commissioner Hingula:

- Asked what the expected occupancy timeline is for people who will be staying in these properties
- Will there be rent required
- Will the ownership of the properties stay local

Sister Vickie Perkins:

- They can stay as long as they need, there is no time limit
- They have to have income to be in the program and rent will be required
- Depaul will own the property, but everything will be done locally

Commissioner Bauder:

- Stated being able to get people into housing is very important and definitely needed

Commissioner Martin:

- Thanked the group for their work on this matter

Commissioner Bauder moved to accept the proposal from Leavenworth Attainable Housing and Depaul USA, to include the funding structure as presented, and instruct the City Manager to work with the group to execute the agreement, in the amount not to exceed \$600,000.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Police Department License Plate Reader System – Police Chief Patrick Kitchens presented for consideration a request of the City Commission to authorize the City Manager to enter into an agreement with Flock Safety, Inc., to provide a License Plate Reader (LPR) System at major intersections in the City of Leavenworth. In the 2022 and 2023 City Commission Goals related to public safety, the Police Department identified one of our critical goals as “continue to evaluate technology to improve operations and transparency.” Over the course of the last several years we have identified a gap in our ability to reduce crime and apprehend criminals on some major crimes and cases. It is for those reasons the Police Department identified and advocated for the funding and acquisition of a License Plate Reader system at major intersections in our community. We’ve had murder cases that LPR evidence would have enhanced our investigators ability to identify, apprehend and successfully prosecute suspects. There have been significant increases in car thefts. In 2021, Leavenworth had 148 stolen automobiles and in 2022 we had 123 stolen cars. The Police Department has responded to and investigated a number of other serious crimes where the availability of LPR evidence would have helped. The Police Department prepared a Request for Proposal (RFP) and invited companies to submit for consideration. The Police Department empaneled a committee to review and assess the proposals. Reviewed the major criteria areas for the RFP. The committee reviewed all proposals based upon the criteria and are recommending Flock Safety, Inc., as best suited for our needs. The proposal submitted by Flock Safety, Inc., came in well under budget and would allow for the addition of a 5th intersection to the project. It is the committee’s recommendation that we add a 5th intersection at 4th and Limit Street.

Mayor Wilson:

- Is in favor of doing what we have to do to combat crime

Commissioner Martin:

- Concerned the public perception of lack of privacy, as everything is being tracked
- Doesn’t feel comfortable passing this without the public making that decision

Mr. Waters:

- Stated that the Kansas Open Records Act exemptions have been revised to include an exemption for data from license plate readers

Commissioner Hingula:

- Asked about an expectation of privacy being on the public streets and sidewalks

Commissioner Bauder:

- From a safety and crime standpoint, this is important

Mayor Wilson:

- Crime is increasing everywhere for everyone and this will help our Officers

Commissioner Bauder moved to authorize the City Manager to enter into a 5-year contract with Flock Safety, Inc. to provide a License Plate Reader system for five (5) intersections in amounts not to exceed the following: Year 1 - \$54,150.00, Year 2 - \$47,500.00, Year 3 - \$47,500.00, Year 4 - \$47,500.00, and Year 5 - \$47,500.00. Commissioner Leonhard seconded the motion. The motion passed 4-1 with Commissioner Martin voting no. Mayor Wilson declared the motion carried 4-1.

Consider Police Department Weapons Upgrade – Police Chief Patrick Kitchens presented for consideration approval of a sole source purchase of new handguns, holsters, sights and lights for use by Police Officers from GT Distributors, Inc. Existing handgun stock was acquired in 2012 and are in need of replacement. The Police Department typically replaces handguns about every 10 years, and this request for replacement is on schedule. The department Range Masters have done extensive research and determined it would be beneficial to maintain the Glock handgun as a standard issue weapon but switch from a .40 caliber round to a 9mm round. The most important element of this decision is accuracy. GT Distributors is the only authorized Glock representative for our region. GT Distributors provided a cost of \$27,666 for the purchase of 78 handguns, holsters, lights, sights, and magazines. We receive a trade value of \$23,098.50 for 79 handguns in use now by Officers.

Commissioner Martin moved to approve the sole source purchase of new handguns, holsters, lights, sights, and magazines from GT Distributors, Inc., in an amount not to exceed \$27,666.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance for Amending the Code of Ordinances regarding Towing and Impoundment of Vehicles – Police Chief Patrick Kitchens presented for first consideration amendments to the Code of Ordinances that govern Towing and Impounding of vehicles in the City of Leavenworth. The Police Department was before the Governing Body on December 6, 2022 during a study session to discuss the ordinances that govern police towing and impounding of vehicles. This was based on a concern from a citizen about excessive and unnecessary charges that resulted when a car was towed after a traffic accident. Reviewed the proposed changes to the Code of Ordinances which would amend Sections 44-85, 44-86, 44-98, 44-99, and 44-127. Further amending Chapter 44 by adding 44-220, 44-221, 44-222, 44-223, 44-224, and 44-225.

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for January 7, 2023, through January 19, 2023, in the amount of \$728,036.14; net amount for Payroll #01 effective January 13, 2023, in the amount of \$375,816.63 (No Police & Fire Pension). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Thanked the Commission and public for ideas, feedback and suggestions regarding the Camp Leavenworth event
- At the April 4th Study Session the consultant team for the Countywide Transportation Study will be before the Commission to provide a briefing

Commissioner Martin:

- Wished everyone a good rest of the week and God bless

Commissioner Leonard:

- Be safe tomorrow with the weather

Commissioner Hingula:

- Thanked those who are working to make Leavenworth a better, safer, and fun place to live

Commissioner Bauder:

- Heard from a citizen that feels the Commission makes quick decisions and rubber stamps items. The Commission does their homework and asks questions and reads the packets. We look at everything very closely

Mayor Wilson:

- Mentioned the gym supervisor position that is open with the City
- Briefly discussed open-gym at the Riverfront Community Center

Adjournment:

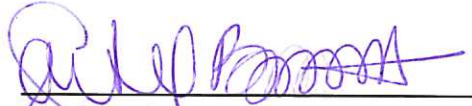
Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was approved and the meeting was adjourned.

Time Meeting Adjourned 7:22 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8209
AMENDING THE CODE OF ORDINANCES REGARDING TOWING AND IMPOUNDMENT OF
VEHICLES.**

FEBRUARY 14, 2023



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the January 24, 2023 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE REGARDING THE TOWING AND IMPOUNDMENT OF
VEHICLES, AMENDING SECTION 44-85, 44-86, 44-98, 44-99, AND 44-
127 AND AMENDING ARTICLE VI (ABANDONED VEHICLES) OF
CHAPTER 44 (TRAFFIC AND VEHICLES), OF THE LEAVENWORTH
CODE OF ORDINANCES, AND ESTABLISHING NEW AND
REPLACEMENT SECTIONS.**

Ordinance No. 8209 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8209

ORDINANCE NO. 8209

AN ORDINANCE REGARDING THE TOWING AND IMPOUNDMENT OF VEHICLES, AMENDING SECTIONS 44-85, 44-86, 44-98, 44-99, AND 44-127 AND AMENDING ARTICLE VI (ABANDONED VEHICLES) OF CHAPTER 44 (TRAFFIC AND VEHICLES), OF THE LEAVENWORTH CODE OF ORDINANCES, AND ESTABLISHING NEW AND REPLACEMENT SECTIONS.

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

Section 1. Section 44-85 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-85. Penalty for violation of article; prima facie evidence of violation.

Any operator of a vehicle permitting such vehicle to be parked or standing in violation of this article, upon conviction, shall be guilty of a misdemeanor. If any vehicle is found to be in violation of the provisions of this article and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Section 2. Section 44-86 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-86. Parking restricted to 24-hour period.

It is unlawful for any person to park or to permit the parking, storing or standing of any vehicle, as defined in the standard traffic ordinance incorporated by section 44-1, upon any street or alley or in any public park or public off-street parking facility in the city, for a continuous period of more than twenty-four (24) hours, without special permission of the police chief.

Section 3. Section 44-98 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-98. Removal of vehicles for city services.

The police shall have the power to remove or have removed, in accordance with article VI of this chapter 44, any vehicle on any street in the city after posting or giving notice two (2) hours in advance of such removal that the vehicle must be removed as ordered for removal of snow, painting of traffic signs or cleaning of the streets, which authority shall apply to any hour, day or night.

Section 4. Section 44-99 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-99. Removal of parked vehicles during emergencies.

If, by reason of fire, flood, windstorm, snowstorm or other catastrophe, any emergency arises which, in the opinion of the fire chief, police chief, city engineer

or other officer of the city, requires the removal of any vehicles parked or standing in the streets, alleys, public parks, public off-street parking facilities, or in any other public place in the city, such vehicles may be removed and towed by the city officers or employees to some other safe place in the city, in accordance with article VI of this chapter 44.

Section 5. Section 44-127 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-127. Violation notices; towing of vehicles.

When a police officer or other officer designated by the police chief finds a vehicle parked in violation of this division, or is otherwise authorized to remove a vehicle, he or she may order the vehicle removed and towed by a towing service in the city, in accordance with article VI of this chapter 44. The city official ordering such removal shall cause a record to be kept listing the description of any and all vehicles so removed and the place from which and to which such vehicles are removed. Before such vehicle may be reclaimed or redeemed, the owner thereof shall pay all costs for the towing and storing of such vehicle.

Section 6. Article VI of Chapter 44 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

ARTICLE VI. TOWING AND IMPOUNDMENT REGULATIONS¹

Sec. 44-217. Authority to Tow or Impound.

The police department, and all members thereof, are authorized to remove or tow away, or have removed and towed away by a commercial towing service to an impound lot or other safe place designated by the city, all motor vehicles found under the hereinafter enumerated circumstances:

- A. When any motor vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle cannot safely operate the motor vehicle or are unable to provide for its custody or removal to a lawfully secure location; or
- B. When any motor vehicle is parked illegally in such a manner as to constitute a hazard or obstruction to the safe movement of traffic, or is parked in violation of chapter 44, article IV of this code or other applicable code or ordinance, or where the removal of such vehicle is otherwise authorized by chapter 44, article IV of this code or other applicable code or ordinance; or
- C. When the operator of any motor vehicle is arrested and taken into custody by the police department and such vehicle would thereby be left unattended and create a hazard or obstruction to the safe movement of traffic; or

¹ *State Law Reference—Abandoned and disabled vehicles, K.S.A. 8-1101 et seq.*

- D. When any motor vehicle is abandoned or left unattended on a highway, public road or city-owned property for a period of time in excess of forty-eight (48) consecutive hours (except as otherwise provided or further time-limited under other city code, in which event such other time limitation shall apply); or
- E. When any vehicle is found being driven on the streets and is not in proper or safe condition to be driven and cannot be removed safely to a lawfully secured location by the owner or operator; or
- F. When any motor vehicle determined to be stolen or taken without the consent of its owner is found upon the public street; or
- G. When any motor vehicle is subject to seizure as evidence in a criminal prosecution; or
- H. When any motor vehicle is subject to seizure or forfeiture under the laws of this state or federal law.

If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the actual and reasonable charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order.

Sec. 44-218. Police chief designated as enforcing officer.

The police chief is designated as the enforcing officer charged with the administration of this article. The chief of police shall establish, distribute, and cause the enforcement of reasonable policies, rules and regulations for wrecker or towing services, subject to the provisions of this article, as from time to time he or she deems appropriate for the safety, well-being and protection of citizens and their property within the city.

Sec. 44-219. Notice to Owner of Towed and Impounded Vehicle.

- A. Vehicles which are subject to being towed and impounded under conditions that do not constitute an immediate obstruction to the normal and safe movement of traffic, or do not prevent the City from removing snow, painting traffic signs, or cleaning streets, and are determined to be abandoned shall not be towed or impounded until the motor vehicle has placed on its windshield or in another prominent location a sticker or placard indicating the vehicle is in violation of city code and shall be removed by the police department after forty-eight (48) hours from the time the sticker or placard was attached to the vehicle (except as otherwise provided or further time-limited under other city code, in which event such other time limitation shall apply). The sticker or placard shall include such other information as the police chief determines is necessary. Subsequent to the towing of an abandoned vehicle the police department shall comply with the notice requirements of section 44.219.B below.

- B. Whenever any motor vehicle is towed and impounded pursuant to the provisions of this article, notice, if possible, shall be given to the owner or person entitled to custody thereof that such vehicle has been towed and impounded, the reasons for the tow, how the vehicle may be recovered to include the right of hearing set out in section 44.222, and that unless the owner takes action within thirty (30) days from the date of receipt of the notice, proceedings may be instituted to dispose of the motor vehicle as provided by Kansas law to cover any costs accrued as a result of the towing and impounding. Said notice shall be by written notice provided to the owner or person entitled to custody of the motor vehicle at the time the motor vehicle is towed, provided the officer providing such notice has obtained written acknowledgment of receipt of the notice. In addition, said notice shall be made by certified mail. Notice by certified mail shall be mailed to the owner of vehicles displaying state-issued registration plates no later than close of business of the third business day after the towing. The police department shall use reasonable diligence in determining the title or registered owner of the vehicle.

Sec. 44-220. Disposal of Towed or Impounded Vehicles.

Any motor vehicle which has been towed or impounded by or at the direction of the city, as provided in this article, may be disposed of as provided by applicable Kansas statutes and procedures.

Sec. 44-221. Recovery Procedures.

- A. All motor vehicles towed or impounded by or at the direction of the city pursuant to the provisions of this article shall be surrendered to the owner or person entitled to custody of the vehicle subject to the provisions of subparagraph B herein, upon presentation of the following to the commercial tow service where the vehicle is impounded:
 - 1. Proof of ownership of the vehicle by lawful title or other proof of lawful entitlement to the vehicle;
 - 2. Proof of liability insurance on the vehicle as required by the laws of the state of Kansas;
 - 3. Proof of current registration of the vehicle as required by the laws of the state of Kansas; and
 - 4. Payment of all storage charges and towing fees incurred in the towing and impounding of the vehicle must be made prior to release of the vehicle unless otherwise relieved of that requirement by the city or by the hearing provisions set forth in section 44.222 below.
- B. Should a person seeking release of a motor vehicle impounded under the provisions of this article not present proof of current registration and proof of insurance, the vehicle will not be released to be driven away from the impound lot, but the vehicle may be released to be towed from the tow lot if proof of ownership is shown and all storage and towing charges are paid.

Sec. 44-222. Hearing Procedures.

- A. Owners or persons entitled to the lawful custody of motor vehicles impounded by or at the direction of the city who wish to contest the validity of the motor vehicle tow may request a hearing for such purpose by notifying the police department of the request in writing.
- B. A hearing for the purpose of determining the validity of the tow shall be held by the municipal court on the next regularly-scheduled court date that is at least five (5) days after such hearing is requested, unless all parties agree to an earlier date. The time of the hearing shall be set by the clerk of the municipal court.
- C. Pending such hearing, the owner or person lawfully entitled to custody of any impounded vehicle may retrieve the impounded vehicle upon either (1) paying applicable towing charge and storage fees, or (2) posting bond with the clerk of the court or the police department in the amount of the towing charge and storage fees. Upon payment or upon showing to the commercial tow service proof of the posting of the bond, the motor vehicle shall be released immediately. If payment is not made, or a bond is not posted, the vehicle shall remain in storage until the requested hearing is held.
- D. If the municipal court judge determines the vehicle was lawfully towed pursuant to the provisions of this article or other applicable law, then to the extent not previously paid, all charges shall be paid by the owner or person lawfully entitled to custody of the vehicle. Such charges may be paid for partly or in whole by the bond, if posted, and any surplus bond money shall be returned.
- E. If the municipal court judge determines the vehicle was not permissibly towed pursuant to the provisions of this article or other applicable law, the court shall order the immediate release of the vehicle to its lawful owner without costs, any towing charge and storage fees shall be paid or reimbursed by the city, and any bond posted shall be returned.
- F. Should any owner or person lawfully entitled to custody of an impounded vehicle post bond but fail to appear after being notified of the time for the hearing, such bond shall be forfeited to the party owed any towing charges or storage fees.

Sec. 44-223. Tow Service Police Rotation.

- A. Any person, firm, partnership or corporation desiring to perform wrecker or towing service for the city police department shall make written application to the chief of police providing proof that the applicant meets the requirements of this section. Any such wrecker or towing service which meets the requirements of this section all other provisions of this article and applicable towing resolutions shall be eligible to be placed on such list and be called on such rotation basis.

- B. The following requirements and criteria shall be met by any wrecker or towing service seeking approval to be authorized and listed as eligible to respond to requests for towing service by the police department.
1. Exclusive of legal holidays, each wrecker or towing service shall be open and have a representative actually on the premises, or be available to respond within 30 minutes, of the location or area where towed vehicles are stored or kept 9½ hours per day, from 8 a.m. to 5:30 p.m. Monday through Friday. In addition, each wrecker or towing service shall conspicuously post a sign at the front of their business stating the business name and a telephone number where information can be obtained about any vehicle towed or stored by the business.
 2. Towing and wrecker services and drivers must be available on a 24-hour, seven-days-a-week basis.
 3. Each towing and wrecker service must have properly zoned adequate storage facilities within the city. All automobiles towed pursuant to this article shall be stored within the city. The outside storage areas shall be fenced and otherwise properly secured.
 4. Each towing and wrecker service must have available a storage area which is totally enclosed within a building, or alternative approved by the Chief of Police, for the protection and security of recovered stolen property to be processed and valuable property left in vehicles.
 5. Each wrecker or towing service must have available at least two (2) fully functional wreckers.
 6. Each towing and wrecker service must handle and tow abandoned vehicles in proportion to the number of tow requests received from said police department for damaged or disabled vehicles.
 7. Each towing and wrecker service must provide the City with proof of adequate insurance protection, including but not limited to garage liability, commercial general liability, business automobile liability, and workers' compensation. The city is to be named as an additional insured on all required insuring agreements with the exception of workers' compensation.
 8. Each towing and wrecker service must be certified and designated as an agent and authorized representative for the city for the limited purposes of towing, removing, storing and selling of abandoned motor vehicles. In addition thereto, each towing and wrecker service must enter into and sign a hold harmless agreement with the city.
- C. The criteria and requirements set forth in subsection B shall not apply when the person whose vehicle is to be towed shall indicate a preference as to which towing and wrecker service is to be utilized or when the person whose vehicle is to be towed shall request a specific towing or wrecker service.

- D. The chief of police shall provide to appropriate department personnel a list of eligible and qualified tow companies to be used in providing tow services for the city. The chief of police will use his or her reasonable efforts to ensure the police department implements a rotational procedure that fairly utilizes the services of the qualified tow services on the police rotation tow list.

Sec. 44-224. Suspension or Revocation of Approval and Authorization.

- A. The chief of police may order that the approval and authority of a wrecker or towing service to respond to requests of said police department be suspended or revoked and order such wrecker or tow service be struck from the rotational call list. Any such suspension shall be effective until the deficiency is corrected. If such approval and authority is revoked, such wrecker or towing service shall not be eligible for reinstatement for at least one (1) year from the date of revocation.
- B. Such suspension or revocation shall be by written notice to the wrecker or towing service advising such service of its failure to comply with any of the requirements of this article or of the violation by such wrecker or towing service of the following provisions upon which a suspension or revocation may be based:
 - 1. Obtaining the approval and authority by fraudulent conduct or false statements;
 - 2. The wrecker or towing service has applied abusive or excessive charges for the services provided;
 - 3. Such wrecker or towing service consistently refuses to respond to requests for such service by the police department or consistently fails to answer telephone calls from the police department at the telephone number supplied by the business for towing services;
 - 4. The wrecker or towing service responds to the scene of an accident, emergency, or impoundment situation, when not specifically called to do so, and solicits wrecker or towing business;
 - 5. Failure to comply with any rules or regulations governing towing services established by the chief of police; or
 - 6. The city is not satisfied with the general services of the owner and/or employees or with the cooperation it has received from such wrecker or towing service or other justifiable cause.

Sec. 44.225. Fees and Charges.

At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure

to give such written notice shall invalidate any lien established for such storage fee.

Sec. 44.226. Other Regulations.

