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| Study Session: | | | |
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STUDY SESSION POLICY REPORT PRESENTATION BY LEAVENWORTH UNIFIED SCHOOL DISTRICT NO. 453

DECEMBER 6, 2022

ISSUE:

Leavenworth Unified School District No. 453 will provide a quarterly update to the City Commission.

POLICY REPORT

Dangerous Structures Review and Assessment

December 6, 2022

malue Bettom Prepared By: Bethany Falvey, **City Planner**

Reviewed By: Paul Kramer,

Paul Kramer, City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition, abandoned, or that have a blighting influence, 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 (Unsafe or 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

The staff has compiled a list of structures, which have been evaluated based on the criterion established for unsafe and dangerous structures. Under Kansas Statute, structures are deemed unfit for human use or habitation if conditions exist in such structures which are dangerous or injurious to the health, safety, or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area.

The following structures have been evaluated based on the criteria outlined within Kansas Statute and are hereby presented for consideration:

- 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

Pending consensus by the City Commission to move forward with the list of dangerous and abandoned structures as presented, staff will prepare a resolution to set a public hearing for the structures. Prior to approval of the Resolution setting the public hearing, staff will prepare a Remediation Agreement for each property and notify property owners, giving property owners the opportunity to make needed repairs.

RECOMMENDED ACTION

Consensus for the list of dangerous and abandoned structures, as presented, to be formally placed on a list for public hearing, review and consideration for Resolution of demolition.



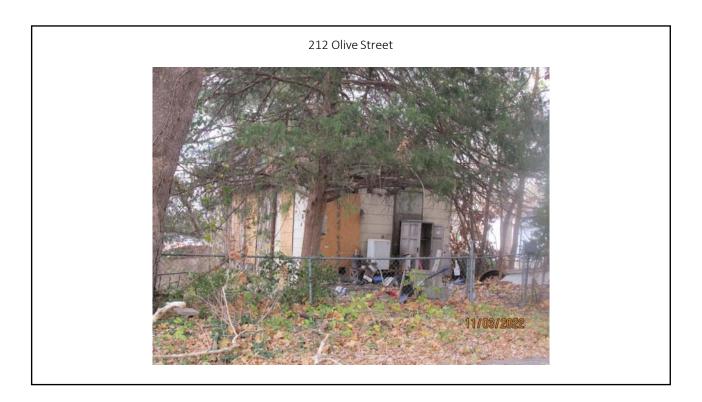


















Policy Report ARPA Housing Project Proposal December 6, 2022

Prepared by:

Paul Kramer

City Manager

Issue:

Sister Vickie Perkins with Leavenworth Attainable Housing will make a presentation to the Commission related to a housing project and a proposal for City of Leavenworth American Rescue Plan Act (ARPA) funding.

Policy Report No. 10-2022 2022 Police Department Towing Ordinance and Policy December 6, 2022

Prepared by

Patrick R. Kitchens, Police Chief

Approved by:

Paul Kramer, City Manager

ISSUE:

The Police Department is before the Governing Body for a discussion and review of the Towing Ordinance and Policies of the Police Department.

STAFF RECOMMENDATION:

Staff has no recommendation.

BACKGROUND:

During a recent City Commission meeting a citizen spoke during the public comments section about a negative experience relating to his families traffic accident and subsequent towing of their vehicle. There was a request to bring the matter to a study session to review and discuss existing Ordinance and Policy. This specific matter was handled with a letter to all tow companies about the rules. (sample letter attached)

The Leavenworth Police Department responds to a little over 500 traffic accidents each year and a majority of those require one or both cars to be towed. We respond to and assist the public with vehicles that are disabled because of mechanical failure and those cars need to be towed. We also investigate a variety of parking complaints and occasionally those cars are towed.

The Police Department has an established rotating list of tow companies (list attached) that respond to our request for a tows. Tow companies rotate weekly from Sunday to Sunday and it's designed to share the business as equally as possible. The tow companies are subject to specific rules to eligible to participate in the rotating list. (rules attached)

An Officer working an accident or mechanical failure event provides the owner of the vehicle with two options. The first option allows the owner of the vehicle to have the car towed by a preferred company. The second option is for the owner of the vehicle to have the Police tow the car. It's at that point we call the tow company of the week and they respond.