- A. Subject to subsections B and C below, any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this article.
- B. No wrecker or towing service, or owner, employee or agent thereof, shall prohibit or refuse to allow the owner, operator, person in charge or possession of the towed and stored vehicle, who has proof of title or registration, to retrieve any medicine or medical supplies from such towed and stored vehicle. No wrecker or towing service shall require the payment of any fees or charges before permitting access to a person retrieving medicine or medical supplies permitted to be retrieved under this section.
- C. As to vehicles towed from private property, and to the extent required by law (e.g., where personal property has not been impounded, constitutes evidence, or the like), an owner of a vehicle towed shall have access to personal property in such vehicle for forty-eight (48) hours after such vehicle has been towed and such personal property shall be released to the owner.
- D. Each wrecker and towing service shall report the location of a vehicle towed from private property to the police department within two (2) hours of such tow.

Section 7. Sections 44-85, 44-86, 44-98, 44-99, and 44-127, and Article VI of Chapter 44 of the Leavenworth Code of Ordinances (including Sections 44-217 through 44-219, inclusive), in existence as of and prior to the adoption 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 14th day of February 2023.

Jermaine Wilson, Mayor

{SEAL}
ATTEST:

Sarah Bodensteiner, City Clerk

**POLICY REPORT
PUBLIC HEARING
WAIVER OF THE DISTANCE REQUIREMENT
FOR TEMPORARY LIQUOR PERMIT FOR
IMMACULATE CONCEPTION - ST. JOSEPH PARISH**

FEBRUARY 14, 2023

Reviewed by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

Issue:

The issue before the City Commission is to consider a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital; to allow the following temporary liquor permits to be issued for use at Immaculate Conception Church, located at 711 N. 5th St on Sunday, March 12, 2023 for the St. Patrick's Corned Beef and Cabbage Dinner.

The City of Leavenworth Code of Ordinances, Chapter 6, Article III, Section 6-97 (d) allows the governing body to grant such a waiver, if they find that the proximity of the establishment is not adverse to the public welfare or safety. Letters were sent to all property owners within 300 feet of the location notifying them of the public hearing.

Action:

Approve or deny request to waive the 300 foot requirement from any church, school, nursing home, library or hospital.

Attachments:

- Letter dated January 30, 2023 from Kathy Roemer with Immaculate Conception – St. Joseph Parish requesting the waiver.

IMMACULATE CONCEPTION-ST. JOSEPH PARISH
SERVED BY THE ORDER OF CARMELITES
747 Osage Street
Leavenworth, KS 66048

Office (913) 682-3953

Fax (913) 682-5599

January 30, 2023

City of Leavenworth
City Hall/5th & Shawnee
Leavenworth KS 66048

Carla K Williamson, CMC,

I am writing to request that the City of Leavenworth grant Immaculate Conception-St Joseph Parish a waiver for the 300-foot requirements to receive a temporary liquor permit.

I request a waiver for the following event in 2023:

Sunday, March 12 St Patrick's Corned Beef & Cabbage Dinner
At Immaculate Conception Church, 711 N. 5th St

John Williams, of our Parish, will appear before the City Commission to answer any questions. Thank you for your assistance in this matter.

Sincerely,

Kathy Roemer

Kathy Roemer
Bookkeeper
kroemer@icsj.org

POLICY REPORT
REQUEST A WAIVER FOR A TRANSIENT MERCHANT PERMIT
DARK RIVER ARTIFACT SHOW
RIVERFRONT COMMUNITY CENTER

FEBRUARY 14, 2023

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

ISSUE:

Consider a waiver of a Transient Merchant Permit for the purpose of the Dark River Artifact Show at the Riverfront Community Center.

BACKGROUND:

John Kruid submitted an application that was received in the Office of the City Clerk for the April 22, 2023 Artifacts, Rocks & Fossils Collector Show at the Riverfront Community Center. This Collectors Show has displayers come from 7 different states and the vast majority of the displayers stay 1-2 nights in local hotels and visit local restaurants. The show already has 83 table reservations, with a goal of 120 tables for this event. Admission will be charged and is used to cover the cost of the venue.

All vendors have a Kansas Retail Tax number or the event coordinator will provide the vendors with a tax form to complete and return to the Kansas Department of Revenue. The City reports all events to the Kansas Department of Revenue so they can verify that taxes and any other applicable sales are submitted as required.

The City of Leavenworth Code of Ordinances Chapter 34, Peddlers, Solicitors and Transient Merchants Sec. 34-62 States:

- A transient merchant permit shall not be issued for use in or on a city-owned property including rights-of-way, parks or open spaces or the community center, provided that the city commission may grant in specific cases a waiver of this general prohibition.
- Application and request for waiver shall be on a form provided by the city clerk and submitted to the city clerk at least 30 days prior to the date of the activity to be placed on the agenda of the next regular meeting of the city commission.

The City of Leavenworth Codes of Ordinances Chapter 34, Peddlers, Solicitors and Transient Merchants Sec. 34-1 Definitions, defines a transient merchant as:

- *Transient merchant, itinerant merchant or itinerant vendor* are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, or public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who,

while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. A transient merchant is not a person who has a permanent business presence in Leavenworth and conducts sales or activities similar as described herein on a temporary basis.

Fee for Transient Merchants:

- A Transient Merchant, Itinerant Merchant or Itinerant Vendor Permit fee is \$50.00 per day. The permit is not to exceed 5 days; and no more than two licenses may be issued during a calendar year.

If the City Commission should grant the waiver all applicable fees and insurance requirements would still apply, the waiver just allows the sale to be held on city property, specifically the Community Center which is prohibited by ordinance. The applicant is also required to provide a certificate of liability insurance prior to the date of the event along with any fees required by the Community Center.

CITY COMMISSION ACTION:

Grant a waiver of a Transient Merchants Permit for use of the Community Center for the Dark River Artifact Show on April 22, 2023;

Or

Deny the request for a Transient Merchant Permit

MAYOR'S APPOINTMENTS

FEBRUARY 14, 2023

Mayor Wilson

"Move to

*Appoint to the **Grow Leavenworth County Development Corporation Board** Debbie Deere to an unexpired term ending May 31, 2024;*

*Appoint to the **Sister City Advisory Board** Ryan Bodensteiner to fill the standing position of the Education Representative.*

Requires a second and vote by the Governing Body.

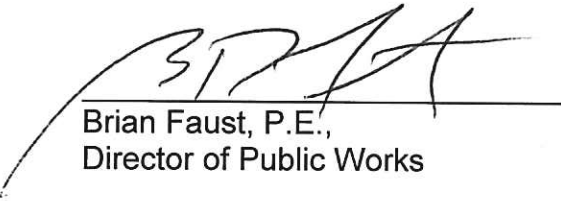
POLICY REPORT PWD NO: 23-08

**REVIEW DRAFT 2022 KDHE ANNUAL REPORT
FOR STORMWATER**

February 14, 2023

Prepared by:

Submitted by:



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



Paul Kramer,
City Manager

ISSUE:

Review the draft of the annual KDHE report for 2022 stormwater activities.

BACKGROUND:

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report summarizes the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on were set by the revised Stormwater Management Program (SMP) that was adopted by the City Commission on October 27, 2020. These guidelines were used in 2021 and again for 2022.

The City has submitted reports in accordance with KDHE requirements in previous years. Interaction with KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. The attached documents are a draft of the key portions of the annual report for 2022. There will be additional supporting information in the appendices when the report is submitted.

Staff is requesting comments and suggestions from the City Commission related to the content of the report. It is appropriate for the City Commission to seek input from the public on this matter as well.

The current KDHE stormwater permit is in force from November 2019 through October 2024.

Key narratives in the report are:

- Executive Summary
- 6 Minimum Control Measures: Discussion on effectiveness and annual performance measures.
 - Public Education and Outreach
 - Public Involvement and Participation
 - Illicit Discharge Detection and Elimination
 - Construction Site Stormwater Runoff and Control
 - Post Construction Stormwater Management in New Development and Post Development Projects
 - Pollution Prevention and Good Housekeeping

RECOMMENDATION:

The information is presented in draft form. We are looking for any comments or questions the Commission may have as well as the public on the efforts that we've taken over the last year.

It is recommended the City Commission adopt a resolution supporting the final report at the February 28, 2023 Commission meeting. The final report will be delivered to KDHE on March 1st.

ATTACHMENTS:

- Draft 2022 Report (partial)
 - Executive Summary
 - Six Minimum Control Requirements
 - Comments on Part V
- Maps
 - Stormwater with Creek Basins
 - Stormwater Management Data Collection
- KDHE Annual Report for 2021 – link here:
https://www.leavenworthks.org/sites/default/files/fileattachments/public_works/page/16671/final_kdhe_2021_annual_stormwater_report_23feb2022.pdf
- Revised Stormwater Management Program - link here:
<https://www.leavenworthks.org/publicworks/page/engineering>

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2022 - December 31, 2022

Kansas Permit No: M-MO12-SN01

SECTION 1: EXECUTIVE SUMMARY

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2022, and examining communications and publications made available to the citizens of Leavenworth.

While the impacts from the COVID-19 Pandemic were less in 2022, the City of Leavenworth continued to struggle with filling vacant positions in our Operations and Water Pollution Control Divisions. Significant increases in fuel prices combined with increased construction costs and supply chain issues also impacted our operations.

City staff pursued activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

- **Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**
 - Contractor and public compliance with implementation of the Land Disturbance Permit requirements is improved over the initial years and is generally satisfactory.
 - Street sweeping is an effective tool for removing pollutants.
 - Use of "Stormwater Utility" funds to address long-standing issues has reduced erosion in several locations through the "Orange Fence Repair Projects".

- **Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the Library and City Hall along with informational brochures available on the City's website were probably the least effective tools identified.

- **What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program. On numerous public improvement projects, city staff ensured that measures were installed and maintained. These activities are very visible to residents living in the area and to the traveling public.

- **What was the most challenging aspect of the program?**

The most challenging was having developers install and properly maintain construction site runoff control. Development slowed in mid-to-late 2022 with the increase in interest rates so there were less homes under construction which resulted in fewer issues.

- **Describe any City/County area MS4 clean ups and the participation.**
 - After being unable to conduct a City-Wide Clean Up in 2020 due to COVID-19 restrictions, the City of Leavenworth was again able to sponsor a “City-Wide” clean-up day with about 35-50 groups picking up trash. This event was held on April 2, 2022.
 - Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in April, 2022.
 - The City has a “Three-Mile Creek” monthly clean-up program in which citizens pick up trash. In 2022, there were nine citizen groups that received a \$500 donation per group from transient guest tax dollars.

- **Describe the elected officials' participation in the stormwater pollution elimination.**

The City Commission has supported stormwater pollution elimination by creating a “Stormwater Utility” that is funded by a fee on all properties. This fee is used to address longstanding stormwater issues in the community, including reduction or elimination of erosion caused by failing roadways and culverts along with impacts to streambanks from shifting channel alignments. The Commission has also supported the goal of having public and private projects with some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also direct to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

- **Describe the collaboration with other organizations to eliminate stormwater pollution.**
 - The City coordinated a “City-Wide” clean-up day with about 35-50 groups.
 - Leavenworth County provided one HHW (Household Hazardous Waste) collection service in April 2022.
- **If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.**

There were no known inspections of the MS4 program by KDHE or EPA in 2022.

Stormwater Management Program (SMP) Requirements (Six Minimum Control Measures) (Continued)

1. Public Education and Outreach (Table) - Please fill out accordingly

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table.
(List presentations and media)

1. <u>PUBLIC EDUCATION & OUTREACH (ED & O)</u>			2021		2022	
			4 Points Total		4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
ED & 0 - 01	Maintain a stormwater webpage for the permittee.	Stormwater webpage - https://www.leavenworthks.org/citymanager/page/stormwater-projects	3	3	2	2
ED & 0 - 02	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website and in City Hall.	2		2	2
ED & 0 - 03	Provide either training or educational materials to permittee-identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - https://www.leavenworthks.org/publicworks/page/public-education-brochures	2		2	2
ED & 0 - 04	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping – Drains to River"	All new storm structures have the message, "Drains to Stream". City applies the message to older structures. There are a total of 224 stamps/stencils. Example can be found at: https://www.leavenworthks.org/publicworks/page/2022-kdhe-annual-stormwater-report-supporting-documents	2		2	2
ED & 0 - 05	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - https://www.leavenworthks.org/publicworks/page/engineering MS4 Permit - https://www.leavenworthks.org/publicworks/page/engineering	1	1	1	1
ED & 0 - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	Stormwater-related brochures can be found at: https://www.leavenworthks.org/publicworks/page/2022-kdhe-annual-stormwater-report-supporting-documents	1		1	1
ED & 0 - 15	Hold a social media campaign addressing various pertinent stormwater public education topics.	There were nine social media posts related to public education about improving, reducing or listing the dangers of polluting the City's stormwater system.	2		2	2
TOTAL			13	4	12	12

SMP Requirements (Six Minimum Control Measures) (Continued)

2. Public Involvement and Participation (Table) - Please fill out accordingly

List all of the public improvement and participation BMPs as identified in the SMP and provide the requested information in the following table. (List all associated and partnerships)

2. PUBLIC INVOLVEMENT/PARTICIPATION (P I/P)			2021		2022	
			3 Points Total		3 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
P I/P - 01	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	City Commission reviewed KDHE annual stormwater report February 14, 2023. The meetings were also broadcast on the City's channel cable TV station and YouTube. City Commission reviewed stormwater projects for CIP in 2022, and approved design and construction of several projects. List and stormwater-related documents are at: https://www.leavenworthks.org/publicworks/page/2022-kdhe-annual-stormwater-report-supporting-documents	2	2	2	2
P I/P - 03	Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Cleanup - April 2, 2022. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center also in April, 2022.	3	3	3	3
P I/P - 05	Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program (March through November) in which citizens pick up trash. In 2022 there were nine citizen groups that participated.	3	3	3	3
TOTAL			8	8	8	8

SMP Requirements (Six Minimum Control Measures) (Continued)

3. Illicit Discharge Detection and Elimination (Table) - Please fill out accordingly

List all of the illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table.

3. ILLICIT DISCHARGE DETECTION & ELIMINATION (I D D & E)			2021		2022	
			5 Points Total		5 Points Total	
BMP Summary	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
I D D & E - 04	Implement a program to evaluate MS4 outfalls to identify illicit discharges.	The City's stormwater map identifies MS4 outfalls. If residents identify concerns regarding illicit discharges, they are forwarded to Water Pollution Control for evaluation and possible action. The City did not meet the threshold in 2022 to acquire the point.	1		1	
I D D & E - 06	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspects open channels and televises pipelines, but did not meet the threshold for 2022 to acquire the points.	3		3	
I D D & E - 07	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others who have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in April, 2022.	3	3	3	3
I D D & E - 10	Inspect 5% of the MS4 system Stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.	Stormwater crew inspected and/or maintained approximately 953 inlets and area drains and other stormwater facilities. Number inlets cleaned - 1,472	3	3	3	3
TOTAL			10	6	10	6

SMP Requirements (Six Minimum Control Measures) (Continued)

4. Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the Site Stormwater Runoff Control BMPs as identifies in the SMP and provide the requested information in the following table.

4. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL (CSSRC)			2021		2022	
			4 Points Total		4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
CSSRC - 01	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any project more than one acre. This includes submittal of a plan identifying all needed erosion control measures. Examples of residential and commercial LDPs can be found at: https://www.leavenworthks.org/publicworks/page/2022-kdhe-annual-stormwater-report-supporting-documents	3	3	2	2
CSSRC - 02	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than one acre, or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City follows MARC erosion control BMPs. Examples can be found at: https://www.leavenworthks.org/publicworks/page/public-education-brochures	3		2	2
CSSRC - 04	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until water quality is addressed.	3	3	2	2
CSSRC - 07	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1	1	1	1
TOTAL			10	7	7	7

SMP Requirements (Six Minimum Control Measures) (Continued)

5. Post-Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the post-construction site stormwater runoff BMPs as identified in the SMPs and provide the requested information in the following table.

5. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT & REDEVELOPMENT PROJECTS (P-C SM)			2021		2022	
			5 Points Total		5 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
P-C SM - 01	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more. (Points shown reflect adopting existing APWA/MARC manuals.)	<p>Link to APWA/MARC manuals posted at City's website: https://www.leavenworthks.org/publicworks/page/public-education-brochures</p> <p>Link to the City of Leavenworth Manual of Infrastructure Standards: https://www.leavenworthks.org/publicworks/page/designs-studies-reports</p>	4	5	3	3
P-C SM - 02	Develop a list of post-construction structural or non-structural BMPs which are required to be incorporated in any development/re-development project. The list must include guidance regarding the BMPs which must be incorporated in various projects as determined appropriate by the permittee. The list is to be provided to entities involved with the design of project prior to site plan review by the permittee.				3	
P-C SM - 03	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally-owned or operated post-construction structural stormwater BMP facilities.	Currently developing a program.	3		2	2
P-C SM - 05	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	<p>Due to personnel changes, a Detention Public Meeting was not held.</p> <p>City spent XXX hours conducting inspections of selected sites on random, after rainfall, or with depth-recording equipment.</p>	3	3	2	
P-C SM - 06	Develop and implement a program for inspection of known privately-owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.	City continues outreach to detention basin BMP owners. Currently there are XXX BMP sites.	3	3	2	
TOTAL			13	11	9	5

SMP Requirements (Six Minimum Control Measures) (Continued)

6. Municipal Pollution Prevention / Housekeeping (Table) - Please fill out accordingly

List all of the municipal pollution prevention / housekeeping BMPs as identified in the SMPs and provide the requested information in the following table.

6. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (PP/GH)			2021		2022	
			4 Points Total		4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS		POINTS	
			Value	Actual	Value	Actual
PP/GH - 01	Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.	Parking lot across from City Hall screens runoff. Device was previously installed so using two points per permit.	3	2	2	2
PP/GH - 02	Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	Staff is currently participating in a recycle and proper waste disposal program.	3		2	2
PP/GH - 05	Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	<ul style="list-style-type: none"> Street sweeping program operations continued throughout the year. <p>Sweeper No. 3332 from Jan-Dec: Miles of streets swept - 1,593</p>	3	3	2	2
PP/GH - 07	Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	<p>Stormwater crew inspected and/or maintained approximately 953 inlets and area drains, and other stormwater facilities.</p> <p>Number inlets cleaned - 1,472</p>	1	1	1	1
PP/GH - 08	Develop, implement and keep updated an online storm sewer map accessible to the public.	<p>Map can be viewed at the City's GIS website: http://gis.firstcity.org/</p> <p>Map published previously, so taking two points per permit.</p>	3	2	2	2
PP/GH - 12	Install a stormwater treatment system for capture of either trash, sediment, or debris.	City installed a stormwater treatment system in inlets along Thornton Street. The system was cleaned in 2022.	3		2	2
TOTAL			16	8	11	11

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2022 - December 31, 2022

Kansas Permit No: M-MO12-SN01

Topics in Part V of Permit

The permittee is well advised to accurately report the conditions and status of their stormwater program and give due consideration to improving or enhancing their program where it is weak, or deficient in any of the core aspects (stormwater management program, six minimum control measures and TMDL best management practices - if applicable - also for Phase I permittees monitoring industrial facilities).

TOPICS REQUIRED TO BE ADDRESSED IN THIS REPORT AS IDENTIFIED IN PART V OF THE PERMIT

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

- 1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.***

City of Leavenworth's opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. With the global pandemic starting to subside, the City is able to conduct more public meetings. The previous limits on public meetings did impact the Public Education/Outreach as well as the Public Involvement/Participation minimum control measures.

- 2. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.***

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt), grease trap program, land disturbance permit issuance, SSO reporting and others. There has been no overall "trend" noticed in this data, but it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result.

3. Provide a summary of the stormwater activities that were undertaken during the previous calendar year and the status of these activities.

The following key programs associated with stormwater activities were conducted in 2022. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person
- ✓ City-wide civic effort for "Spring Clean-up"
- ✓ Grease Trap Program inspections and reports
- ✓ Street Sweeping Program.
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site.
- ✓ Free Drop-Off Recycling Program
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County)
- ✓ Free drop-off refuse disposal once per month
- ✓ Maintain "Clean-up your Dog Poop" effort at selected City parks
- ✓ Adopt-A-Park Program to help maintain/clean City parks
- ✓ Aggressive response to SSO calls 24/7
- ✓ Sewer line cleaning and TV program
- ✓ Stormwater articles in City newsletters and brochures placed at City Hall

4. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).

All activities as noted in #3 are expected to be continued in 2023. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2023.

5. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.

There were no changes to the City Limits in 2022.

6. Provide a description of significant changes in any of the BMPs.

There were no significant changes to the BMPs in 2022.

7. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.

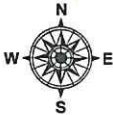
The City updated our Grease Trap/Interceptor Ordinance in 2022.

8. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.

There were no other municipalities or consultants involved with implementing the SMP.

Leavenworth Kansas Stormwater Map with Creek Basins

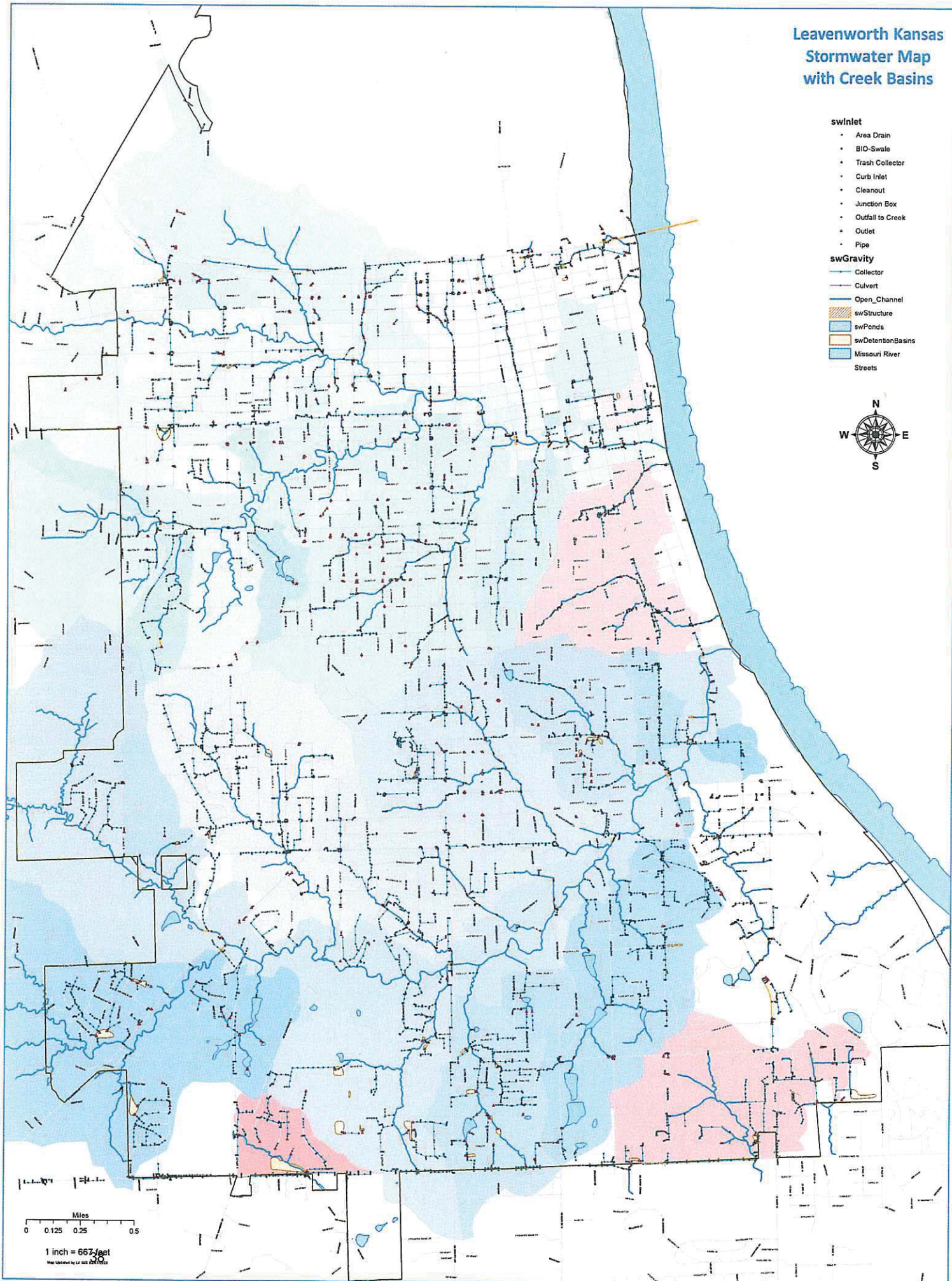
- swInlet**
 - Area Drain
 - BIO-Swale
 - Trash Collector
 - Curb Inlet
 - Cleanout
 - Junction Box
 - Outfall to Creek
 - Outlet
 - Pipe
- swGravity**
 - Collector
 - Culvert
 - Open_Channel
 - swStructure
 - swPonds
 - swDetentionBasins
 - Missouri River
 - Streets



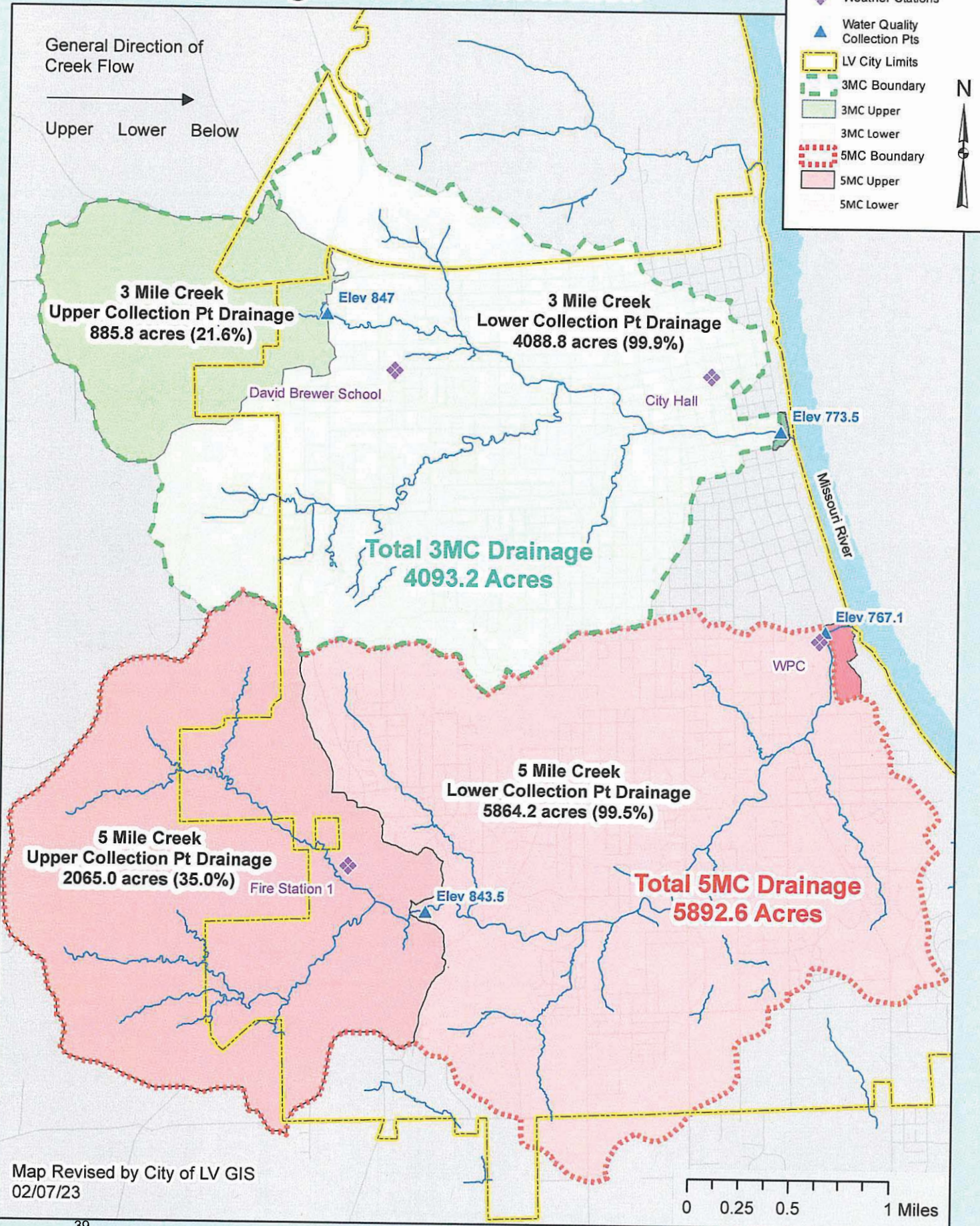
Miles
0 0.125 0.25 0.5

1 inch = 667 feet

Map Updated by CV on 08/20/11



City of Leavenworth, KS Stormwater Management Data Collection



**POLICY REPORT
LEAVENWORTH CITY COMMISSION
2022-15-SUB**

**GREENAMYRE ADDITION
FINAL PLAT**

FEBRUARY 14, 2023

SUBJECT:

Acceptance of land for public Right of Way for Greenamyre Addition, Final Plat

Prepared By:


Julie Hurley
Director of Planning and
Community Development

Reviewed By:


Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Greenamyre Rentals, Inc., plat prepared by Atlas Land Consulting. The applicant is requesting approval of a 6 lot final plat for the Greenamyre Addition residential development, located at 2101 & 2013 Vilas. The subject property is 4.53 acres in size consisting of 2 lots, and is currently vacant. The proposed plat consists of 6 lots, all of which are approximately .75 acre in size. The plat also includes the dedication of additional Right-of-Way for Vilas Street to allow for future roadway improvements.

A rezoning request from R1-25 to R1-9 for the subject property was previously considered by the Planning Commission on August 1, 2022. The Planning Commission at that time voted to recommend denial of the rezoning request, and so the accompanying preliminary and final plats were continued until after such time as the rezoning request was considered by the City Commission. The City Commission voted to approve the rezoning request on October 11, 2022. The subject final plat was considered by the Planning Commission on November 7, 2022, and was approved 4-0.

The plat was discussed at the May 12, 2022 Development Review Committee meeting. Items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and stormwater were discussed. All items discussed will be addressed prior to the issuance of building permits.

Staff recommends accepting the dedication of land for public Right-of-Way for the Greenamyre Addition Final Plat.

ACTION/OPTIONS:

Accept the dedication of land for public Right-of-Way as part of Greenamyre Addition, Final Plat.

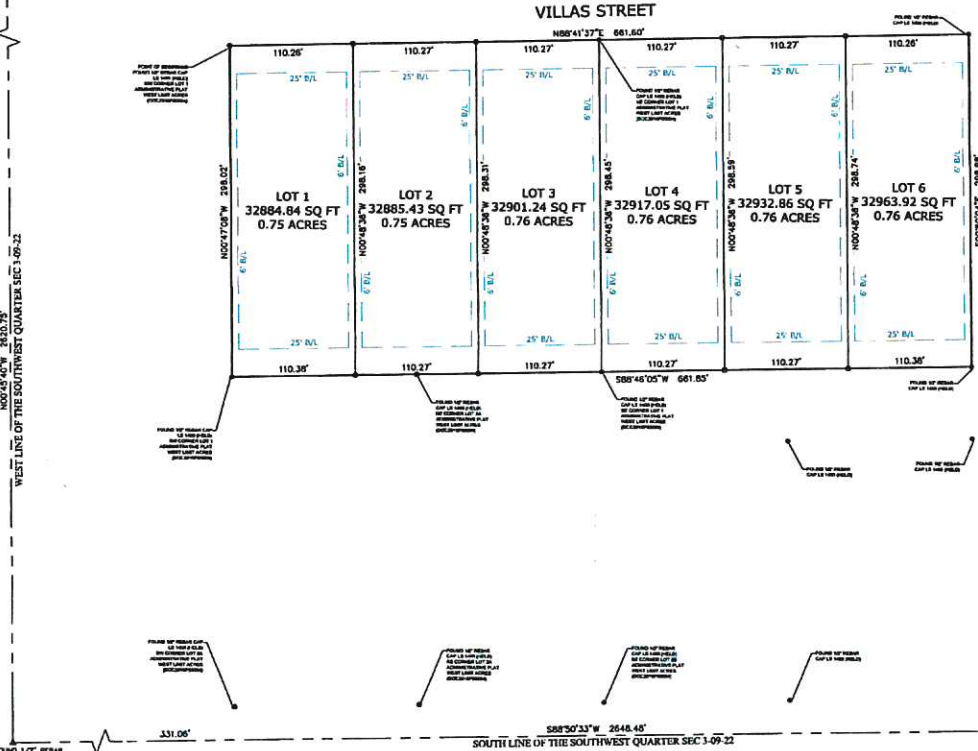
GREENAMYRE ADDITION

A REPLAT OF LOT 1 ADMINISTRATIVE PLAT WEST LIMIT ACRES AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 03, TOWNSHIP 9 SOUTH, RANGE 22 EAST, OF THE 6TH P.M. IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS

FOUND 5/2" REBAR 60X18 LNK HOLD NORTHEAST CORNER OF THE SOUTHWEST QUARTER SEC 3-09-22
 1. 2.96' INCH TO FOUND NAIL WEST SIDE OF 78" 3/4" WALNUT
 2. 24.32' INCH TO FOUND NAIL SOUTH SIDE OF WALNUT
 3. 24.32' INCH TO FOUND EAST CORNER CONCRETE SLAB (DOG RUN)
 4. 25.11' INCH TO FOUND NAIL 8" SINKER IN SEC. 40" HACKBERRY

FOUND 1/2" REBAR 48" 1/2" NORTHEAST CORNER OF THE SOUTHWEST QUARTER SEC 3-09-22
 1. 33.15' INCH TO FOUND "4" CUT IN CURB INLET
 2. 24.80' INCH TO FOUND "4" CUT IN CURB INLET
 3. 21.86' INCH TO FOUND "4" CUT IN CURB INLET
 4. 31.86' INCH TO FOUND "4" CUT IN CURB INLET
 5. 35.00' INCH TO FOUND 1/2" REBAR
 6. CENTERLINE OF INTERSECTION
 HAZARDWAY (E-W-H)

FOUND 1/2" REBAR WITH CAP LS 1408 NORTHEAST CORNER OF THE SOUTHWEST QUARTER SEC 3-09-22
 1. 37.25' INCH TO COVER TOP HUT OF FIRE HYDRANT
 2. 44.82' INCH TO NAIL 8" SINKER IN SOUTH FACE OF POWER POLE
 3. 2.25' INCH TO FENCE LINE TO THE SOUTH LINE OF THE CENTER LINE OF EAST-WEST ROAD



FOUND 1/2" REBAR WITH CAP LS 1408 NORTHEAST CORNER OF THE SOUTHWEST QUARTER SEC 3-09-22
 1. 26.24' INCH TO "4" CUT ON TOP OF "4" INCH REBAR
 2. 11.86' INCH TO "4" CUT ON TOP OF "4" INCH REBAR
 3. 33.25' INCH TO TOP CORNER OF FH

DESCRIPTION:
 A REPLAT OF LOT 1 ADMINISTRATIVE PLAT WEST LIMIT ACRES AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 03, TOWNSHIP 9 SOUTH, RANGE 22 EAST, OF THE 6TH P.M. IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, DESCRIBED BY ROGERS & DILL PS 1408 ON JUNE 7, 2022, AS FOLLOWS:
 BEGINNING AT A POINT 1/2" REBAR CAP LS 1408, ALSO KNOWN TO BE THE NORTHWEST CORNER OF SAID LOT 1; THENCE BEARING N17°27'37" E, ALONG THE NORTH LINE OF SAID LOT 1 AND ITS EASTELY EXTENSION, A DISTANCE OF 661.66 FEET TO A POINT 1/2" REBAR CAP LS 1408; THENCE S20°50'04" W, A DISTANCE OF 298.58 FEET TO A POINT 1/2" REBAR CAP LS 1408, ALSO KNOWN TO BE THE EASTELY EXTENSION OF THE SOUTH LINE OF SAID LOT 1; THENCE S88°46'03" W, ON SAID EASTELY EXTENSION AND ON SAID SOUTH LINE, A DISTANCE OF 661.65 FEET TO A POINT 1/2" REBAR CAP LS 1408, ALSO KNOWN TO BE THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N00°47'09" W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 298.63 FEET TO THE POINT OF BEGINNING.
 CONTAINING 197,485.34 SQUARE FEET MORE OR LESS ON 4.53 ACRES
 BONA OF CLOSURE: 1 PART IN 4,161,156.667

DEDICATION
 The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: GREENAMYRE ADDITION

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Registrar of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.
 The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Registrar of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.
 RECORDED: DATE _____ BOOK _____ PAGE _____

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed
 this 10th day of November, 2022.

 JERRY GREENAMYRE, Managing Member
 GREENAMYRE RENTALS, INC.

STATE OF KANSAS)
) SS
 COUNTY OF LEAVENWORTH

BE IT REMEMBERED, that on this 10th day of November, 2022, before me, a Notary Public in and for said County and State, came Jerry Greenamyre, Managing Member of Greenamyre Rentals, Inc. to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

 My Commission Expires: 5/15/24

NAME
 This plat of GREENAMYRE ADDITION has been submitted to and approved by the Leavenworth Planning Commission, this _____ day of _____, 2022.

CHAIRMAN - CLAUDE WIEDOWER
 SECRETARY - JULIE HURLEY
 DIRECTOR OF PLANNING - JULIE HURLEY

This plat approved by the City Commission of Leavenworth, Kansas, this _____ day of _____, 2022.

ATTEST:
 MAYOR - CAROLLA LEONARD
 CITY CLERK - SARAH BODENSTEINER
 DIRECTOR OF PUBLIC WORKS - BRIAN FAUST
 CITY ATTORNEY - DAVID WATERS

State of Kansas, County of Leavenworth, SS.
 This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2022, in Book _____ Page _____.

REGISTER OF DEEDS - TERAKILOIS G. HANSHURST
 I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

COUNTY SURVEYOR - MICHAEL J. ROGINA, KANSAS PS-1655
 LEAVENWORTH COUNTY SURVEY REVIEWER



FINAL PLAT LEGEND

- FENCE PROPERTY LINES AS SHOWN
- 1/2" 1/2" 3" 4" REBAR CAP LS 1408
- H UNBUILT
- D ROAD
- F FUTURE

GENERAL NOTES

1. THE BASIS FOR THE BOUNDARY SYSTEM FOR THIS PLAT IS THE CORNER MONUMENT BEING U.S. STATE PLATS 1983 - SOUTH LINE OF THE SOUTHWEST QUARTER SEC 03-09-22.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET.
3. BARNER ONE CALL BESS NOT CALLED ON THIS SURVEY.
4. REFERENCED SURVEYS INCLUDE
5. ADMINISTRATIVE PLAT - WEST LIMIT ACRES SEC NO 20190004
6. CURRENT ZONING - R1-25 / PROPOSED ZONING R1-P
7. SURVEY COMPLETED WITHOUT TITLE
8. FENCE LINES DO NOT NECESSARILY INDICATE PROPERTY LINES.
9. THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA OF CANEA WITH MINOR FLOODING. ON FLOOR INSURANCE RATE MAP AND REC. CRITIC, WITH DATE IDENTIFICATION ON DATE IN FILE FOR COMPARISON NO. 2024, IN LEAVENWORTH COUNTY, STATE OF KANSAS, UNDER THE CURRENT FLOOD INSURANCE RATE MAP FOR THIS JURISDICTION IN WHICH DATE REVISION IS DATED.
10. EXISTING EASEMENTS AND UTILITY LOCATIONS MAY NOT BE INDICATED.
11. UTILITY AND EASEMENT INFORMATION SHALL BE FILED IN A SEPARATE DOCUMENT.
12. THE SURVEYOR AND HIS/HERS ARE NOT TO BE HELD RESPONSIBLE FOR THE FORMATION OF A BENEFIT DISTRIBUTE FOR FUTURE PUBLIC UTILITIES.