The Police Department does not take possession of those vehicles. They are in the possession of the tow companies. The Tow companies are governed by Kansas State statute related to those vehicles. The only exception to this is when we impound a car that is involved in a crime as evidence. Those cars are subject to rules of evidence and the court has jurisdiction about disposal.

The system works very well and efficiently. The Police Department has a good working relationship with the tow companies and on the occasion are able to resolve minor disputes easily.

We did ask our city attorney David Waters to review our current ordinance as part of this process and he did take note that it has been some time since we updated it. The attached ordinance provides appropriate updates to our practices and policies, including a provision designed to provide more transparency related to fees and charges. (attached)

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Discuss and review the Towing Ordinance and Policy.



March 7, 2022

Logan Auto Repair & Towing 649 S 2nd Street #601 Leavenworth, KS 66048

Logan Auto Repair & Towing:

Recently, the Leavenworth Police Department received a complaint from a person who had been involved in a traffic accident that a tow truck would not allow the person's wrecked vehicle to be towed to an alternate location other than their local tow lot. That resulted in the vehicle being held for one extra day and it was necessary for the owner of the vehicle to hire a second tow company to tow it from the lot to the repair shop.

I want to be clear that this is not an acceptable practice for tow companies to engage in. The Leavenworth Police Department is involved in requesting a tow company come to the scene and remove the vehicle. The owner of that vehicle has the option of having it towed directly to the repair shop and it does not need to be towed to your individual lot.

You are welcome to charge that person an additional amount for services rendered; but, you should not prohibit that activity from taking place. Although there was an allegation against one particular tow company recently, I wanted to make sure that all of the tow companies got the same message.

Sinceret

Patrick R. Kitchens Chief of Police

PRK/ab

Leavenworth Police Department

Leavenworth Justice Center • 601 S. 3rd St., Suite 2055 • Leavenworth, Kansas 66048-2868 (913) 651-2260



Tow Company Rotating List

Towrifik 1816 S. 4th Street Leavenworth, KS 66048

Logan Auto Repair and Towing 649 S 2nd Street #601 Leavenworth, KS 66048

Mann's Towing 709 Cherokee Leavenworth, KS 66048

Main Street Auto Body & Tow Inc. 212 N. Main Street Lansing, KS 66043

Express Tow & Recovery 604 1st Street Platte, City, MO 64079

LEAVENWORTH POLICE DEPARTMENT 601 S THIRD STREET, SUITE 2055 LEAVENWORTH, KS. 66048

In order to properly provide for the performance of police responsibilities, we are required to establish minimum requirements for wrecker services that wish to be placed on the rotational call list. These minimum requirements and operational standards shall be referred to as "rules."

The rules, which govern inclusion and maintenance on the rotation list, are as follows:

- Rule #1 The wrecker operator/owner must have at least two (2) wreckers capable of responding to accident and emergency scenes.
- Rule #2 The wrecker operator must provide and maintain consistent response times of twenty (20) minutes or less to all police calls, thirty (30) minutes will be acceptable during inclement weather. If a wrecker cannot meet the times the next company on the list will be called and the original wrecker will be cancelled.
- Rule #3 The wrecker operator must provide secure storage, in the City of Leavenworth, for the vehicles towed as a result of police calls. These tows are for vehicles towed as a result of being abandoned or disabled with no owner present. The towing officer will notify the tow truck operator of the status of the vehicle being towed.
- Rule #4 Wrecker operators or their employees are not allowed to respond to police calls unless the police department contacts them or we have verification of a direct request made by the vehicle driver or owner. Violation of rule #4 will result in the immediate removal of the wrecker service from the rotation call list until the incident is reviewed by the Chief of Police or his designee and a decision is made to place the wrecker service back on the list.
- Rule #5 The wrecker operators shall not offer, provide or other wise make available any special rates, free services, gifts, gratuities or commissions to police officers and employees of the Leavenworth Police Department. They shall also not allow officers and employees to "work off" any debts for services they may be or have been provided.
- Rule #6 There shall be no artificial limitation upon the number of wrecker operators placed upon the rotation call list. However, if it is determined that any wrecker operator is operating multiple wrecker companies, in an effort to increase the number of call outs. All services assigned to that operator will be removed from the rotation call list.
- Rule #7 The Leavenworth Police Department reserves the right to control placement on the rotation call list and may temporarily suspend placement on the list for

inability or failure to follow these rules. The Police Department also reserves the right to modify or amend these rules as necessary. We agree to make these rules apply equally to all wrecker operators.