VICINITY MAP



VICINITY MAP NOT TO SCALE

This is to certify on this 28TH day of JANUARY, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGERS & DILL
 LS 1408

SCALE	PREPARED FOR
50 25 0 25 SCALE IN FEET	GREENAMYRE
SEC-TWN-RNG 03-09-22	DATE JUNE 6, 2022

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
2022-33-SUB**

**RIVERVIEW ESTATES
FINAL PLAT**

FEBRUARY 14, 2023

SUBJECT:

Acceptance of land for public utilities for Riverview Estates, Final Plat



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Greenamyre Rentals, Inc., plat prepared by MHS Engineering. The applicant is requesting approval of a 4 lot final plat for the River View Estates residential development, located in the vicinity of 28 Limit Street. The subject property is 14.55 acres in size and is primarily vacant, with an existing single family home on Lot 1. The plat also includes dedication of easements for public utilities. The subject final plat was considered by the Planning Commission on November 7, 2022, and was approved 4-0.

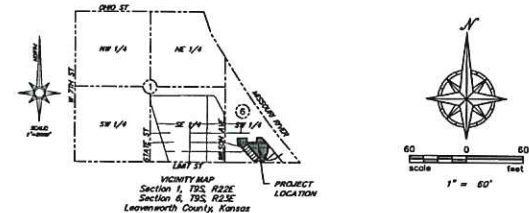
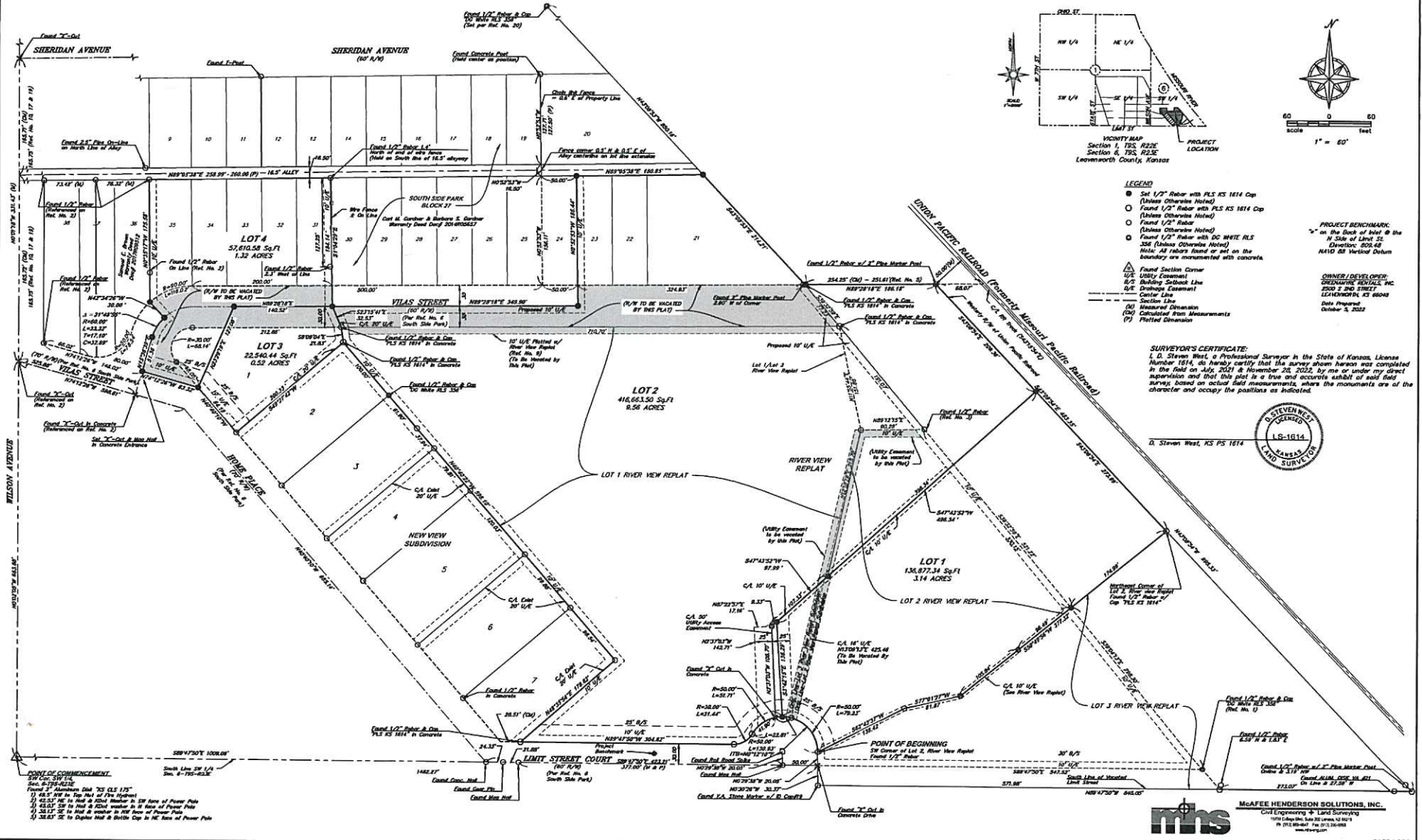
The proposed development was discussed at the July 22, 2021 Development Review Committee meeting. Items discussed related to zoning, vacation of ROW, and utilities were discussed, with no major issues noted.

Staff recommends accepting the dedication of land for public utilities for the Riverview Estates Final Plat.

ACTION/OPTIONS:

Accept the dedication of land for public utilities as part of Riverview Estates, Final Plat.

Final Plat of
RIVER VIEW ESTATES
 A Replat of Lots 1 & 2, River View Replat, and a Replat of Lot 1, New View
 Subdivision, and a Replat of Part of Lots 21-23 & 31-35, Block 27, South Side Park
 in the City of Leavenworth, Leavenworth County, Kansas



Drawing with D. Steven West, License 1814-000-07 - Nonresidential Plat (any lot area) 18-000-007, Final Plat Map
 Drawing Date: Dec 01, 2022, 10:27:30 AM

mcafee
McAfee Henderson Solutions, Inc.
 1715 Chapel Hill, Suite 200, Leavenworth, KS 66048
 Phone: 785.845.0000
 Fax: 785.845.0000

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
2022-06-SUB**

**U-HAUL
FINAL PLAT**

FEBRUARY 14, 2023

SUBJECT:

Acceptance of land for public utilities for U-Haul, Final Plat

Prepared By:


Julie Hurley
Director of Planning and
Community Development

Reviewed By:


Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by AREC 34, LLC, plat prepared by George Butler Associates. The applicant is requesting approval of a 1 lot final plat for the U-Haul development located at 4820 S. 4th Street. The property currently consists of two previously unplatted tracts. The plat is being requested in order to combine the two existing tracts into one lot to facilitate the construction of an additional building on the site. The adopted Development Regulations require the entire property to be platted in order for any sort of combination to be approved. The plat also includes dedication of easements for public utilities. The subject final plat was considered by the Planning Commission on April 4, 2022, and was approved 4-0.

The Development Review Committee reviewed the preliminary plat at their March 17, 2022 meeting. Items related to utility easements and the boundaries of the property were discussed and have been addressed.

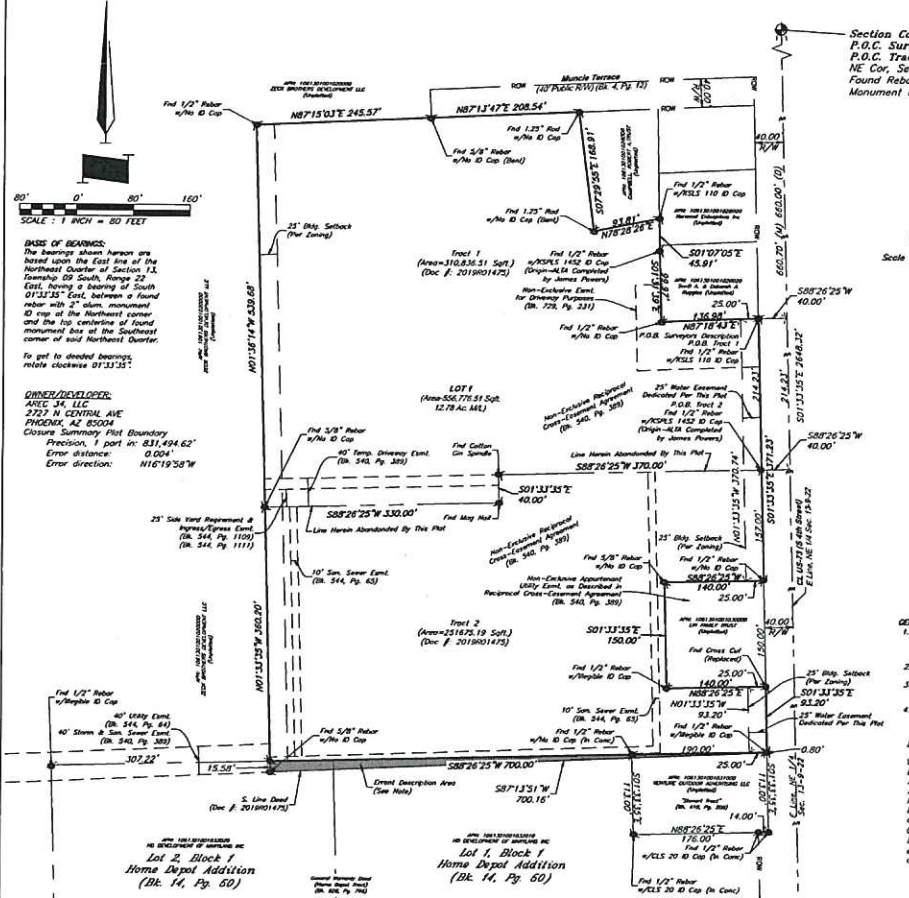
Staff recommends accepting the dedication of land for public utilities for the U-Haul Final Plat.

ACTION/OPTIONS:

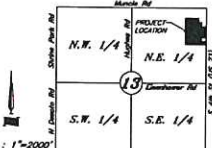
Accept the dedication of land for public utilities as part of U-Haul, Final Plat.

U-HAUL LEAVENWORTH,

(A tract of land located in the NE 1/4 of Section 13, Township 9 South, Range 22 East of the 6th P.M., in the City of Leavenworth, Leavenworth County, Kansas)



Section Corner
P.O.C. Surveyors Description
P.O.C. Tracts 1&2
NE Cor, Section 13-9-22
Found Rebar w/2" Alum.
Monument 10 Cap



VICINITY MAP
SECTION 13-9-22

LEGEND

- Denotes 1" Rebar with GSA cap set of property corner unless otherwise noted
- Denotes monument found as noted or property corner if occupied unless otherwise noted
- Denotes Found Section Corner as noted hereon
- R/W - Right-of-Way
- (M) - Measured
- (D) - Deed

AREA TABLE	
Tract 1	310,836.51 sqft or 7.13 acres
Tract 2	251,675.19 sqft or 5.78 acres
Erroneous Area	5,735.19 sqft or 0.13 acres
Total-LOT 1	556,776.51 sqft or 12.78 acres

GENERAL NOTES

- The information shown hereon is based upon the "Informational Report" prepared by First American Title Insurance Company - Commissioned No. M25-1155071, Effective Date: November 2, 2022 at 8:00 AM.
- All inches shown hereon are measured and checked unless otherwise noted.
- For the National Wetlands Inventory Map (www.fws.gov/wetlands), there are no existing designated wetland areas on or near the subject property.
- Survey Description was prepared to resolve description errors as noted in "Erroneous Description Area Note."

Erroneous Description Area Note:

Wetland Deed Doc. #2019011475 was found to overlap along the South line into the North line of Final Plat Home Depot Addition, recorded in Book 14, Page 50 and Ventura Outdoor Advertising LLC Parcel as shown dimensioned on survey. Upon further research, parcel tract of wetland deed recorded in Book 469, Page 266, had controlling calls to the North line of "Stewart Tract" recorded in Book 410, Page 200 (Ventura Outdoor Advertising LLC Parcel). Monuments along the North line of said "Stewart Tract" were held and extended to establish South line of Subject property per parent parcel description.

SURVEYOR'S CERTIFICATION: I hereby certify that under my direct supervision, a survey was made on the ground of the premises herein described, completed in the field during the month of November, 2022 and that the results of said survey are represented hereon.



Michael D. Loy
Kansas Land Surveyor No. 1512
Job No. 1534.00

DESCRIPTION (FROM KANSAS SPECIAL WARRANTY DEED DOC. # 2019011475)

TRACT 1:
A TRACT OF LAND LOCATED IN THE NE 1/4 OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SECTION 13, THENCE S 0° 00' 00" WEST ALONG THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 650.00 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 73 AND THE POINT OF BEGINNING; THENCE S 0° 00' 00" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 214.23 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 170.00 FEET; THENCE S 0° 00' 00" W A DISTANCE OF 40.00 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 130.00 FEET; THENCE N 0° 02' 39" W A DISTANCE OF 519.68 FEET; THENCE N 85° 48' 38" E 245.57 FEET; THENCE N 85° 48' 38" E A DISTANCE OF 208.84 FEET; THENCE S 03° 55' 20" E A DISTANCE OF 168.91 FEET; THENCE W 80° 02' 01" E A DISTANCE OF 53.81 FEET; THENCE S 0° 26' 30" W A DISTANCE OF 48.91 FEET; THENCE S 00° 01' 36" W A DISTANCE OF 99.97 FEET; THENCE N 85° 52' 18" E A DISTANCE OF 136.98 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS AND PUBLIC RIGHTS OF WAY.

TRACT 2:
A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 9 S, RANGE 22 E OF THE 6TH P.M., CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13, THENCE S 0° 00' 00" W ALONG THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 874.23 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 73 AND THE POINT OF BEGINNING; THENCE S 0° 00' 00" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 157.00 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 170.00 FEET; THENCE S 0° 00' 00" W A DISTANCE OF 40.00 FEET; THENCE S 90° 00' 00" W A DISTANCE OF 140.00 FEET; THENCE N 0° 02' 39" W A DISTANCE OF 519.68 FEET; THENCE N 85° 48' 38" E 245.57 FEET; THENCE N 85° 48' 38" E A DISTANCE OF 208.84 FEET; THENCE S 03° 55' 20" E A DISTANCE OF 168.91 FEET; THENCE W 80° 02' 01" E A DISTANCE OF 53.81 FEET; THENCE S 0° 26' 30" W A DISTANCE OF 48.91 FEET; THENCE S 00° 01' 36" W A DISTANCE OF 99.97 FEET; THENCE N 85° 52' 18" E A DISTANCE OF 136.98 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS.

SURVEY DESCRIPTION (LOT 1, U-HAUL LEAVENWORTH)

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 09 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AS PREPARED BY MICHAEL D. LOY, LS 1612, ON DECEMBER 2, 2022, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER, THENCE SOUTH 01°13'35" EAST, ALONG THE EAST LINE OF SAID QUARTER, A DISTANCE OF 660.70 FEET, THENCE SOUTH 85°25'25" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 40.00 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET (US-73), AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°13'35" EAST, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 371.33 FEET; THENCE SOUTH 85°25'25" WEST, DEPARTING SAID WEST RIGHT-OF-WAY, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°13'35" EAST, A DISTANCE OF 150.00 FEET; THENCE NORTH 85°25'25" EAST, A DISTANCE OF 85°25'25" WEST, DEPARTING SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET; THENCE NORTH 01°13'35" WEST, A DISTANCE OF 360.20 FEET; THENCE NORTH 01°16'14" WEST, A DISTANCE OF 539.68 FEET; THENCE NORTH 87°15'01" EAST, A DISTANCE OF 245.57 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MUNICE ROAD, AS NOW ESTABLISHED; THENCE NORTH 87°15'01" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 208.84 FEET; THENCE SOUTH 07°23'55" EAST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 168.91 FEET; THENCE NORTH 78°28'26" EAST, A DISTANCE OF 93.81 FEET; THENCE SOUTH 01°10'05" EAST, A DISTANCE OF 45.91 FEET; THENCE SOUTH 01°12'38" EAST, A DISTANCE OF 99.97 FEET; THENCE NORTH 87°18'43" EAST, A DISTANCE OF 136.98 FEET, TO THE POINT OF BEGINNING, CONTAINING 556,776.51 SQUARE FEET OR 12.78 ACRES, MORE OR LESS.

DEDICATION:
The undersigned proprietors of the above described tracts of land have caused the same to be combined in the manner as shown on the accompanying plat which hereafter shall be known as U-HAUL LEAVENWORTH.
The Streets, Drives, Fences and other ways shown hereon and not heretofore dedicated to the public are hereby so dedicated.
An Easement or License to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of water utilities and other similar facilities upon, over and under these areas outlined and designated on this plat as Water Easement or W/E is hereby granted to Leavenworth Waterworks with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.
There will be no restrictions other than those shown hereon.

OWNER CERTIFICATE:
This is to certify that the undersigned is the owner of the land described in the plat, and that all previous taxes have been paid, and that they have caused the same to be surveyed and combined as indicated thereon, for the uses and purposes therein set forth, and do hereby acknowledge and adopt the same under the style and title thereon indicated.
Given under my hand at this _____ day of _____ A.D. _____

Signature _____
Name _____ Title _____

NOTARY CERTIFICATE:
STATE OF _____
COUNTY OF _____ SS

Do I remember that on this _____ day of _____ A.D. _____ before me, a notary public in and for said County and State, came _____ to set my hand and affixed my notarial seal the day and year above written.

(Seal) _____ Notary Public

My Commission Expires: _____

PLANNING COMMISSION APPROVAL:
This plat of U-HAUL LEAVENWORTH has been Submitted to and Approved by the Leavenworth Planning Commission this _____ day of _____ A.D. _____

Name _____ Chairman Name _____ Secretary Name _____ Director of Public Works

CITY COUNCIL APPROVAL:
This plat approved by the City Commission of Leavenworth, Kansas, this _____ day of _____ A.D. _____

Name _____ Mayor Name _____ City Clerk Name _____ Director of Public Works Name _____ City Attorney

COUNTY SURVEYOR'S CERTIFICATE:
I hereby certify this plat meets the requirements of K.S.A. 85-2005. The face of this plat was reviewed based on the Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Leavenworth County Surveyor

REGISTER OF DEEDS CERTIFICATE:
State of Kansas, County of Leavenworth, KS.
This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____ A.D. _____ in Book _____ Page _____

Name _____ Registrar of Deeds

U-HAUL LEAVENWORTH, a subdivision in
Section 13, Township 09, Range 22,
City of Leavenworth, Leavenworth County, Kansas



GEORGE BATES SURVEYING & ENGINEERING, INC.
CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS
ONE BOWER ROAD, 1801 REMER BLDG, LEAVENWORTH, KS 66117 (913)481-0000
December 02, 2022 Drawn By: JMLF Survey Land Registration

SHEET 1 OF 1

ZONING INFORMATION:

- According to FEMA Flood Insurance Rate Map, Panel 144 of 425, Community-Panel Number 200190 0148 C, Map Revised July 16, 2016, the surveyed premises lie entirely within Zone X. Areas determined to be outside the 0.2% annual chance floodplain.
- According to the City of Leavenworth, KS website, the surveyed premises is Zoned GBD (General Business District). According to the Leavenworth, Kansas Code of Ordinances Zoning Districts and Standards, Appendix A, Article 4, Section 4.01-Property development standards, Basic Standards shown on Table 4-01, for said Zone GBD are as follows:
Minimum Front Setback - 25'
Minimum Rear Setback - 25'
Corner Side Setback - 25'
Building Height - 45'

THEORY OF LOCATION:
1. Found monuments on the North line of Final Plat Home Depot Addition, recorded in Book 14, Page 50, and the North line of Deed Book 410, Page 200 were accepted and held for South line of subject property. East line of subject property was held as 40 foot offset of the East line of the Northeast Quarter of Section 13-9-22. Record Deed dimensions of Deed Doc. #2019011475 were found to match monumentation in field along the North and West lines of subject property.


SURVEY REFERENCES:
1. Final Plat Home Depot Addition, recorded in Book 14, Page 50.
2. "Parent Parcel Deed" of Subject Property - Corporation Warranty Deed, recorded in Book 469, Page 266.
3. "Stewart Tract" - Warranty Deed-Joint Tenancy, recorded in Book 410, Page 200.
4. Deed Description of Home Depot Tract - General Warranty Deed, recorded in Book 626, Page 266.
5. Official Utility Easement, recorded in Book 544, Page 84

POLICY REPORT
RESOLUTION TO SET PUBLIC HEARING
FOR UNSAFE OR DANGEROUS STRUCTURES

FEBRUARY 14, 2023



Prepared By:
Bethany Falvey,
City Planner



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 10, Article XI (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

STRUCTURES FOR CONSIDERATION

Staff has compiled a list of dangerous structures, which have been evaluated by staff in accordance with State statute. The City Commission reviewed a list of 10 structures at the December 6, 2022 City Commission meeting and voted at that time to proceed with placing 10 of the structures as presented on a list for public hearing.