- Rule #8 The wrecker operator shall comply with the directions of the police officer on the scene of a traffic collision or abandoned vehicle. All wrecker operators will wear DOT approved safety apparel at any police scene.
- Rule #9 The wrecker operator will be responsible for the removal of all physical debris and liquid spills of a non-hazardous nature (i.e. parts, glass, anti-freeze).
- Rule #10 All wreckers used by the wrecker operator for responding to police calls shall meet all current State and Federal rules governing the operation of a Tow service. This includes DOT numbers, KS Corporation Commission Permit, liability insurance and any City licenses or permits require. All wrecker operators will hold the appropriate license to operate their truck and load. Each year the Police Department will send out a letter to each Tow company that must have all required licenses, permit numbers and liability insurance numbers designated and signed by the owner and returned to the department.
- Rule #11 The wrecker operator shall notify the Police Department Traffic Sergeant of any abandoned or disabled vehicle not claimed within 7 days of the operator taking possession of the vehicle towed under Rule #3. Notification should be made by e-mail to Sgt. Sorrell at <u>rsorrell@firstcity.org</u>. Information provided will be Make, Model, Year, VIN, Date towed, Location of the Tow and current location of the vehicle.

Violation of any of these rules may result in suspension and/or removal from the rotation call list by the Chief of Police

I have read and understand the above listed rules and agree to operate under their limitations and requirements in order to attain listing on the rotational list. Please attach copies of any licensing permits and insurance when returning this document. This also attests that all my drivers have the appropriate licensing to operate the truck they operate.

Authorized Wrecker Operator

Date

Chief of Police or designee

ORDINANCE NO.

AN ORDINANCE REGARDING THE TOWING AND IMPOUNDMENT OF VEHICLES, 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:

<u>Section 1</u>. 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
- 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
- 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; 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

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

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 reasonable or agreed 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. 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.
 - Exclusive of legal holidays, each wrecker or towing service shall be open and have a representative actually on the premises 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 thereto, 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.
 - 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 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 one 16ton capacity wrecker or wrecker vehicle with greater capacity.
- 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. 44-220. 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 violated the fee and charge schedule by overcharge;
- 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
- 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. 44.221. Fees and Charges.

A. 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. 44.222. 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 2. 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.

<u>Section 4</u>. 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 _____ day of _____, 2022.

Camalla Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, City Clerk

Policy Report Solid Waste Operations Discussion – Bulky item pickup December 6, 2022

Prepared by:

Paul Kramer **City Manager**

Background:

At the Sept. 6 City Commission Study Session, the Commission provided consensus on a process related to proposed modification to the solid waste collection system. In brief, that process included addressing the following issues in the order in which they are noted:

- 1) Collection approach: Hybrid poly-carts and new regulations.
- Bulky item pickup: Frequency and new regulations
- Enforcement approach: Warnings and citations
- 4) Trash bags

At the Sept. 29 Commission meeting, the Commission discussed item #1, "Collection approach: Hybrid poly-carts and new regulations. This policy report and the Commission and staff discussion will focus on item #2, "Bulky item pickup: Frequency and new regulations."

Issue: Bulky item pickup: Frequency and new regulations

- 1) What is/will be permitted with regular pickup
 - a) Unlimited bagged refuse and yard waste
 - This is consistent with current practice and the Solid Waste Task Force recommendation

Staff comment: N/A

b) No loose items except tied bundles of sticks and branches (No more than 5 foot in length and no more than 60 pounds – maximum individual branch diameter of 1.5 inches).
- This is a new process as recommended by the Solid Waste Task Force

Staff comment: Currently loose items are permitted – bundles of sticks/branches, carpet, cardboard, tires, etc. If staff can pick it up, the practice has been to collect with the weekly residential collections. The Solid Waste Task Force recommended that loose items, except bundle of sticks and tires meeting the size and number requirements currently in the code, be prohibited.

c) Residents can use one cardboard box (not to exceed 1.5 cubic feet), to secure sharp items (glass, metal shavings, needles, etc.). Mark box with "SHARP OBJECTS." Take caution when exposing cardboard to rain. If rain is expected, do not place box by the curb, save for the next week, or call the Service Center.