City staff has completed the necessary paperwork to set a resolution for the public hearing. All property owners have been notified that their properties have been identified as unsafe and dangerous, and given opportunity to contact staff to discuss options for resolution.

The following structures, as reviewed by the City Commission on December 6, 2022, are hereby presented for consideration to be placed on a resolution to set a public hearing:

1. **612 N. 2nd Street** – Single family house
2. **710 S. 7th Street** – Single family house
3. **817 N. 16th Street** – Single family house
4. **701 Chestnut Street** – Single family house
5. **776 Miami Street** – Accessory structure
6. **1030 Miami Street** – Single family house
7. **212 Olive Street** – Single family house
8. **200 Osage Street**– Accessory structure
9. **229 Osage Street**– Single family house
10. **1128 Quincy Street** – Single family house

The resolution affixes the time and place, of April 11, 2023 in the City Commission Chambers, 100 N 5th Street, Leavenworth, Kansas, at which time the owner, the owner's agent, any lienholder of record, and any occupant of such structure designated by staff as dangerous may appear and show cause why such

structure should not be condemned as dangerous or hazardous structures and ordered repaired or demolished. At the conclusion of the hearing, the City Commission shall pass a resolution listing the structures, their findings, and listing any time periods allowed for repair.

At the time of the public hearing on April 11, 2023, staff will present an overview of each listed structure for consideration by the City Commission.

RECOMMENDED ACTION

Approve Resolution B-2326 set a public hearing date of April 11, 2023 for review of 9 dangerous and unsafe structures.

(To Be Published in the Leavenworth Times on February 17, 2023 and February 24, 2023)

Resolution B-2326

A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS AT WHICH TIME AND PLACE THE OWNER, ITS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE STRUCTURES HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES, PURSUANT TO K.S.A. 12-1751 ET SEQ.

WHEREAS, the enforcing officer of the City of Leavenworth, Kansas, did on the 6th day of December 2022, file with the governing body of said city a statement in writing that certain structures hereinafter described are dangerous and hazardous and should be ordered by the governing body to be demolished or repaired.

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

Section 1. That a Public Hearing shall be held on the 11th day of April 2023, before the Governing Body of the City of Leavenworth, Kansas, at 6:00 p.m., or as soon thereafter as the City Commission can hear the matter, at the City Commission Room, 100 N 5th Street, Leavenworth, Kansas, at which time the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structures should or should not be condemned as dangerous or hazardous structures and ordered repaired or demolished:

1. A one-story wood frame house and any accessory structures on the property located at **612 N. 2nd Street**, legally described as Lots 12, 13, 14, 15 and 16, Block 12, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 07725031004000.
2. A one-story brick frame house and any accessory structures on the property located at **710 S. 7th Street**, legally described as the S 44' Lot 1 and S 44' of 40' Lot 2 in Block 37 of the Clark and Rees Addition, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773602039011000.
3. A one-story wood frame house and any accessory structures on the property located at **817 N. 16th Street**, legally described as a tract beginning at the NE corner of a tract bounded on the N by Dakota Street, and on the East by 16th Street, thence West 115 feet, then South 100 feet, thence East 115 feet, then North to the point of beginning in the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0782701013001000.
4. A one and a half story brick frame house and any accessory structures on the property located at **701 Chestnut Street**, legally described as the S 14' of N 96' of Lots 1 and 2 and N 84' of Lot 1 in Block 37 of the Clark and Rees Addition, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773602039001000.
5. A detached garage/shed located at **776 Miami Street**, legally described as Lot 13, Block 114, Western Addition, City of Leavenworth, Leavenworth County, Kansas.

CAMA No. 0772604306013000.

6. A one-story wood frame house and any accessory structures on the property located at **1030 Miami Street**, legally described as, City of Leavenworth, Leavenworth County, Kansas, described as Lots 26, 27, and 28, Block 2, Ewing, Roelefson and Company's Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772603403011000.
7. A one-story wood frame house and any accessory structures on the property located at **212 Olive Avenue**, legally described as the Lots 12 and 13, Block 9, Clark and Rees Addition to the City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773602034008010.
8. A two-story detached garage/shed located at **200 Osage Avenue**, legally described as Lots 1 and 2, Block 27, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772503106022000.
9. A one-story wood frame house and any accessory structures on the property located at **229 Osage Street**, legally described as Lot 17 in Block 26 in Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0772503107012000.
10. A one-story wood frame house and any accessory structures on the property located at **1128 Quincy Street**, legally described as Lots 34 and 35, Block 11, Stillings Subdivision, City of Leavenworth, Leavenworth County, Kansas. CAMA No. 0773503018016000.

Section 2. The City Clerk and/or Director of Planning and Community Development are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address and shall be marked "deliver to addressee only."
- b. This resolution shall be published for two consecutive weeks; once on February 17, 2023 and once on February 24, 2023.

Section 3. This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas this 14th day of February 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT NO.
RESOLUTION SUBMITTING SEMAP CERTIFICATION
FEBRUARY 14, 2022**

PREPARED BY:



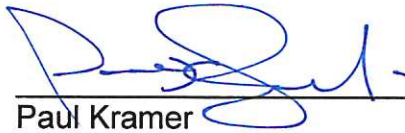
Patrick Tooley, Section 8 Coordinator
Leavenworth Housing Authority

REVIEWED BY:



Julie Hurley, Executive Director

APPROVED BY:



Paul Kramer
City Manager

ISSUE:

Consider a resolution submitting the Section Eight Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing & Urban Development for the operation of the Housing Choice Voucher (Section 8) program.

SEMAP:

The Section 8 program is scored under the Section Eight Management Assessment Program (SEMAP). This assessment is an annual process and is submitted electronically after your approval. The certification is attached.

Overview of Section 8 program:

The Section 8 program consists of the Housing Choice Voucher program and the Veterans Affairs Supportive Housing program. Both programs enable low income families to live in apartments, duplexes or houses in the community that they would be unable to afford on their own. The families rent portion is based on their income. This program is 100% federally funded including all admin costs.

COMMISSION ACTION:

Motion to adopt the attached resolution submitting the SEMAP certification to HUD.

RESOLUTION B-2327

**A RESOLUTION SUBMITTING THE SECTION EIGHT
MANAGEMENT ASSESSMENT PROGRAM (SEMAP),
LEAVENWORTH, KANSAS TO THE U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT (HUD)**

BE IT RESOLVED by the Mayor and City Commission, acting as the Public Housing Authority (PHA) for Leavenworth, Kansas, as follows:

Section 1. The Section Eight Management Assessment Program (SEMAP) Certification for the period ending December 31, 2022 is hereby approved and is authorized to be sent to the Office of Public Housing, US Department of Housing and Urban Development (HUD).

Passed and approved this 14th day of February 2023

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, City Clerk, CMC



Patrick Tooley
(MAT977)
PIC Main

- Assessment Profile
- Reports
- Submission
- List
- Summary
- Certification
- Profile
- Comments

Field Office: **7APH KANSAS CITY HUB OFFICE**
 Housing Agency: **KS068 LEAVENWORTH HOUSING AUTHORITY**
 PHA Fiscal Year End: **12/31/2022**

SEMAP

Logoff

OMB Approval No. 2577-0215

SEMAP CERTIFICATION (Page 1)

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This collection of information is required by 24 CFR sec 985.101 which requires a Public Housing Agency (PHA) administering a Section 8 tenant-based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year. The information from the PHA concerns the performance of the PHA and provides assurance that there is no evidence of seriously deficient performance. HUD uses the information and other data to assess PHA management capabilities and deficiencies, and to assign an overall performance rating to the PHA. Responses are mandatory and the information collected does not lend itself to confidentiality.

Check here if the PHA expends less than \$300,000 a year in federal awards

Indicators 1 - 7 will not be rated if the PHA expends less than \$300,000 a year in Federal awards and its Section 8 programs are not audited for compliance with regulations by an independent auditor. A PHA that expends less than \$300,000 in Federal awards in a year must still complete the certification for these indicators.

Performance Indicators

1 Selection from Waiting List (24 CFR 982.54(d)(1) and 982.204(a))

a. The HA has written policies in its administrative plan for selecting applicants from the waiting list.

PHA Response Yes No

b. The PHA's quality control samples of applicants reaching the top of the waiting list and admissions show that at least 98% of the families in the samples were selected from the waiting list for admission in accordance with the PHA's policies and met the selection criteria that determined their places on the waiting list and their order of selection.

PHA Response Yes No

2 Reasonable Rent (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)

a. The PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units (i) at the time of initial leasing, (ii) before any increase in the rent to owner, and (iii) at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary. The PHA's method takes into consideration the location, size, type, quality, and age of the program unit and of similar unassisted units and any amenities, housing services, maintenance or utilities provided by the owners.

PHA Response Yes No

b. The PHA's quality control sample of tenant files for which a determination of reasonable rent was required to show that the PHA followed its written method to determine reasonable rent and documented its determination that the rent to owner is reasonable as required for (check one):

PHA Response **At least 98% of units sampled** **80 to 97% of units sampled**
 Less than 80% of units sampled

3 Determination of Adjusted Income (24 CFR part 5, subpart F and 24 CFR 982.516)

The PHA's quality control sample of tenant files show that at the time of admission and reexamination, the PHA properly obtained third party verification of adjusted income or documented why third party verification was not available; used the verified information in determining adjusted income; properly attributed allowances for expenses; and, where the family is responsible for utilities under the lease, the PHA used the appropriate utility allowances for the unit leased in determining the gross rent for (check one):

PHA Response **At least 90% of files sampled** **80 to 89% of files sampled**
 Less than 80% of files sampled

4 Utility Allowance Schedule (24 CFR 982.517)

The PHA maintains an up-to-date utility schedule. The PHA reviewed utility rate data that it obtained within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10% or more in a utility rate since the last time the utility allowance schedule was revised.

PHA Response **Yes** **No**

5 HQS Quality Control (24 CFR 982.405(b))

The PHA supervisor (or other qualified person) reinspected a sample of units during the PHA fiscal year, which met the minimum sample size required by HUD (see 24 CFR 985.2), for quality control of HQS inspections. The PHA supervisor's reinspected sample was drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of cross section of inspectors.

PHA Response **Yes** **No**

6 HQS Enforcement (24 CFR 982.404)

The PHA's quality control sample of case files with failed HQS inspections shows that, for all cases sampled, any cited life-threatening HQS deficiencies were corrected within 24 hours from the inspection and, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or, if HQS deficiencies were not corrected within the required time frame, the PHA stopped housing assistance payments beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce the family obligations for (check one):

PHA Response **At least 98% of cases sampled** **Less than 98% of cases sampled**

7 Expanding Housing Opportunities.

(24 CFR 982.54(d)(5), 982.153(b)(3) and (b)(4), 982.301(a) and 983.301(b)(4) and (b)(12))

Applies only to PHAs with jurisdiction in metropolitan FMR areas

Check here if not applicable

a. The PHA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration which clearly delineates areas in its jurisdiction that the PHA considers areas of poverty or minority concentration, and which includes actions the PHA will take to encourage owner participation.

PHA Response **Yes** **No**

b. The PHA has documentation that shows that it took actions indicated in its written policy to encourage participation by owners outside areas of poverty and minority concentration.

PHA Response **Yes** **No**

c. The PHA has prepared maps that show various areas, both within and neighboring its jurisdiction, with housing opportunities outside areas of poverty and minority concentration; the PHA has assembled information about job opportunities, schools and services in these areas; and the PHA uses the maps and related information when briefing voucher holders.

PHA Response **Yes** **No**

d. The PHA's information packet for certificate and voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the voucher program, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration.

PHA Response **Yes** **No**

e. The PHA's information packet includes an explanation of how portability works and includes a list of neighboring PHAs with the name, address and telephone number of a portability contact person at each.

PHA Response **Yes** **No**

f. The PHA has analyzed whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the PHA has considered whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

PHA Response **Yes** **No**

Page 1 of 2

[Go to Comments](#)

Save

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Assessment Profile | Reports | Submission

List

Summary

Certification

Profile

Comments

Patrick Tooley (MAT937)
PIC Main

Field Office: 7APH KANSAS CITY HUB OFFICE
Housing Agency: KS068 LEAVENWORTH HOUSING AUTHORITY
PHA Fiscal Year End: 12/31/2022

SEMAP

SEMAP CERTIFICATION (Page 2)

Performance Indicators

8 Payment Standards(24 CFR 982.503)

The PHA has adopted current payment standards for the voucher program by unit size for each FMR area in the PHA jurisdiction and, if applicable, for each PHA-designated part of an FMR area, which do not exceed 110 percent of the current applicable FMR and which are not less than 90 percent of the current FMR (unless a lower percent is approved by HUD). (24 CFR 982.503)

PHA Response Yes No

FMR Area Name

No records have been entered.

Enter current FMRs and payment standards (PS)

0-BR FMR	885	1-BR FMR	1002	2-BR FMR	1164	3-BR FMR	1530	4-BR FMR	1777
PS	841	PS	952	PS	1106	PS	1454	PS	1688

Save Add

If the PHA has jurisdiction in more than one FMR area, and/or if the PHA has established separate payment standards for a PHA-designated part of an FMR area, add similar FMR and payment standard comparisons for each FMR area and designated area.

9 Timely Annual Reexaminations(24 CFR 5.617)

The PHA completes a reexamination for each participating family at least every 12 months.(24 CFR 5.617)

PHA Response Yes No

10 Correct Tenant Rent Calculations(24 CFR 982, Subpart K)

The PHA correctly calculates tenant rent in the rental certificate program and the family rent to owner in the rental voucher program (24 CFR 982,Subpart K)

PHA Response Yes No

11 Pre-Contract HQS Inspections(24 CFR 982.305)

Each newly leased unit passes HQS inspection before the beginning date of the assisted lease and HAP contract.(24 CFR 982.305)

PHA Response Yes No

12 Continuing HQS Inspections(24 CFR 982.405(a))

The PHA inspects each unit under contract as required (24 CFR 982.405(a))

PHA Response Yes No

13 Lease-Up

The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year. The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year

PHA Response Yes No

14 Family Self-Sufficiency (24 CFR 984.105 and 984.305)

14a. Family Self-Sufficiency Enrollment. The PHA has enrolled families in FSS as required. Applies only to PHAs required to administer an FSS program.

Check here if not applicable

a. Number of mandatory FSS slots (Count units funded under the FY 1992 FSS incentive awards and in FY 1993 and later through 10/20/1998. Exclude units funded in connection with Section 8 and Section 23 project-based contract terminations; public housing demolition, disposition and replacement; HUD multifamily property sales; prepaid or terminated mortgages under section

236 or section 221(d)(3); and Section 8 renewal funding. Subtract the number of families that successfully completed their contracts on or after 10/21/1998.)

Or, Number of mandatory FSS slots under HUD-approved exception (If not applicable, leave blank)

b. Number of FSS families currently enrolled

c. Portability: If you are the initial PHA, enter the number of families currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

Percent of FSS slots filled (b+c divided by a) (This is a nonenterable field. The system will calculate the percent when the user saves the page)

14b. Percent of FSS Participants with Escrow Account Balances. The PHA has made progress in supporting family self-sufficiency as measured by the percent of currently enrolled FSS families with escrow account balances.(24 CFR 984.305)

Applies only to PHAs required to administer an FSS program

Check here if not applicable

PHA Response Yes No

Portability: If you are the initial PHA, enter the number of families with FSS escrow accounts currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

15 Deconcentration Bonus

The PHA is submitting with this certification data which show that :

(1) Half or more of all Section 8 families with children assisted by the PHA in its principal operating area resided in low poverty census tracts at the end of the last PHA FY;

(2) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area during the last PHA FY is atleast two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the last PHA FY; or

(3) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area over the last two PHA FY is at least two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the second to last PHA FY.

PHA Response Yes No

[Deconcentration Addendum](#)

[Go to Comments](#)

[Back to Page1](#)

Save Reset

POLICY REPORT NO. PWD 23-05
PUBLIC WORKS DEPARTMENT – SOLID WASTE DIVISION

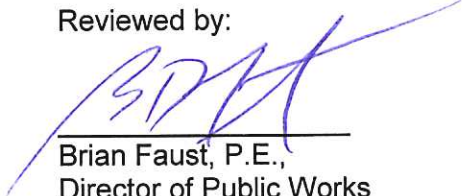
CONSIDER AWARD OF TRACKED SKID STEER LOADER

February 14, 2023


Prepared by:

Steve King,
Solid Waste Foreman

Reviewed by:



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



Paul Kramer,
City Manager

Issue:

Consider approval of the bid for the purchase of a 2023 Bobcat T770 T4 Compact Track Loader to replace the 2010 skid loader.

Background:

The Solid Waste (Refuse) Division budgeted \$80,000 for a replacement skid steer/track loader in the 2023 CIP. Solid Waste Foreman Steve King prepared bid specifications and researched options for purchasing the equipment. This skid loader will replace a 2010 Bobcat that was damaged in a fire back in 2021. The estimated delivery time is three to four months once an order is placed.

Bid opening was January 19, 2023.

KC Bobcat – Bobcat T770 Track Loader	Tracey, MO	\$78,314.66
Murphy Tractor – John Deere 333G Track Loader	Kansas City, MO	\$94,500.00
2023 CIP		\$80,000.00

The bid includes a 2-year/2,000-hour warranty with a 3-year/3000-hour protection plan.

Budget Impact:

The 2023 CIP included funding in the amount of \$80,000 for a new tracked loader.

Staff Recommendations:

Staff recommends that the City Commission approve the purchase of a 2023 Bobcat T770 T4 Compact Track Loader for \$78,314.66 from KC Bobcat.

Attachments:

- Quote from KC Bobcat
- 2023 CIP Sheet for Equipment

Purchasing Office
100 North 5th Street
City Hall
Leavenworth, Kansas 66048
(913) 684-0348
Invitation for Request for Proposal
For: Track loader

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.

01RF-2023-01

Bid Opening:

Date: January 19th, 2022

Time: 2:00 P.M.

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

**CITY OF LEAVENWORTH
SPECIFICATIONS FOR TRACK LOADER
BID #01RF-2023-01**

DESCRIPTION:

The City of Leavenworth is soliciting bid quotes for a track loader to replace a 2010 Bobcat T320 (equivalent model dimensions required due to storage). The City reserves the right to waive minor technicalities under these specifications.

The unit shall be a current model; new and unused, under standard production for use as requested, and of which parts are stocked by vendor.

Illustrative product brochures and technical data must accompany the bid.

BIDDER PROPOSED:

VEHICLE CONFIGURATION:

	COMPLY	
	Yes	No
1. Tracks not wheels	✓ —	—
2. 4 cylinder, minimum 92hp (net) Turbo Tier IV diesel engine	✓ —	—
3. 2 speed drive motor	✓ —	—
4. 3,000 lb minimum operating capacity	✓ —	—
5. Dual element air filter	✓ —	—
6. Hand and foot throttle	✓ —	—
7. 95 amp alternator	✓ —	—
8. Hydraulic flow with auxiliary hydraulics complete with the appropriate quick connectors for attachments. Pump to be high flow.	✓ —	—
9. Direct drive hydrostatic pump	✓ —	—
10. Dual lift cylinders	✓ —	—
11. Dual bucket cylinders	✓ —	—
12. Backup Alarm package	✓ —	—
13. Remote jump start terminal with master battery	✓ —	—
14. Battery minimum 800 CCA	✓ —	—

**CITY OF LEAVENWORTH
SPECIFICATIONS FOR TRACK LOADER
BID #01RF-2023-01**

- | | | |
|---------------------------------------------------|---|---|
| 15. Battery Disconnect | _ | ✓ |
| 16. Cab with heat and ac | ✓ | _ |
| 17. Rotating beacon light | ✓ | _ |
| 18. Engine Block Heater | ✓ | _ |
| 19. Backup Camera | ✓ | _ |
| 20. Air Ride Seat | ✓ | _ |
| 21. Mechanical Controls | _ | ✓ |
| 22. 21 inch mirror | ✓ | _ |
| 23. 7 and 14 pin connectors | ✓ | _ |
| 24. Width with bucket equal to or under 80 inches | ✓ | _ |
| 25. Length with bucket under 146 inches | ✓ | _ |
| 26. Height with beacon light under 92 inches | ✓ | _ |

MANUALS:

- | | | |
|--------------------------------------------------|---|---|
| 27. Two (2) operations manuals shall be provided | ✓ | _ |
| 28. Two (2) parts manuals shall be provided | ✓ | _ |
| 29. Two (2) service manuals shall be provided | ✓ | _ |

WARRANTY:

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| 30. Manufacturer's warranty shall be a minimum of three (3) year on entire skid steer including all parts and labor with option to upgrade | _ | ✓ |
| → is an upgrade and can not be added to. | | |
| 31. Manufacturer's warranty shall be a minimum of three (3) years on engine, including all parts and labor with option to upgrade | _ | ✓ |
| → is an upgrade and cannot be added to | | |

**CITY OF LEAVENWORTH
SPECIFICATIONS FOR TRACK LOADER
BID #01RF-2023-01**

SERVICING AND TRAINING:

32. Vendors shall have a full parts and service facility within 70 air miles from the City of Leavenworth garage.
State location and distance:

KC Bobcat Tracy MO Location = Est 12 Road miles away

33. A qualified technician shall provide complete training to the City of Leavenworth personnel at the City's garage. Training shall include safety, operation, maintenance and service.

DELIVERY:

34. Conditioning and full service is required prior to delivery.
The vehicle/equipment shall be cleaned, lubricated and serviced ready for immediate service. All necessary alignment checks performed and adjustments made prior to delivery.
All fluid levels shall be checked.

35. Acceptance shall be subject to the inspection and approval of the City.
No payment will be made until vehicle is delivered complete and accepted by the City of Leavenworth.

Bidder shall state delivery time after receipt of order.

↳ There is not a way of giving an
Exact date of Delivery. ETA 3-4 months out.

CITY OF LEAVENWORTH
SPECIFICATIONS FOR TRACK LOADER
BID #01RF-2023-01

Bid Sheet

MAKE AND MODEL: T-770

PRICE: \$ \$78,314⁰⁰

FIRM SUBMITTING BID: KC Bobcat

ADDRESS: 100 Tracy Dr

CITY, STATE & ZIP CODE: Tracy, MO 64079

AUTHORIZED SIGNATURE: 

PRINT NAME: Aaron Phares / Soleman

TELEPHONE NUMBER: 913-208-4244 FAX NUMBER: 816-431-3002

PROJECTED DELIVERY DATE: Delivery Dates are an Estimate = ETA 3-4 months out

DATE BID EXPIRES: _____

SPECIAL NOTES: Please see attached Machine quote and Bid Specs.

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 16 day of Jan, 2023

KC Bobcat
(Name of Organization)

Salesman
(Title of person signing)

[Handwritten Signature]
(Signature)

ACKNOWLEDGEMENT

STATE OF MO

)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 Jan, 2023

Dawn Carnahan
Notary Public Signature

My Commission Expires: 1/25/2024

DAWN CARNAHAN
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES JANUARY 25, 2026
JACKSON COUNTY
COMMISSION #13491160



Bobcat

Product Quotation

Quotation Number: NTC-00315
Date: 2023-01-09 08:45:07

Customer Name/Address:	Bobcat Delivering Dealer	ORDERS TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF LEAVENWORTH G904471 790 Thornton St Leavenworth, KS 66048-7424	AARON PHARES K.C. Bobcat, Olathe, KS 1220 S HAMILTON CIRCLE OLATHE KS 66061-5371 Phone: (913) 829-4600 Fax: (913) 829-1552	Clark Equipment Company dba Bobcat Company 250 E Beaton Dr West Fargo, ND 58078 Phone: 701-241-8719 Fax: 855-608-0681 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
T770 T4 Bobcat Compact Track Loader	M0285	1	\$60,577.30	\$60,577.30
92 HP Turbo Tier 4 Diesel Engine	Lift Arm Support			
Air Intake Heater (Automatically Activated)	Lift Path: Vertical			
Auxiliary Hydraulics: Variable Flow	Lights, Front & Rear			
Backup Alarm	Operator Cab			
Bob-Tach	<ul style="list-style-type: none"> Includes: Adjustable Suspension Seat, Top & Rear Windows, Seat Bar, Seat Belt Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471 Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts) 			
Bobcat Interlock Control System (BICS)	Parking Brake: Spring Applied, Pressure Released (SAPR)			
Controls: Bobcat Standard	Tracks: Rubber, 17.7" wide			
Engine/Hydraulic Systems Shutdown	Warranty: 2 years, or 2000 hours whichever occurs first			
Horn				
Instrumentation: Engine Temp & Fuel Gauges, Hourmeter, RPM and Warning Lights				
36 Month Protection Plus (3000 Hours)	9974371	1	\$2,900.00	\$2,900.00
P67 Performance Package	M0285-P06-P67	1	\$4,269.30	\$4,269.30
Power Bob-Tach	2-Speed			
7-Pin Attachment Control Kit	Hydraulic Bucket Positioning			
High Flow				
C37 Comfort Package	M0285-P07-C37	1	\$4,504.50	\$4,504.50
Enclosed Cab with AC/Heat	Deluxe Instrument Panel with Keyless Start			
Sound Reduction	Radio			
Cab Accessories Package	Heated Cloth Air Ride Suspension Seat			
Selectable Joystick Controls (SJC)	M0285-R01-C04	1	\$661.50	\$661.50
Rotating Beacon Kit	7129299	1	\$259.09	\$259.09
Rear Camera Kit	7329670	1	\$1,165.17	\$1,165.17
14-PIN ATTACHMENT T-HARNES KIT	7196479	1	\$446.30	\$446.30
Description	Part No	Qty	Price Ea.	Total
REARVIEW MIRROR KIT		1	\$103.00	\$103.00
T770 PARTS MANUAL		2	\$157.00	\$314.00
T770 SERVICE MANUAL		2	\$200.00	\$400.00
T770 OPERATION MANUAL		1	\$157.00	\$157.00
Total of Items Quoted				\$75,757.16
Dealer P.D.I.				\$300.00
Freight Charges				\$1,350.00
Dealer Assembly Charges				\$907.50
Quote Total - US dollars				\$78,314.66

***Prices per the Kansas NASPO Construction - SW192**

***Terms Net 60 Days. Credit cards accepted.**

***FOB Destination**

***State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with order.**

***TID# 38-0425350**

***Orders Must Be Placed with Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.**

***Quote valid for 30 days**

ORDER ACCEPTED BY:

SIGNATURE

DATE

PRINT NAME AND TITLE

PURCHASE ORDER NUMBER

DELIVERY ADDRESS: _____

BILLING ADDRESS (if different than Ship To): _____

TAX EXEMPT? _____ YES _____ NO

Exempt in the State of _____

Tax Exempt ID:

FEDERAL - _____

STATE - _____

Expiration Date: _____

**Capital Improvements Program
2023 - 2027
Refuse - Skid Steer/Track Loader**

Purpose:

This allocation provides for the purchase of a skid steer/track loader for the Brush Site. The previous skid steer caught fire in 2021 and, therefore, needs to be replaced. Auction proceeds of \$11,500 were received in 2021.

Source	Comments	Year	Requested	Projected
Refuse Fund Operating Budget		2023	80,000	80,000
		2024	-	-
		2025	-	-
		2026	-	-
		2027	-	-
			\$ 80,000	\$ 80,000

Uses	Comments	Year	Requested	Projected
Refuse	Purchase skid steer/track loader	2023	\$ 80,000	\$ 80,000
		2024	-	-
		2025	-	-
		2026	-	-
		2027	-	-
			\$ 80,000	\$ 80,000



POLICY REPORT NO. 23-06

SWEeper BIDS - BID #01ST-2022-05
PUBLIC WORKS DEPARTMENT – STREETS DIVISION

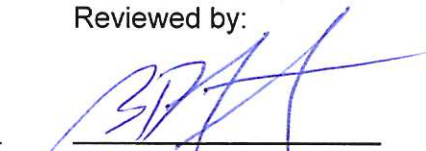
February 14, 2023

Prepared by:

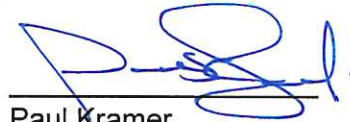


Derek Burleson,
City Operations Superintendent

Reviewed by:



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



Paul Kramer,
City Manager

ISSUE:

Consider award of the low bid received for the purchase of one (1) 2023 vacuum street sweeper.

BACKGROUND:

The 2023 CIP included a 'street sweeper' for the Streets Division. The sweeper is crucial for Operations as it will improve the City's ability to clean our streets which has a direct impact on the appearance of the community as well as the quality of the stormwater runoff that enters our waterways. The City currently has one sweeper and this second sweeper will allow the City to double our production. Our goal is to sweep all residential areas at least three times each year, and collector and arterial streets at least once each month. Streets Foreman Becky Beaver prepared bid specifications and researched options for purchasing the sweeper.

Specifications were prepared to allow several sweepers with similar capacities and performance characteristics the opportunity to bid. These specifications were distributed to vendors in the Kansas City area with the bid opening held on January 25, 2023. Bid results are shown below.

Company/Location	Bid Amount	Meets Specifications
Red Equipment Independence, MO	2023 Demo Ravo 5 iSeries \$280,000	YES
	2023 New Ravo 5 iSeries \$285,000	
Key Equipment Kansas City, KS	2023 New Freightliner \$361,900	YES
	2023 New Peterbuilt \$405,900	
Vermeer Olathe, KS	NO BID	N/A

FINANCE:

The 2023 CIP included funding in the amount of \$230,000. The low bid for a new sweeper was \$55,000 over the amount shown in the CIP. Staff contacted the low bidder to determine the reason for the significant difference. Per this firm: *'The biggest reason being Covid. During Covid, manufacturing and supply costs went up drastically. In the last year, the price of equipment across the board has gone up anywhere between 30 and 40%'*.

Actual cost of this equipment (based on the CIP), increased 24% over what was budgeted.

STAFF RECOMMENDATION:

Based on current trends, staff does not feel costs will decrease in the foreseeable future. It appears more likely that costs will continue to escalate. Therefore, staff recommends that the City Commission accept the bid from Red Equipment for the purchase of the new 2023 Ravo 5 iSeries Street Sweeper in the amount of \$285,000. The difference between the budget and the actual cost will be made up by the reserves in the CIP Sales Tax Fund.

POLICY:

The City Commission can either reject or approve the bid from Red Equipment.

ATTACHMENTS:

CIP Sheet

Bid Tab

**Capital Improvements Program
2023 - 2027
Public Works - Street Equipment**

Purpose:

This allocation provides funding for replacement of several pieces of streets equipment through 2026.

Source	Comments	Year	Requested	Projected
Sales Tax	4-ton trailer-mounted hot box	2023	\$ 45,170	\$ 45,170
Sales Tax	Street sweeper	2023	230,000	230,000
Sales Tax	Tandem axle dump truck	2023	195,000	195,000
Sales Tax	1-ton single axle w/boom	2023	85,000	85,000
Sales Tax	2-ton aerial truck	2024	95,000	95,000
Sales Tax	Crack seal machine	2024	30,000	30,000
Sales Tax	Tandem axle dump truck	2025	165,000	165,000
Sales Tax	Flush truck	2025	85,000	85,000
Sales Tax	Vactron tow behind	2025	35,000	35,000
Sales Tax	Single axle dump truck	2026	165,000	165,000
Sales Tax	Single axle dump truck	2026	165,000	165,000
			\$ 1,295,170	\$ 1,295,170

Uses	Comments	Year	Requested	Projected
Public Works	4-ton trailer-mounted hot box	2023	\$ 45,170	\$ 45,170
Public Works	Street sweeper	2023	230,000	230,000
Public Works	Tandem axle dump truck	2023	195,000	195,000
Public Works	1-ton single axle w/boom	2023	85,000	85,000
Public Works	2-ton aerial truck	2024	95,000	95,000
Public Works	Crack seal machine	2024	30,000	30,000
Public Works	Tandem axle dump truck	2025	165,000	165,000
Public Works	Flush truck	2025	85,000	85,000
Public Works	Vactron tow behind	2025	35,000	35,000
Public Works	Single axle dump truck	2026	165,000	165,000
Public Works	Single axle dump truck	2026	165,000	165,000
			\$ 1,295,170	\$ 1,295,170



Crack Seal Machine



Tandem Axle Dump Truck



Flush Truck



4-ton Hot Box



Street Sweeper

City of Leavenworth Bid Tabulation

Project or Purchase: 01ST-2022-05
Bid Opening Date: January 25th, 2023
Bid Opening Time: 3:30PM

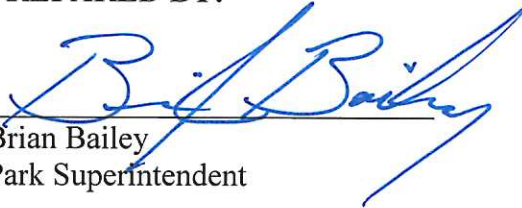
Bidder	Address (City/State)	Responsive Bidder	Cost
Vermeer	Olathe, KS	No	
Key Equipment & Supply Company	Kansas City, KS	Yes	\$361,900/ Freightliner
Key Equipment & Supply Company	Kansas City, KS	Yes	\$405,900/ Peterbuilt
Red Equipment	Independence, MO	Yes	\$280,000/ Demo Ravo 5I Series
Red Equipment	Independence, MO	Yes	\$285,000/ Ravo 5I Series

All bids are subject to review and approval by City Staff and/or the City Commission

City of Leavenworth, Kansas
Parks & Recreation Department
Havens Park Trail Extension
POLICY REPORT NO. P&R 04-23

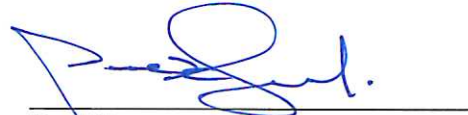
February 14, 2023

PREPARED BY:


 Brian Bailey
 Park Superintendent

REVIEWED BY:


 Steve Grant
 Parks and Recreation Director


 Paul Kramer
 City Manager

ISSUE:

Consider approval of low bidder for Havens Park Trail Extension Project No. 23HV-TRAIL.

BACKGROUND:

During the Capital Improvement Program discussions in 2021, the City Commission discussed future trail development in Leavenworth. The Commission dedicated \$45,000 in the 2023 CIP for construction of trails. At the March 15, 2022 study session, staff presented options for trail construction in 2022. The City Commission came to a consensus for extending the existing Havens Park asphalt trail system.

The City of Leavenworth solicited bids from firms for the Havens Park Trail Extension project. Specifications and plan sheets were made available and a mandatory pre-bid meeting was conducted. Bids were opened and read aloud at 10:00 a.m. on February 3, 2023, with (3) three bids received meeting bid specifications.

Below is the bid tab sheet for this project:

Havens Park Trail Extension			
			Friday, February 3, 2023
Bidder	Aff. Action	Non-Collusion Affidavit	Total Bid Base
Barkley Asphalt	X	X	\$30,450
Baker Construction Inc	X	X	\$36,000
McConnell & Associates	X	X	\$44,000

Work for this project will include 1,100' of 5' wide asphalt trail per specification. Work is expected to be completed 60 days after the Notice to Proceed is given.

RECOMMENDATION:

Staff recommends the base bid from Barkley Asphalt for a total amount not to exceed \$30,450.00

BUDGET IMPACT:

There is \$45,000 allocated in the 2023 Capital Improvement Program for this project.

ATTACHMENTS:

Barkley Asphalt Bid Proposal.

BID PROPOSAL

(Must either be typewritten or in ink; all others will be rejected)

Project 23HV-TRAIL Havens Park Trail

Base Bid - Lump Sum Price – includes all insurance and bond costs, equipment, materials, appurtenances, and labor for the installation of the items as identified in the “Project Scope”.

Project No. 23HV-TRAIL

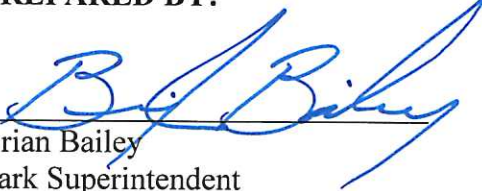
DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
BASE BID:				
1,100' of 5' Wide Asphalt Trail per plans and specifications	L.S.	1	\$30,450.00	\$30,450.00

Barkley Asphalt Co., Inc. **HEREBY** agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of 5% of bid via Bid Bond \$_____ Dollars (Certified check, cashier's check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

City of Leavenworth, Kansas
Parks & Recreation Department
Pull Type Batwing Finish Mower Replacement
POLICY REPORT NO. 05-23

February 14, 2023

PREPARED BY:



Brian Bailey
Park Superintendent

REVIEWED BY:



Steve Grant
Parks and Recreation Director



Paul Kramer
City Manager

ISSUE:

The Parks Department is requesting approval to purchase one 15' Pull Type Turf Batwing Finish Mower manufactured and furnished to our specifications, utilizing a cooperative purchasing program standard set forth by the Finance Department.

BACKGROUND:

In 2014, the Parks Department purchased one 12-foot wide, pull behind flex wing mower. This mower has been an indispensable tool in accomplishing the mowing responsibilities of the 424 acres of park property. This mower cuts mowing time of all park facilities from two weeks to a week or less and replaces our 16ft self-propelled mower when down for maintenance or repair. If we did not have this mower, parks would not be able to maintain its mowing when other equipment is down or keep the mowing rotation to a week or less. By having this mower and keeping mowing on a week rotation, it allows parks' staff to attend to other park requirements. At the time of purchase, the scheduled replacement estimation was 5 or less years. This estimate has proven to be quite accurate, as the mower has reached the point of replacement. The life span for the replacement should last 7-10 years due to a better-built mower and heavier gauge steel.

After reviewing available purchasing options, department staff selected the Sourcewell Cooperative Purchasing program. This program is used throughout our region for the purchase of transportation equipment. This program allows us to purchase equipment that meets our needs through a manufacturer with a proven record of customer service in the Kansas region. It ensures that we are receiving the best possible price while guaranteeing that standard governmental purchasing practices are followed.

Staff developed a set of specifications for a Pull Type Batwing Finish Mower that would replace the current 12' Pull Type Flex Finish Mower. The new Pull Type Batwing Finish Mower will be equipped with the ability to perform all aspects of the mowing maintenance required by the Parks Department. The Pull Type Batwing Finish Mower on the Sourcewell Cooperative bid that meets these requirements is the New Woods / Massey Ferguson Red TBW15.40 Turf Batwing Mower, with one extra set of blades and delivery.

RECOMMENDATION:

Staff recommends the purchase of one (1) New Woods/Massy Ferguson Red TBW15.40 Turf Batwing Mower, extra blades and delivery in the amount of \$24,650.00

BUDGET IMPACT:

There is \$38,522 allocated for this in the 2023 CIP equipment purchase.

ATTACHMENTS:

New Woods / Massey Ferguson Red TBW15.40 Turf Batwing Mower Quotation and Specs

City of Leavenworth

Attn: Brian Bailey, Parks & Rec Supervisor

(913) 758-6610 Bbailey@firstcity.org

Bid by: Shuck Implement Co. , Inc. 1924 E. 1450 Rd Lawrence KS 66044

**New Woods / Massey Ferguson Red TBW15.40 Turf Batwing Mower
15' cutting width, 2 ea. 5' wing decks and 6' rear deck.
As Per Attached Specification**

Includes Following Optional Equipment in Addition to Std Spec

- * Safety Chain Shielding All (3) Decks Front and Back
- * Front Rollers on all (3) Decks
- * Hydraulic Wing Latch Release Kit Installed

* Note: We are Bidding the Massey Ferguson Red Version of this Woods Mower.
If Woods Orange is preferred we can provide that instead at the same price.

Current Lead Time from Placing of Order is 139 working days however this is currently improving
We realistically anticipate shipping around 90 dayw from placing order which is around May 1st.
This Quote is Valid for 60 Days from 2/6/2023

Price will be protected upon receipt of a signed purchase order.