- This is consistent with current practice and the Solid Waste Task Force recommendation

Staff comment: Such items can also be placed inside a poly-cart.

 d) Prohibited items would remain as currently outlined, including, but not limited to: Hazardous waste, sand, bricks, concrete, items over 60 lbs., cinderblocks, cement and soil. Tires and sharp objects (needles and broken glass) are permitted following the current guidelines.
This is consistent with current practice and the Solid Waste Task Force recommendation

2) Provisions for remaining large items

a) <u>Create a schedule based pick up</u> - Residents need to coordinate with the City of Leavenworth Solid Waste Department for limited-item furniture, mattress, and appliance pick up (Grapple Box Truck) up to one time a month or drop off at the Service Center during free first Saturdays. The service is for one or two items that exceed the weight limit of 60 pounds. The Service Center will establish a pickup time (normally on a Friday).

- This is a new process as recommended by the Solid Waste Task Force

Staff comment: The Task Force felt it was important for residents to continue having the option to dispose of large items but on a more manageable scale. Residents having one or 2 large items per month was deemed a reasonable amount. If a resident has more items or needs pickup on a more frequent schedule, they can drop off those items at the Service Center during free first Saturdays or arrange for a private hauler to remove. There are also residents offering to remove your unwanted junk from garages and homes. They then put all the items they don't want, or can't sell, on the curb for the city to pick up – many times these are large items. This happens weekly at certain locations. Limiting to 1 or 2 items once a month will address true residential needs.

b) Large amounts/whole home refuse - Recommend large amounts of refuse (whole home) utilize the free first Saturdays for large items or rent a dumpster to dispose of property left by vacating renters. City should maintain a list of private contractors who, at the property owner's expense, can remove the material.

- This is a new process as recommended by the Solid Waste Task Force

Staff comment: The Task Force felt the majority of people disposing of large amounts/whole house refuse were not the actual occupant of the home, but landlords. Proper disposal and payment for disposal by the landlord is a cost of doing business and should not be borne by residents.

*One option to consider is a City-run dumpster rental service. The city currently does not have the resources (equipment and manpower) to provide roll off dumpster rental service. There are cities that offer rental dumpsters for a fee. Costs to purchase roll-off dumpsters have increased dramatically in the last few years. Current price for a 30yd dumpster is \$10k. We would start by purchasing 3 dumpsters and increase that number if demand warranted. A new truck (\$100k +/-) would be needed. Staffing levels would need to be evaluated if the program turned out to be popular. c) <u>Contractor and construction refuse</u> - Contractors working on a resident's home must arrange to haul and dispose of construction debris which includes carpet and carpet pad removal, sheetrock, lumber and other construction materials. The city needs to educate residents and contractors on this requirement. Recommend the city look into modifying contractor permits to address disposal of construction debris/material.

- This is a new process as recommended by the Solid Waste Task Force

Staff comment: The Task Force felt that some contractors may be charging residents for disposal of construction debris but actually placing it at the curb and having city staff collect. The cost is then borne by all our residents. Contractors must be responsible for removing and disposing of materials associated with their work. In addition, picking up construction debris can be time consuming for staff and there is a risk for injuries from nails and material weight.

3) Frequency of item pick up and charges for bulky item pickup

a) Frequency of use - Make this service available once a month. Residents can call a maximum of one time a month for bulk-item pickup. Bulk is one or two items.

- This is a new process as recommended by the Solid Waste Task Force

Staff comment: The Task Force felt it was important for residents to continue having the option to dispose of large items but on a more manageable scale for staff. Residents having one or 2 large items per month was deemed a reasonable amount. If a resident has more items or needs pickup on a more frequent schedule, they can drop off those items at the Service Center during free first Saturdays or arrange for a private hauler to remove. There are also residents offering to remove your unwanted junk from garages and homes. They then put all the items they don't want, or can't sell, on the curb for the city to pick up – many times it is large items. This happens weekly at certain locations. Limiting to 1 or 2 items once a month will address true residential needs.

b) Charge for service - Within the bounds of a frequency of once per month, the bulky item would be at no additional cost.

- This is a new process as recommended by the Solid Waste Task Force

Staff comment: Scheduling pickups and limiting the volume and number of pickups to once/month should result in more efficient operations that will not impact the cost of providing the service.

Conclusion: Consensus based on the items above will inform the creation of a new City of Leavenworth Bulky Item Pickup policy.