Price includes Steel Surcharge, Inbound freight & Set-up

Total Mfg List Price \$ 35,578

Sourcewell Contracted Sale Price \$ 24,087.00

Extra Set of OEM Hy-Suction Blades \$ 403.00

Delivery to: 790 Thornton St Leavenworth KS 66048 \$ 160.00

Total Delivered Sales Price \$ 24,650.00



COMMERCIAL REAR DISCHARGE FINISH MOWERS

12-, 15- and 17-foot Turf Batwing® – TBW12.40, TBW15.40, TBW17.40

FEATURES:

Shipped Assembled

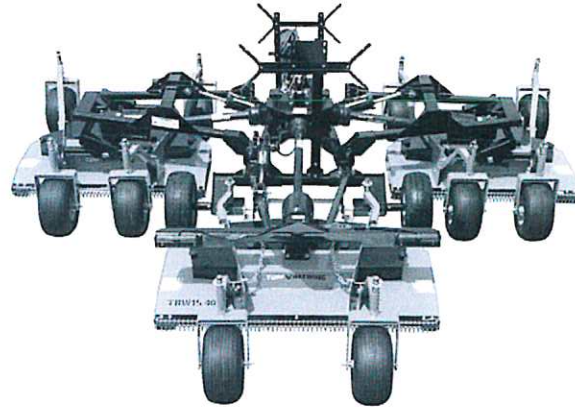
- 540 rpm, safety shielded CAT 4, CV input driveline
- Safety shielded CAT 3 wing drivelines
- 10 ea. 15x6-6 pneumatic wheels (TBW12.40)
- 10 ea. 18x9.50-8 pneumatic wheels (TBW15.40 & TBW17.40)
- 2 ea. 20.5 x 8-10 load range "D" highway service transport tires
- 3 ea. standard ag hydraulic cylinders on single circuit
- Automatic transport locks
- Safety chain shielding optional equipment
- 100 hp splitter gearbox, 75 hp mower deck gearboxes

Woods premier rear discharge decks:

- 7-gauge heavy-duty decks
- Belt adjustment – spring loaded idler ◀ **EXCLUSIVE FEATURE** with replaceable bearing pivot
- Ductile iron blade spindles ◀ **EXCLUSIVE FEATURE** with triple ball bearings

Angle operating range:
25 degrees up / 22 degrees down

Blade tip speed:
18,000 fpm (TBW12.40),
18,100 fpm (TBW15.40 & TBW17.40)



- LED light kit for highway transport standard equipment
- 1.5- to 5.5-inch cutting height range
- TBW12.40: 30 – 80 hp, CAT 1 drawbar, 1.06-inch dia. hole
- TBW15.40: 35 – 80 hp, CAT 2 drawbar, 1.31-inch dia. hole**
- TBW17.40: 40 – 80 hp, CAT 2 drawbar, 1.31-inch dia. hole
- 6-year limited gearbox warranty
- 3-year limited spindle warranty

WARNING: TBW mowers listed below pass all applicable safety standards for thrown objects and blade contact. However, if the unit will be used in areas where the possibility of thrown objects could be hazardous to persons or property, it is strongly recommended that optional chain shielding be used for extra protection.

Model No.	Part No.	Width (ft.)	Shipping Wt. (lbs.)	Suggested List Price
TBW12.40	632167MF	12	2819	\$ 30,696.00
TBW15.40	632168MF	15	3454	33,598.00
TBW17.40	632169MF	17	3569	37,374.00

HITCH ACCESSORY

Part No.	Used On	Description	Shipping Wt. (lbs.)	Add
1003635	All models	Fixed clevis without floating feature	11	▲

ACCESSORIES

Part No.	Used On	Description	Qty. Required Per Model	Shipping Wt. Ea. (lbs.)	Suggested List Price
616079	All Models	Front Roller Kit, complete (one per deck)	3	8	\$ 171.00
618210	All Models	Rear Roller Kit, complete (one per deck)	3	4	105.00
1032454	All Models	Hydraulic Wing Latch Release Kit	1	38	847.00
626442	TBW12.40	48" Rear Chain Shielding (one per deck)	2	15	180.00
616077	TBW12.40	60" Rear Chain Shielding (one per deck)	1	19	198.00
616077	TBW15.40	60" Rear Chain Shielding (one per deck)	2	19	198.00
616076	TBW15.40	72" Rear Chain Shielding (one per deck)	1	23	224.00
616076	TBW17.40	72" Rear Chain Shielding (one per deck)	3	23	224.00

▲ Please refer to the Woods Genuine Parts program and price list for discount and price at <http://dealer.woodsequipment.com>.

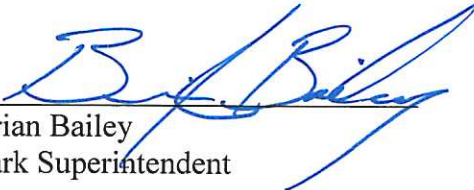
Prices and specifications subject to change without notice.
Prices effective January 2, 2023. Supersedes all previous pricing.
Woods reserves the right to limit quantities and apply surcharges at any time.



City of Leavenworth, Kansas
Parks & Recreation Department
Bobcat Skid-Steer Replacement
POLICY REPORT NO. 06-23

February 14, 2023

PREPARED BY:


Brian Bailey
Park Superintendent

REVIEWED BY:


Steve Grant
Parks and Recreation Director


Paul Kramer
City Manager

ISSUE:

The Parks Department is requesting approval to purchase one T66 T4 Bobcat Compact Track Loader manufactured and furnished to our specifications, utilizing a cooperative purchasing program standard set forth by the Finance Department.

BACKGROUND:

In 2002 (21 years ago), the Parks Department bought a Bobcat Skid-Steer Loader. This Skid-Steer Loader has served the parks system very well. However, in the last few years, this Skid-Steer has begun to show its age with some cost prohibitive repairs. This Skid Steer is used clean 3 Mile Creek when we have heavy rains and flooding, all facets of park maintenance and was an instrumental piece of equipment with the sandbag flood wall and flood clean up in 2011 and 2019. The many attachments we use for the Skid-Steer are Bobcat brand and are fully compatible with the new machine. Without this Skid-Steer, we are unable to keep up on key components of our parks operation and would be without a vital piece of equipment during a flood event.

After reviewing available purchasing options, department staff chose to utilize the Kansas NASPO Construction – SW192 Cooperative Purchasing program statutory authority KSA 12-2901 as the cooperative purchasing. This program is handled administratively by the State of Kansas and is used throughout our region for the purchase of agricultural equipment. This program allows us to purchase equipment that meets our needs from a local dealer and a manufacturer with a proven record of customer service in the Kansas City region. It ensures that we are receiving the best possible price while guaranteeing that standard governmental purchasing practices are followed. Furthermore, this program will expedite the procurement

process, rather than delaying it for months while specifications are prepared and all of the other steps required for competitive bids and proposals are satisfied.

Staff developed a set of specifications for a Skid-Steer that would replace the current Bobcat Skid-Steer. The new Skid-Steer will be equipped with the ability to perform all aspects of maintenance required by the Parks Department. The Skid-Steer on the state cooperative bid that meets these requirements is the T66 T4 Bobcat Compact Track Loader in the amount of \$65,582.79. K.C Bobcat, in Tracy Missouri is the local dealer for this piece of equipment.

RECOMMENDATION:

Staff recommends the purchase of one (1) T66 T4 Bobcat Compact Track Loader in the amount of \$65,582.79.

BUDGET IMPACT:

There is \$60,598 allocated for this in the 2023 CIP equipment purchase. The actual cost \$65,582.79, is higher than contained in the CIP by \$4,984.79. The difference will be made up by the reserves in the CIP Sales Tax Fund.

ATTACHMENTS:

Bobcat Quotation Number: NTC-00321



Bobcat

Product Quotation

Quotation Number: NTC-00321

Date: 2023-02-02 15:53:21

Customer Name/Address:	Bobcat Delivering Dealer	ORDERS TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF LEAVENWORTH - PARKS DEPT. Attn: BRIAN BAILEY 790 THORTON ST. LEAVENWORTH, KS 66048 Phone: (913) 682-0650	AARON PHARES K.C. Bobcat, Tracy, MO 100 TRACY DR TRACY MO 64079 Phone: (816) 431-3001 Fax: (816) 431-3002	Clark Equipment Company dba Bobcat Company 250 E Beaton Dr West Fargo, ND 58078 Phone: 701-241-8719 Fax: 855-608-0681 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
T66 T4 Bobcat Compact Track Loader 74.0 HP Tier 4 V2 Bobcat Engine Auxiliary Hydraulics: Variable Flow Backup Alarm Bob-Tach Bobcat Interlock Control System (BICS) Controls: Bobcat Standard Cylinder Cushioning - Lift, Tilt Engine/Hydraulic Performance De-rate Protection Glow Plugs (Automatically Activated) Horn Instrumentation: Standard 5" Display (Rear Camera Ready) with Keyless Start, Engine Temperature and Fuel Gauges, Hour meter, RPM and Warning Indicators. Includes maintenance interval notification, fault display, job codes, quick start, auto idle, and security lockouts. Lift Arm Support	M0349	1	\$49,346.50	\$49,346.50
				Lift Path: Vertical Lights, Front and Rear LED Operator Cab <ul style="list-style-type: none"> Includes: Adjustable Suspension Seat, Top and Rear Windows, Parking Brake, Seat Bar and Seat Belt Roll Over Protective Structure (ROPS) meets SAE-J1040 and ISO 3471 Falling Object Protective Structure (FOPS) meets SAE-J1043 and ISO 3449, Level I; (Level II is available through Bobcat Parts) Parking Brake: Spring Applied, Pressure Released (SAPR) Solid Mounted Carriage with 4 Rollers Tracks: Rubber, 12.6" Wide Warranty: 2 years, or 2000 hours whichever occurs first
P67 Performance Package "Power Bob-Tach 7-Pin Attachment Control	M0349-P06-P67	1	\$4,391.80	\$4,391.80
				Two-Speed, High Flow Dual Direction Bucket Positioning"
C68 Comfort Package "Enclosed Cab with HVAC Sound Reduction Touch Display with Radio & Bluetooth	M0349-P07-C68	1	\$5,440.40	\$5,440.40
				Heated Cloth Air Ride Suspension Seat Premium LED Lights Rear View Camera"
Selectable Joystick Controls	M0349-R01-C04	1	\$567.70	\$567.70
15.7" C-Pattern Rubber Track	M0349-R09-C02	1	\$1,117.90	\$1,117.90
15.7" C-Pattern Rubber Track				
Bolt-On Teeth (8)	6737322	8	\$47.62	\$380.96
Strobe Light Kit, Amber	7375339	1	\$280.65	\$280.65
74" Severe Duty Bucket	7326130	1	\$1,890.88	\$1,890.88
Total of Items Quoted				\$63,416.79
Dealer P.D.I.				\$200.00
Freight Charges				\$1,669.00
Dealer Assembly Charges				\$297.00
Quote Total - US dollars				\$65,582.79

Notes:

***Prices per the Kansas NASPO Construction - SW192**

***Terms Net 60 Days. Credit cards accepted.**

***FOB Destination**

***State Sales Taxes apply. IF Tax Exempt, please include Tax Exempt Certificate with order.**

***TID# 38-0425350**

***Orders Must Be Placed with Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.**

***Quote valid for 30 days**

ORDER ACCEPTED BY:

SIGNATURE

DATE

PRINT NAME AND TITLE

PURCHASE ORDER NUMBER

DELIVERY ADDRESS: _____

BILLING ADDRESS (if different than Ship To): _____

TAX EXEMPT? _____ **YES** _____ **NO**

Exempt in the State of _____

Tax Exempt ID:

FEDERAL - _____

STATE - _____

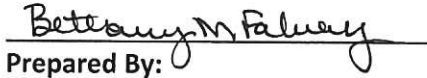
Expiration Date: _____

POLICY REPORT
Development Regulations Article 9 Amendment

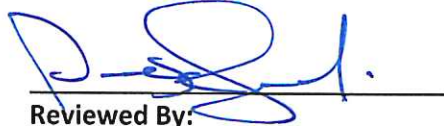
FEBRUARY 14, 2023

SUBJECT:

Amendments to Article 9 – Historic Preservation to the Development Regulations



Prepared By:
Bethany Falvey
City Planner



Reviewed By:
Paul Kramer
City Manager

DISCUSSION:

The City Commission adopted the Development Regulations in June 2016 after a year-long comprehensive update process. The Historic Preservation section, Article 9, has not had a comprehensive update since that time. This update will ensure it remains up to date and comprehensive. The proposed amendments update the code to reflect current practice and laws, adds clarification to current practices and policies, and reorganizes the existing Article for better flow.

- Removes references to the Environs portion of the Kansas State Preservation Law, which has been removed from the law.
- Removes inconsistent language and corrects language throughout to match current practices.
- Add clarification and language to differentiate between review processes.
- Combine the section regarding “Alteration, Expansion or Demolition – Major” with Section 9.16 “Procedure for Demolition, Alteration or Expansion.”

ACTION/OPTIONS:

Place an ordinance on first consideration to amend Article 9 of the Development Regulations as presented.

(Summary Publish in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING ARTICLE 9, HISTORIC PRESERVATION, OF THE CODE OF ORDINANCES, DEVELOPMENT REGULATIONS, OF THE CITY OF LEAVENWORTH, KANSAS BY AMENDING AND PROVIDING ADDITIONAL AND SUBSTITUTE PROVISIONS.

WHEREAS, an ordinance of the City of Leavenworth, Kansas, Amending various sections of Article 9; Development Regulations of the Code of Ordinances; repealing any and all other ordinances and parts of ordinances in conflict therewith.

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

Section 1. That Article 9 of the Development Regulations; Appendix A of the City Code of Ordinances, City of Leavenworth, Kansas be and is hereby repealed and amended to read as follows:

9.01. Purpose

The purpose of this article of the development regulation is to:

- A. Preserve buildings and sites of historic and architectural importance and safeguard the heritage and culture of Leavenworth;
- B. Stabilize and improve property values in such locations of historic resources and thus strengthen the economy of the city;
- C. Promote and encourage restoration, rehabilitation, and maintenance of historic properties, neighborhoods and districts and thus combat blight and decay;
- D. Foster civic pride in Leavenworth and the appearance of the community; thereby protecting and enhancing the city's attraction to tourists and visitors and providing support and stimulus to business and industry;
- E. Promote the restoration and productive use of historically and architecturally significant structures, property and areas for the culture, education, enjoyment and economic welfare of the city's citizens and visitors; and
- F. Promote the study of history, culture, and architectural design.

9.02. General

- A. A historic resources preservation code establishing the Leavenworth Preservation Commission, providing for the designation of Leavenworth landmarks and historic property districts, and regulating improvements to and demolition or clearance of buildings, sites, structures, or objects listed as landmarks or located in historic districts.
- B. The City is authorized, under the Kansas Historic Preservation Act, KSA 75-2724, to participate in the Certified Local Government (CLG) program by establishing a partnership with the State Historic Preservation Office, Kansas Historical Society,
- C. The City Commission finds and determines that it is desirable to identify and promote the City's prehistoric, historic and cultural heritage, to enhance the attractiveness of the City, thereby promoting business and tourism,
- D. The Code is intended to enhance and promote Leavenworth's contribution to the history of the State of Kansas as well as to this nation.

9.03. Applicability

This Code shall apply to all historically and architecturally important structures, properties, and districts located within the City limits, which have demonstrated and have been determined to be significant through nomination and placement on local, state, or national registers of historic places.

9.04. Leavenworth Preservation Commission

- A. **Creation:** The Leavenworth Preservation Commission (hereafter in this article "commission") is created to inventory, promote, list, record, protect, preserve and enhance places, areas, features or sites within the City that have special significance of an architectural, archaeological, cultural or historical sense. The commission shall advise the City Commission and cooperate with other historic agencies and organizations concerning preservation of the City's historic and cultural heritage.
- B. **Membership:** The commission shall consist of seven Leavenworth residents by appointment by the mayor with concurrence by the City Commission. The membership shall include at least one architect, one real estate professional, one planning commissioner, and one historian (amateur or professional), as well as members at large. Appointments shall be for a term of three years, except that the first commission shall be appointed as follows: three for three-year terms, two for two-year terms and two for one-year terms. The mayor may reappoint, as above, persons who have met the minimum attendance requirement and who otherwise have served adequately. The mayor may remove any member of the commission, for cause. Vacancies shall be filled by appointment as above within 60 days, such appointment for the remainder of the unexpired term.
- C. **Rules of Procedure:** The commission shall adopt bylaws or rules of procedure, which specify attendance requirements, conflict of interest, officer/selection process, quorum, agenda formulation, notice, and such other appropriate matters. Minutes of the meeting will be

distributed to commission members, the City Manager and the State Historic Preservation Officer (SHPO).

- D. **Annual Report:** The commission shall prepare an annual report of its activities to be submitted to the City Commission and SHPO. The report shall include an account of the number and type of cases reviewed and their disposition, a listing of new designations made during the year and a record of current and appointed commission members. The report should also assess progress in preserving historically important structures and assess the need for future changes to the Code. The report shall conclude with a statement of goals for the ensuing year and shall be duly authorized by majority vote of the commission.
- E. **Authority and Responsibilities:**
1. *Jurisdiction:* The geographic area of authority shall be the area contained within the Leavenworth corporate limits.
 2. *Mission:* The commission's central purpose is the designation and the protection of historic properties in compliance with the Kansas Historic Preservation Act (KSA 75-2724 et seq.). Matters arising under the statute shall require notification of the SHPO.
 3. *Nomination Reviews:* The commission shall review all proposed nominations for local, state, and national registers of historic places. All nominations shall be evaluated by a professional in a specific discipline, if not represented on the commission, prior to commission recommendation.
 4. *Certified Local Government (CLG):* The SHPO may, by mutual agreement with the City, delegate responsibilities to the commission.
 5. *Training:* Each commission member shall attend at least one information or training meeting each year as approved by the SHPO.
 6. *Historic Inventory:* The commission shall review and maintain the historic property inventory to add properties, which may be eligible for designation as landmarks or districts in accordance with procedures established by the SHPO. In addition to the Kansas Historic Structures Inventory form, the City shall use the Survey Manual prepared by the SHPO for the preservation planning process. Copies of all inventory materials shall be submitted to the SHPO.
 7. *Transparency:* The City shall provide for adequate public participation in all aspects of the implementation of this Code. All meetings shall be open to the public pursuant to KSA 75-4318. The commission shall meet at least four times each year. Agenda materials provided to commission members shall be open to the public. Decisions shall be made in a public forum and minutes of all meetings shall be kept on file and available for public inspection. Minutes shall be considered notice of any action or decision.
 8. *Programming:* The commission shall have the discretion to establish other programs and services, including but not limited to: create public information programs, use of City funds to promote preservation activities, review other departmental plans being considered that may affect historic structures or properties, and cooperate with local groups or agencies to provide the widest possible promotion of historic programs and places.

9. *Participation Incentives:* The commission shall review and recommend local incentives that may encourage Landmark designation in Leavenworth. These may be in the form of retail discounts, tax rebates, permit fee waivers, utility reductions, and other means to stimulate interest in historic preservation available only to designated Landmark properties. Such incentives shall be by agreement between the city, the Landmark owner and the respective business or utility providing the reduction or rebate.
10. *Review of Public Projects:* The commission shall review and recommend policies regarding historic structures, public streetscape, lighting, and signage in historic districts to encourage their development. Resources available to create such places may include general or special tax authority as well as assessment processes.
11. *Grants and Gifts:* The commission shall prepare applications for City Commission approval for any gift, grant, bequest, devise, lease, fee, development right, easement, covenant, or conveyance for the purpose of preservation, including state, federal, or corporate grants or bequests.
12. *Code Review:* The commission shall review the provisions of this Code at least every five years to make comprehensive or individual changes deemed appropriate. The commission may make recommendations for amendment at any time deemed necessary to improve the enforceability of the Code.
13. *Compensation and Expenses:* Commission members shall serve without compensation except for necessary expenses sustained in mandatory attendance at state historic preservation meetings and/or training as described above. The City Commission shall establish budget authority to provide for historic preservation administration and promotion activities.

9.05. Administration

- A. **Department:** The Planning and Community Development Department shall be responsible for the administration of this Code and performing the staff function for the commission. The department is authorized to enforce the provisions of, and to develop such application forms and procedures consistent with, this Code. The department shall process all applications for Landmark designations in accordance with Section 9.10 as described herein.
- B. **Department Staff:** The Staff shall review all building permit applications to determine if a Landmarks or listed property may be affected by a proposed development. If so, they shall follow the procedure to either issue a certificate of appropriateness or begin a state preservation law review process in accordance with the provisions further described herein. The Staff shall forward the commission's recommendations to the City Commission, record and file all landmark designations, and maintain the Map of Landmarks and keep all agendas, minutes, reports, findings, determinations, and correspondence for the commission.
- C. **Historic Impact Determination:** No historic property may be occupied or used in a different manner unless/until the Staff has made a Historic Impact Determination, which shall be attached to a certificate of appropriateness or permit (see Sections 9.10 through 9.16). Such determination shall include: Name and address of owner, address of historic property, nature of

repair/alteration/demolition, historic or architectural significance, physical condition of the property, county appraised value of the property, detrimental effect of the permit, if any, and Staff's recommendation to approve or deny.

9.06. Enforcement

- A. **Building Permit Required:** It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, convert, demolish or change the use of any property listed in the National Register of Historic Places/Register of Historic Kansas Places, or located within a listed Historic District, without first obtaining a building or other permit as lawfully required for such purpose by the City of Leavenworth, Kansas.
- B. **Maintenance:** Normal property maintenance which does not require a permit from the City shall be exempt from the provisions of this Code, unless and/or until a permit for work to be done is required by other City development regulations.
- C. **Sufficient Documentation Required:** No building permit shall be issued until the property owner has submitted accurate building elevations, site plan and construction drawings and material lists in sufficient detail to enable the City to conclude that the project meets the appropriateness test as set by the Secretary of the Interior's Standards for Rehabilitation and the special terms of this Code.
- D. **Compliance with Plans Presented Required:** Building construction shall be halted if inspection staff notes that the project description presented to the City for approval differs in any way from the construction practices being performed on-site. During this stop-construction period, the City shall require compliance with the original approved depiction. The owner may appeal the order to the Leavenworth Preservation Commission by submitting amendments to the original plan and construction may proceed upon their approval. If the Leavenworth Preservation Commission denies the amendment, the owner may appeal to the City Commission.
- E. **Orders to Cease Construction:** The Staff, upon discovery that a demolition or improvement to a property is being made without review of the appropriate permit, shall issue notice to cease to the owner and shall take all appropriate measures to prevent such unlawful act. Notice shall explain the nature of the violation in clear terms and shall allow the owner to give satisfactory evidence that the action will be corrected within 30 days or an appropriate action to comply with the provisions of this Code will be initiated. Failure to comply may result in citation to municipal court and may result in the City taking corrective action to abate the offense and assess the costs of such abatement to the owner.
- F. **Assessment of Compliance Costs:** If the City has filed proper notice and the time has elapsed for correction by the owner, the City may take corrective action and any and all costs incurred by the City under the provisions of this article shall be assessed against each lot or piece of ground, chargeable therewith as a special assessment, and the City Clerk shall certify the assessment to the County Clerk for collection as other special assessments are collected.

9.07. Appeals

Any property owner aggrieved by any section of this Article may apply for an appeal. Appeals shall be to the Leavenworth Preservation Commission. Any decision of the commission may be further appealed to the City Commission. All rulings by the City Commission shall be final and binding on all parties unless appealed to a court of valid jurisdiction.

9.08. Variances

Any property owner, or authorized representative, may apply for a variance from specific guidelines as set and amended by the Secretary of Interior's Standards for Rehabilitation. Variance applications shall be made to the Leavenworth Preservation Commission whose decisions are final. Before the commission may grant a variance from the specific regulation, it must make a finding that all five conditions below are affirmed:

- A. Such variance would not be contrary to the health, safety or best interest of the public;
- B. A literal enforcement of the provision will result in an unnecessary hardship to the property owner;
- C. There is a condition unique to the property which was not created by the property owner;
- D. There is no adverse effect on surrounding properties, and,
- E. The variance would not be contrary to the general spirit or intent of this Article.

9.09. Historic Resources Survey

The commission shall annually update the historical resources survey to identify buildings, structures, sites, neighborhoods and areas that may have historical, cultural, or architectural importance to the community. As part of the survey, the commission shall evaluate studies by other organizations and compile appropriate descriptions, facts, and photographs. All such materials shall be documented in accordance with the survey manual prepared by the SHPO.

9.10. Identification of Landmarks and Historic Districts

The commission shall identify the most significant resources with potential for designation as a local Landmark or historic district, devise and adopt procedures to initiate and consider their nomination to local, state and national registers and prepare and adopt a heritage conservation and promotion plan containing goals, objectives and policies to preserve the community's historic resource.

9.11. Leavenworth Landmarks Register

The commission shall establish a register of local historic places to be called the Leavenworth Landmarks Register. The register will contain a complete description of all buildings, structures, sites, and objects designated as landmarks and a description of boundaries of any area designated a historic district. All landmarks and districts

shall be identified on the Landmarks Register Map, on file in the office of the City Clerk and the Community Development Department. Updated copies of the map will be provided to the reference section of the Leavenworth Public Library.

9.12. Nomination of Landmarks and Historic Districts

Using the required public hearing process nominations for landmark or historic district designation shall be made by application submitted by the owner of a landmark or by written consent signed and acknowledged by seventy-five percent of all property owners within the defined boundaries of a proposed historic district. Each owner or owners of any legal parcel of record shall have one vote in the district per parcel, regardless of parcel size to determine this threshold. Lots that have been historically combined to create one parcel or building site shall be considered one parcel for this purpose. The commission shall review each application and shall apply the following criteria to determine eligibility to the local register:

- A. Character, interest, or value as part of the development, site, or structure that contributes significantly to the heritage or cultural characteristics important to the development of the city, state, or nation.
- B. Identification with a person or persons who significantly contributed to the development of the city, state, or nation.
- C. Architectural style valuable to the study of a period, or to the type, method of construction, materials used, design elements, detailing materials, or craftsmanship embodied in the structure, or identification with a master builder, architect or craftsman whose work influenced the development of the city, state or nation.
- D. Location of a prehistoric or historic site, occupation, or activity possessing significant archeological value.
- E. The weight of any one criterion may be sufficient to accept the nomination and criteria not listed above may be contributed in the nomination, which may render the nomination sufficient for placement on the register. All applications shall be submitted to the Community Development Department, City Hall, 100 N. 5th Street, Leavenworth, KS (Department).

9.13. Report and Recommendation

Within thirty (30) days after close of the public hearing, the commission shall adopt and submit its recommendation to the City Commission that the nominated property does or does not meet the criteria for placement on the register with the following considerations: significance or lack of significance of the nominated property as it relates to the above stated criteria and integrity or lack of integrity of the nominated property as it relates to historical features. Recommendations will be accompanied by a locator map of the subject property and such other photographs or renderings deemed pertinent to the nomination process.

9.14. City Commission Designation

The City Commission shall consider the nomination at the next available regular commission meeting, after the protest petition period has elapsed. The City Commission shall approve acceptable nominations by Code approved by roll call vote. Denials may be by simple motion as recorded in the minutes of the meeting. Any landmark or historic district nomination denied by the City Commission shall not be reconsidered for a period of one year. The Commission may take any of the following actions:

- A. Accept the recommendation of the commission, or reverse the recommendation of the commission.
- B. Amend by reduction or enlargement of the landmark or historic district.
- C. Amend or rescind previous placements on the register (after following the procedure for placement).

9.15. Designation

Within seven (7) days after approval, the City Commission shall forward notice of designation of any landmark or historic district to the SHPO. All appropriate state and local officials shall receive notice of the designation as well. Designation shall not alter the uses permitted by the existing zoning classification or district regulations affecting the property.

9.16. Procedure for Demolition, Alteration or Expansion

Upon receipt of an application for any demolition, alteration or expansion of a landmark, a property within an historic district, the commission and department shall initiate a process to determine if such permitted action is appropriate. All applications shall be reviewed, issued, or denied in accordance with the process outlined herein.

- A. **Determination of Appropriateness:** Department staff shall prepare a certificate of appropriateness or conduct a state law review before any alteration or demolition permit may be issued for any landmark or historic district property. Certificates shall be classified as either a minor or major. All certificates or permits shall include the Director's landmark impact determination.
- B. **Minor (Administrative) Reviews:** City staff shall have the authority to approve at the administrative level the following list of project types:
 - 1. Repair of architectural elements such as porches, fascia, windows, doors, with like-kind replacement materials. This includes all roofing.
 - 2. Installation of mechanical plumbing, or electrical systems that require minimal changes
 - 3. Installations of awnings and signs on commercial properties
 - 4. Interior modifications that do not affect character-defining elements of the structure
 - 5. Installation of fire safety equipment, or minor alterations to meet the Americans with Disabilities Act
 - 6. Public improvements including improvements to streets, curbs, sidewalks, parking areas, parks, utilities, and retaining walls that do not contribute to the historic character of a landmark or historic district
 - 7. Minor zoning changes (e.g. subdivision of property, vacation of streets or alleys, variances)

8. Minor exterior building changes including installation of decks, patios, and pools, not visible from the public right-of-way, the addition of mechanical or electrical equipment, when not affecting character-defining features of historic properties.
9. Sidewalk dining
10. Minor exterior additions to accessory structures
11. Demolition of non-contributing structures
12. Interior modifications that do not affect or remove character-defining elements of interior space. Including installation of mechanical, plumbing, or electrical systems that require minimal changes to existing features.
13. Changes to existing signs (e.g. sign reface)

If the proposed project meets the Secretary of the Interior's Standards for Rehabilitation, then City staff will administratively approve the proposed project. If staff determines that the proposed project may "damage or destroy" a listed property, then the proposed project will be forwarded to the Leavenworth Preservation Commission.

C. **Major (Commission) Reviews**

Alteration, expansion, or demolition applications requiring a Major State Law Review or Certificate of Appropriateness shall be processed as follows:

1. The department receives application for a permit which triggers the determination warranting a major review and notifies the applicant within 24 hours that a Commission review is required before a permit can be issued [allow one-two days for this process].
2. Applicant submits request for review in writing within seven days [allow one-seven days for this process].
3. Department prepares and publishes notice of time, date, place and purpose of public hearing, such notice to be published at least twenty days prior to the date of the hearing [allow 30-45 days for this process]. Notice is also sent by regular mail to all property owners within an affected historic district.
4. The commission conducts the public hearing and determines if the certificate of appropriateness or permit can be issued and submits its decision, in writing with appropriate documentation to the applicant within 10 days. If the certificate of appropriateness or permit can be issued, the permit may be granted by building inspector or other regulating department as appropriate [allow 1-5 days for this process for residential projects, allow 30-60 days for major residential (more than four units per building), commercial or industrial projects]. If the requested action is determined inappropriate or "damages or destroys" the historic resource in order to protect the historic character or integrity of the property, then the applicant may file an appeal, in writing, within seven days asking that the application be reconsidered by the City Commission [allow 5-10 days for this process]. A protest period of at least 14 days must elapse from the date of the public hearing until the appeal may be heard by the City Commission [this time runs concurrently with the notification process, allow an additional 5-10 days for scheduling]
5. The City Commission holds a regularly scheduled meeting and upholds or reverses the decision of the commission.

6. The decision of the City Commission is conveyed, in writing, to the applicant [allow 5-10 days for this process]. If the certificate of appropriateness or permit is issued, the permit may be granted by the building inspector or other regulating department as appropriate [allow 1-5 days for residential or 30-60 days for major residential (more than four units per building), commercial or industrial projects].
- D. **Monthly Reports:** Minor (Administrative) Review shall be authorized by Staff and reported monthly to the commission. Such reviews may use a standardized checklist of pre-stated reasons and will be issued within twenty-four (24) hours of receipt except on Fridays, Saturdays, Sundays and holidays observed by the City.
- E. **Major Reviews:** Major certificates or reviews shall be subject to review and approval by the Commission and may be authorized for the following types of permits: interior space rehabilitation when such space was an important component in approval of the landmark nomination; any exterior alteration or expansion of a landmark or historic district property; any proposed new construction on a landmark property or within a historic district; and demolition of part or all of a landmark or building or structure in a historic district.
- F. **Criteria to Determine Appropriateness:** The commission shall adopt principles and guidelines establishing criteria for new construction, alterations, additions, moving, and demolition of landmarks or properties in an historic district, including but not limited to, the following:
 1. Non-binding conceptual reviews are encouraged and the Leavenworth Preservation Commission shall wherever possible provide written and graphical examples of similar suitable projects.
 2. Specific design criteria for appropriate alterations of landmarks or historic district properties shall be based on the Secretary of the Interior's Standards for Rehabilitation as published in Section 36, Code of Federal Regulations, Part 67 as revised from time to time, and by further reference to such specific design criteria as the commission may require;
 3. New construction and additions to existing structures shall be sensitive to and take into account the special historic district or landmark characteristics including height, scale, orientation, site coverage, spatial separations, facade and window patterns, entrance and porch size and general design, materials, texture, architectural detail, roof forms, vertical or horizontal elements, walls, fences, landscaping and other features;
- G. **Demolition Delay:** Demolition applications for landmarks or historic district properties shall be denied for a period not to exceed 180 days if a proposed public or private re-use of the property is unknown. The maximum period of delay may be reduced whenever the commission determines the owner will suffer extreme hardship or will be deprived of all beneficial use of the property by virtue of the delay. In either instance, the commission shall use the delay to negotiate with the owner and interested parties to find a means to preserve the landmark or historic district property. If the proposed re-use of the property is known, the use will be examined for relationship and compatibility with the landmark or historic district before demolition of a contributing or landmark structure may proceed. This section also applies to properties nominated or landmark or historic district designation. Once redevelopment plans are known, the commission will determine appropriateness.

9.17. Signs

The commission and/or staff shall review and approve or deny all requests for signs to be located on a landmark or within an historic district in accordance with the following criteria:

- A. Signs shall be designed and placed to be an integral part of the property design, in proportion to the landmark and compatible with the environment in historic districts.
- B. Signs should be relative to the services and shall not block, obscure or distract from the landmark's or historic district's significant design elements.
- C. Wherever possible, actual historic signage should be maintained and restored to original significance regarding design, materials, craftsmanship, or placement.
- D. In Commercial and Industrial Zoning Districts, illuminated signs shall be designed to reduce glare and shall not detract from the landmark's or district's historic character.
- E. Freestanding signs and monument placards explaining the landmark's or district's significance or age shall be compatible with the landmark or district, but are otherwise encouraged. Signs shall be regulated for a distance of not more than 300 feet from a landmark or historic district.
- F. Signs to be placed upon a National Register property shall not be subject to the public hearing process and may be approved as a minor review if the terms of Section 11.19 are met. National Register signs which do not meet all of the stated terms shall be set for review by the Leavenworth Preservation Commission at its next regular meeting with appeal to the City Commission if denied.
- G. Signs within Commercial or Industrial Historic Districts shall not be subject to the public hearing process and may be processed as a minor certificate of appropriateness if the terms of Section 11.19 are met. Signs within Commercial or Industrial Historic Districts which do not meet all of the terms of this Section shall be set for review by the Leavenworth Preservation Commission at its next regular commission meeting with appeal to the City Commission if denied.
- H. Signs within Residential Historic Districts shall be subject to the following procedure:
 1. The commission and/or staff shall review the sign for compliance with the terms of this sub-section and shall modify, approve or deny the permit following a scheduled informal hearing set for its next regular meeting. Such informal hearing shall be preceded by written notice to each of the properties within the affected historic district.
 2. This is not a formal public hearing process as described elsewhere in this Code for appeals. No notice is required to be advertised. Letters shall be sent by regular mail. Failure to receive notice of such informal hearing shall in no way void the hearing process. The letter mail distribution shall be based upon the addresses of the properties within the district as filed with the nomination for the district in records kept and maintained by the Planning and Zoning Department, City of Leavenworth, Kansas. Such notice shall be mailed at least five workdays prior to the date set for the informal hearing. It shall state the date, time and place of the informal hearing and that the Leavenworth Preservation Commission will meet to discuss a sign permit request and shall give the address where the sign may be located.

3. Should a legal, non-historic commercial or industrial zoned property be located within 300 feet of a Residential Historic District, then the Leavenworth Sign Code shall be used to issue sign permits and no further Historic review shall be required.
4. During the informal hearing the chair may elect to hear public testimony in favor of or opposed to the sign as designed. The commission may encourage modification of the sign to assure historic integrity and compatibility with the character of the historic landmark or district, or the commission may grant or deny the sign permit as presented. The owner of the sign may appeal the decision of the commission to the City Commission, if denied.
5. Appeals shall be in writing received by City staff within seven days of the date of denial.

9.18. Retention of Accessory Structures and Landscaping

- A. Existing characteristics such as trees, walls, stairs, paving materials, fencing, walkways, and other site features that reflect the landmark or district's significance shall be retained and protected from demolition or alteration.
- B. Landscaping shall be appropriate to the scale and feature of the landmark or historic district.
- C. Accessory structures shall be appropriate to and compatible with the architectural features of the primary structure. Non-contributing structures shall not distract or detract from the landmark or historic district properties.
- D. Design criteria shall be applied more stringently to projects of greater significance than those of lesser impact. Accessory facilities are not subject to the public hearing process and will be reviewed at the next regular commission meeting with appeal to the City Commission if denied. Appeals must be submitted in writing within seven days of date of denial.

9.19. Public Properties

Existing historically or architecturally significant public properties shall be nominated to local, state, and federal registers upon authorization by the City Commission after review and approval by the commission of appropriate nominating materials. Unless specifically required elsewhere, normal nomination procedures may be waived.

- A. Normal property maintenance shall be exempt from the provisions of this Code unless or until a permit for work to be done is required by other City development regulations
- B. Demolition, exterior alteration, or expansion of landmark properties owned by such entities shall follow the procedures enumerated in these Development Regulations.

9.20. Promotion of Other Functions

To further the purposes of this Code and to assure maximum public knowledge and involvement in the preservation of Leavenworth's history, the City may enter into agreements with other units of government, other agencies and private corporations. Specifically, the City shall negotiate an agreement with the SHPO whereby the state may delegate certain responsibilities to the City, including, but not limited to, the review of building and/or demolition permit applications for compliance with the above stated historical regulations and objectives.

- A. ***Types and purposes of grants, or other agreements:*** The commission may recommend and the City Commission may authorize such agreements which address:
1. Designation of landmarks and historic districts;
 2. Administration and use of preservation fund resources;
 3. Improvements to landmarks and historic districts;
 4. Maintenance of landmarks and historic district properties;
 5. Other mutually acceptable provisions such as contracts with public or private consultants and acceptance of grants or other resources to further the objectives and functions of the commission.

9.21. Promotion

The commission shall be the City's point of contact for all historic associations and organizations within the City, state and nation and shall provide such assistance as practical to promote and develop historical, archeological, or prehistoric interest in Leavenworth within the established budget for the operation of the commission. Activities such as submitting pass-through grants on behalf of these agencies, providing assistance with tax credit and other financial incentives directed toward historic property preservation, and providing basic research materials to interested parties will be conducted by the department as directed by the commission and as authorized by the City Commission through the various agreements. The commission is expected to provide accurate information to news media when appropriate to further the objectives of historic property preservation.

9.22. Public Hearing Process

Except where otherwise specifically excepted, the following process shall be used whenever historic landmarks or districts are proposed.

- A. Landmark nomination as additionally described above shall be processed as follows:
1. The commission or department generates or receives a nomination and determines the appropriateness of the nomination based on age and character of the property being nominated.

2. The department advertises the date, time, place and purpose of a public hearing at least 20 days prior to the date set and sends notice to all property owners within 200 feet of such proposed nomination [allow 30-45 days for this process].
3. The commission conducts the hearing and after a 14-day protest period elapses, recommends approval or denial of the nomination to the City Commission [allow 20-30 days for this process].
4. The City Commission accepts or reverses the recommendation and approves or denies the nomination.
5. If approved, proper notifications are made and the property or district is declared a landmark or historic district [allow 10-14 days for designation notification].
6. If denied, reasons therefore are presented to the owner, in writing, with remedies which the owner may address and resubmit in a future nomination of the same property [requires one-year delay before a future nomination may be submitted].

Section 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication as provided by law.

Passed by the Leavenworth City Commission on this _____ day of _____, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk