



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MAY 9, 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. Proclamations: (pg. 03)
 - a. Economic Development Week May 8-12, 2023
 - b. Provider Appreciation Day May 12, 2023
 - c. National Police Week May 14-20, 2023
 - d. Leavenworth Public Works Week May 21-27, 2023

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from April 25, 2023 Regular Meeting **Action:** Motion (pg. 07)

Second Consideration Ordinances:

3. Second Consideration Ordinance No. 8213 Amending by Regular Ordinance Charter Ordinance No. 40
Action: Roll Call Vote (pg. 16)
4. Second Consideration Ordinance No. 8214 Amending Article 9, Historic Preservation of the Code of Ordinances
Development Regulations **Action:** Roll Call Vote (pg. 19)
5. Second Consideration Ordinance No. 8215 Approval of Special Use Permit for Two-Family Dwelling at 728
Pottawatomie Street **Action:** Roll Call Vote (pg. 34)
6. Second Consideration Ordinance No. 8216 Approval of Special Use Permit for Two-Family Dwelling at 1906 5th Avenue
Action: Roll Call Vote (pg. 37)

NEW BUSINESS:

Public Comment: *(i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A sign up sheet will be provided in the commission chambers for anyone wishing to speak.*

Public Hearing:

7. Public Hearing for Unsafe Structure 1015 Ottawa Street (pg. 40)
 - a. Open Public Hearing **Action:** Motion
 - b. Review of Property by Staff and Public Comments
 - c. Close Public Hearing **Action:** Motion
 - d. Consider Resolution B-2334 Directing Structure to be Repaired or Removed **Action:** Motion

General Items:

8. Mayor's Appointments **Action:** Motion (pg. 46)
9. Consider Cherokee Street Closure Request – Motorcycle Show Special Event **Action:** Motion (pg. 47)
10. Consider Request to Abate Special Assessment Nuisance and Demolition Fees and Nuisance Lien for 1921 5th Avenue
Action: Motion (pg. 51)

Resolutions:

- 11. Resolution B-2335 Authorizing Issuance of General Obligation Bonds for the Construction, Furnishing and Equipping of New Fire Station #3 **Action:** Motion (pg. 61)
- 12. Resolution B-2336 Declaring the Necessity to Appropriate Private Property Connected with the U.S. 73 Choctaw to Seneca Improvement Project **Action:** Motion (pg. 64)

Bids, Contracts and Agreements:

- 13. Consider Award of Bid for 2023 Pavement Management Project (Mill & Overlay Program) **Action:** Motion (pg. 68)
-

Consent Agenda:

Claims for April 22, 2023 through May 5, 2023, in the amount of \$1,509,327.44; Net amount for Payroll #09 effective May 5, 2023, in the amount of \$358,879.47 (No Police & Fire Pension). **Action:** Motion

Other:

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *communities rely on economic development professionals to promote economic well-being and quality of life; for communities like the City of Leavenworth that means coordinating activities that create, retain and expand jobs in order to facilitate growth, enhance wealth, and provide a stable tax base; and*
- WHEREAS,** *economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and*
- WHEREAS,** *economic developers are engaged in a wide variety of setting including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and*
- WHEREAS,** *child care programs, which are mostly small businesses, run and staffed predominantly by women, are still recovering from health and financial hardships stemming from the pandemic while they have continued to meet the needs of families; and*
- WHEREAS,** *economic developers attract and retain high-quality jobs, develop vibrant communities, and improved the quality of life in their regions; and*
- WHEREAS,** *economic developers work with the City of Leavenworth within Leavenworth County, Kansas.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim May 8 - 12, 2023 to be:*

Economic Development Week

and remind individuals of the importance of this community celebration which supports expanding business opportunities and making lives better.

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

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *Child Care Aware® of America and other organizations nationwide are recognizing Child Care Providers on this day; and*

WHEREAS, *child care provides a safe, nurturing place for the enrichment and development of millions of children nationwide, and is a vital force in our economy; and*

WHEREAS, *the pandemic illuminated how indispensable child care providers are for the well-being and economic security of Kansas' young children, families and communities.*

WHEREAS, *child care programs, which are mostly small businesses, run and staffed predominantly by women, are still recovering from health and financial hardships stemming from the pandemic while they have continued to meet the needs of families; and*

WHEREAS, *Kansas recognizes that child care has been a lifeline for families, communities and the economy and as such, has provided much-needed support to providers to help sustain the viability of child care; and*

WHEREAS, *our future depends on the quality of early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim May 12, 2023 to be:*

Provider Appreciation Day

and I urge all citizens to recognize Child Care Providers for their important work.

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

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *there are approximately 800,000 law enforcement officers serving in communities across the United States, including 55 sworn members of the City of Leavenworth Police Department; and*
- WHEREAS,** *the Congress of the United States of America has designated the calendar week each year during which May 15th occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and*
- WHEREAS,** *the names of those dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial, in Washington, D.C., there are more than 22,000 names of fallen heroes engraved on the memorial, of which 224 officers who were killed in 2022; and*
- WHEREAS,** *the members of the City of Leavenworth Police Department play an essential role in safeguarding the rights and freedoms of the City of Leavenworth, Kansas; and*
- WHEREAS,** *the citizens of Leavenworth and our leaders pledge to stand with the families of the fallen officers, the officers protecting our community, and the officers throughout the United States; and to honor their loss as they protect their communities; and*
- WHEREAS,** *all officers of the Leavenworth Police Department are encouraged to turn on their red and blue lights for 1 minute every day at 11:00 A. M. from May 14th through May 20th 2023.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim May 14 – 20, 2023 to be:*

National Police Week

and call upon all citizens to observe appropriate ceremonies commemorating law enforcement officers, past and present, for faithfully preserving the rights and security of everyone in our community.

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

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Leavenworth; and,*

WHEREAS, *these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

WHEREAS, *it is in the public interest for the citizens, civic leaders and children in Leavenworth to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,*

WHEREAS, *the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association,*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim May 21-27, 2023 to be:*

Leavenworth Public Works Week

and I urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our community's health, safety, and quality of life.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of May 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 and Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Community Development Coordinator Julie McKeel, City Planner Bethany Falvey, Parks and Recreation Director Steve Grant, Convention & Visitors Bureau Manager Kristi Lee, IT Manager Carol Charity, 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.

PRESENTATIONS AND PROCLAMATIONS:

Arbor Day – Mayor Wilson read the proclamation proclaiming April 28, 2023 as Arbor Day. The proclamation was accepted by Parks and Recreation Director Steve Grant.

Small Business Week – Mayor Wilson read the proclamation proclaiming April 30-May 6, 2023 as Small Business Week. The proclamation was accepted by Debbie Deere.

Historic Preservation Month – Mayor Wilson read the proclamation proclaiming the month of May as Historic Preservation Month. The proclamation was accepted by members of the Leavenworth Preservation Commission.

National Travel and Tourism Week – Mayor Wilson read the proclamation proclaiming May 7-13, 2023 as National Travel and Tourism Week. The proclamation was accepted by CVB Manager Kristi Lee.

National Drinking Water Week – Mayor Wilson read the proclamation proclaiming May 7-13, 2023 as National Drinking Water Week. The proclamation was accepted by Joel Mahnken.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the April 11, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8212 Rescind Special Use Permit at 1830 S. Broadway Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 11, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8212 was unanimously approved.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*
None.

General Items:

Mayor's Appointments:

Mayor Wilson moved to reappoint to the Board of Zoning Appeals Jan Horvath to a term ending May 1, 2026; reappoint to the Leavenworth Planning Commission Sherry Hines-Whitson and James Diggs to terms ending May 1, 2026; appoint to the Parks & Community Activities Advisory Board Stephanie Ingels to a term ending January 15, 2024. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Cereal Malt Beverage Licenses for Family Dollar at 104 N. Broadway St. and 1906 Spruce St. – City Clerk Sarah Bodensteiner presented for consideration two off premise Cereal Malt Beverage Licenses for Family Dollar located at 104 N. Broadway Street and at 1906 Spruce Street. These are new requests for off premise cereal malt beverage licenses. The applications have been reviewed and approved by the Police Department

Commissioner Bauder moved to approve issuance of 2023 off premise Cereal Malt Beverage Licenses for Family Dollar for locations at 104 N. Broadway Street and 1906 Spruce Street. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolutions:

Resolution B-2332 Community Development Block Grant Annual Action Plan – Community Development Coordinator Julie McKeel presented for consideration the 2023-2024 Annual Action Plan. Leavenworth is an entitlement city that receives CBDG Funds and must submit an annual action plan with HUD. The report is composed of needs assessments of the community's housing stock, homelessness issues, public facilities, infrastructure, and community development assets. The award figures at this time are projected, as Congress has not voted upon the funds and once that happens HUD will advise what the award amount will be and the true total award will be updated. The Community Development Advisory Board has voted for a pro-rata configuration once the true award total is given.

Commission Martin moved to approve Resolution B-2332 adopting the 2023-2024 Annual Action Plan and submission of the plan to HUD. Commission Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolution B-2333 Resolution of Support – Excel Development Group Low Income Housing Tax Credits – City Manager Paul Kramer presented for consideration a resolution of support for Low Income Housing Tax Credits. Excel Development Group purchased this property from Greenamyre Rentals, who received support from the Commission for this project and for Low Income Housing Tax Credits in 2021, and have requested local support for an application to the State for Low Income Housing Tax Credits for residential

development at 2604 S. Second Avenue in Leavenworth. This development would be limited to those 55 years of age or older. Mr. Kramer introduced Connor Menard, Development Director with Excel Development Group.

Mr. Menard:

- Huge need for affordable housing in Leavenworth
- These will be 2 bed 1 bath slab on grade duplexes, with garages for seniors
- Company's focus is solely on affordable housing

Commissioner Bauder:

- Asked how many units
- Asked who will manage the property

Mr. Menard:

- There will be 24 units and a community building
- Excel Development Group will manage the property

Commissioner Leonhard:

- Asked if the community will be gated

Mr. Menard:

- A gated community is not in the current plans
- Noted the community is on a cul-de-sac

Mr. Kramer:

- Referenced the point system that the State has added in the Low Income Housing Tax Credit scoring system

Commissioner Leonhard moved to approve Resolution B-2333 in support of the Excel Development Group application for Low Income Housing Tax Credits for the Kansas Housing Resources Corporation. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Agreement with Kansas Big Brothers Big Sisters – City Manager Paul Kramer presented for consideration the agreement between the City and Kansas Big Brothers Big Sisters, Inc. The City Commission had discussed the prospect of increasing youth-targeted services in the City of Leavenworth. Discussion formalized around the City Commission goals and with multiple discussions on the funding provided by the American Rescue Plan Act (ARPA). Initial discussions included a variety of options, before eventually focusing on Big Brothers Big Sisters. Kansas Big Brothers Big Sisters presented at the February 7, 2023 Study Session and staff has subsequently provided the City Commission with requested follow up statistics and reports. The agreement outlines the terms and responsibilities of the parties, but a few highlights include:

- The agreement ensures a Leavenworth-dedicated match specialist focusing on creating a one-to-one mentorship program.

- The agreement is for three (3) years of service at a total amount not to exceed \$180,000.00. The entirety of the funds are restricted to uses outlined in the “Scope of Services.”
- The agreement referenced Kansas cash-basis and budget laws, indicating that the City’s funding obligations are subject to annual appropriations.
- Kansas Big Brothers Big Sisters, Inc., is defined as an independent contractor under this agreement. The agreement does not create a partnership or joint venture with the City in regards to execution of services.
- The agreement includes an indemnity clause, and ensures that the City is not tied, in any way, to the employment or operations of the program.
- The agreement includes quarterly reporting requirements.

Mary Shannon with Kansas Big Brothers Big Sisters:

- Provided some recent stats about the program
- Built a blue ribbon model that is sustainable and provides outcomes for the participants

Jeff Jack with Kansas Big Brothers Big Sisters:

- Point person for Kansas Big Brothers Big Sisters in Leavenworth
- There is a demand for this service for the area
- Making the contacts in the community to gain the support of the community

Commissioner Hingula:

- Asked does the service area include the whole county or is just the city

Ms. Shannon:

- We will be in and provide services for the city of Leavenworth
- Our hope is to be successful and grow to other cities within the county

Mayor Wilson invited persons in the audience to speak on the topic.

Jennifer Eberhard 301 Allen Street:

- Works at Richard Warren Middle School at In-School Suspension and is in full support of this programing for Leavenworth youth
- Read a letter a student wrote her thanking her for her support

Jeff Myers 1208 S 16th St:

- A former member of Big Brothers Big Sisters as a youth and the program kept him out of trouble
- His mentor changed his life
- Believes this is good for our youth and community

Melissa Maxwell 2707 Wilson Avenue:

- Father was a mentor and her family helped while she was growing up
- Still in contact with people that her family mentored
- In support of the program

James Diggs 2104 Ridgeview Dr:

- The Alpha Phi Alpha Fraternity, Inc. has a partnership with Big Brothers Big Sisters and the local fraternity chapter are pledging support to becoming Bigs and support the community in this endeavor

Maryann Neeland 113 Topeka Ave:

- Provided some statistics from both Kansas Big Brothers Big Sisters and USD 453: graduation rate, attendance rate, dropout rate, for those who are Littles
- With Kansas Big Brothers Big Sisters providing mentorship to kids, school stats could trend upwards
- Program is needed in the community

Vickie Kaaz 3660 Tonganoxie Rd:

- Lending support for Kansas Big Brothers Big Sisters for Leavenworth
- Can't think of a better way to spend ARPA funds for our community
- Proven successful program

Blake Eberhard 301 Allen Street:

- Supports the program and wants to be a Big

Commissioner Bauder:

- Stated she was a Big before, has seen the growth in people
- You get to see their personality come through

Commissioner Leonhard:

- Feels it will be a positive impact for the youth in the area

Commissioner Hingula:

- Glad programs were there if people need them

Mayor Wilson:

- Stated the community and youth need this
- His pastor became his mentor and encouraged him after his time in prison
- Has personal knowledge of the impact of having a mentor inside your life
- In favor of this program
- Let's do our best for our youth in the community

Commissioner Hingula moved to approve the contract between the City of Leavenworth, Kansas and Kansas Big Brothers Big Sisters, Inc., for a three (3) year period of services at a total amount not to exceed \$180,000.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Contract for IT Data Backup Services – Assistant City Manager Penny Holler and IT Manager Carol Charity presented for consideration approval of the contract for IT Data Backup Services. The previous contract for back-up services was due to re-bid. A request for proposals for a new three (3) year contract was posted. Though the posting generated a lot of interest, only one (1) completed response was submitted by the deadline. Our current provider ISG, submitted a proposal to provide the City with backup

services for three (3) years at a cost roughly \$5,000.00 less than our current monthly cost. The amount includes both on-site and off-site backup for all our servers and data. ISG's services will help maintain a continuity of City services and retention of documents should an unexpected event require a system restoration.

Commissioner Bauder:

- Asked about the lack of responses even though there were several inquiries

Ms. Charity:

- We really aren't certain why only one response was received
- Our assumption is the amount of data we have may have been cost prohibitive to other companies

Commissioner Martin:

- Asked does ISG have anything proprietary or that they built for the City only

Ms. Charity:

- No, nothing is proprietary that we have from them

Commissioner Hingula:

- Asked if the City can reach out and find out why companies didn't submit responses

Mr. Kramer:

- We have asked that in the past, and we can definitely check on that

Commissioner Martin:

- Asked if there is a clause in our contract about auto renewal or anything
- Would be very interested as to why others did not bid

Ms. Holler:

- If we don't notify of a change within certain dates set forth in the contract, the contract will auto renew

Commissioner Bauder moved to approve the 36-month contract with ISG Technology, LLC at an annual cost of \$214,668.00 annually, for a total 3-year cost in an amount not to exceed \$644,004.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Charter Ordinance No. 40 – City Manager Paul Kramer presented for first consideration an amendment to Charter Ordinance No. 40. This item is related to the design-build project of Fire Station #3 and the WPC Administration buildings. In 1997 the City approved and passed Charter Ordinance No. 40, which exempted the City from a provision in Kansas State Statute 13-1017 related to purchasing practices of City improvements. Over the last twenty-five years, the City has not updated Charter Ordinance No. 40 to reflect modern building practices or bidding techniques. When we look at issuing debt for this project we have three options: to amend Charter Ordinance No. 40 to include

new construction techniques that have emerged over the last twenty-five years, we could repeal Charter Ordinance No. 40 and put this in the City's Purchasing Policy, or you could just do a simple adjustment to give yourself spending authority to do the debt issuance for the project. After reviewing the options, staff felt a simple ordinance to amend Charter Ordinance No. 40, as it is the more expedient option to keep the project and debt issuance on track. Staff will then bring this item back in the fall for a more thorough discussion on best next steps regarding Charter Ordinance No. 40. All of the options were reviewed by our Financial Officer and City Attorney.

Commissioner Martin:

- Clarified that monetary approvals will still come before the Commission

Mr. Kramer:

- This gives the statutory authority to issue the debt

City Attorney Waters:

- Provided some back history on the Statutes that brought about Charter Ordinance 40 and how the current request came about
- This change provides flexibility for the design-build process
- Staff will bring more permanent recommendations at a later time to address this topic
- This amendment keeps the project moving forward

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

First Consideration Ordinance Amending the Development Regulations, Article 9 Historic Preservation - City Planner Bethany Falvey presented for first consideration an ordinance to amend Article 9 of the Development Regulations dealing with Historic Preservation. The City Commission adopted the Development Regulations in June 2016 after a year-long comprehensive update process. The Historic Preservation section 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. Ms. Falvey reviewed the changes:

- Changes the number of commission members from seven to five and clarifies the background requirements.
- 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.
- Adds clarification and language to differentiate between review processes.
- Combines the section regarding "Alteration, Expansion or Demolition – Major" with Section 9.16 "Procedure for Demolition, Alteration or Expansion."

The Planning Commission reviewed the proposed text amendments at their April 3, 2023 meeting and recommended approval. The Preservation Commission reviewed the proposed text amendments at their April 5, 2023 meeting and moved to endorse the Planning Commission's recommendation of approval.

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

First Consideration Ordinance for Special Use Permit at 728 Pottawatomie to Allow Two-Family Dwelling – City Planner Bethany Falvey presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property was previously occupied by a four-plex apartment building, which was demolished in January 2017. It is currently a vacant lot. The applicant is proposing construction of a two-family residential structure on the property. The Planning Commission considered this item at their April 3, 2023 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance for Special Use Permit at 1906 5th Avenue to Allow Two-Family Dwelling – City Planner Bethany Falvey presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently an existing legal, non-conforming use as a two-family dwelling. The applicant is seeking the Special Use Permit to make the use conforming, specifically because “without a special use permit as a loss of 50% or greater must be rebuilt as a single family home,” due to the zoning. The Planning Commission considered this item at their April 3, 2023 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for April 8, 2023 through April 21, 2023, in the amount of \$1,423,656.39; Net amount for Payroll #08 effective April 21, 2023 in the amount of \$367,229.76 (Includes Police and Fire Pension in the amount of \$10,383.15). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Noted the official opening celebration of the Splash Pad for May 13th
- Thanked Staff for all their hard work on the Spring Clean up
- 339 youth participants in the Baseball program

Commissioner Leonhard:

- Thanked her parish for participating in the Clean Up

Commissioner Hingula:

- Kudos to Rotary Club who cleaned up 20th Street from Metropolitan to Tonganoxie Road
- Thanked Mike Griswold for organizing that effort
- Happy to see people attend meetings and invites everyone to come on down to City Hall
- Arbor Day tree planting on Friday, April 28, 11am at 20th and Ottawa

Commissioner Martin:

- Asked about a 5% increase auto renewal clause in the IT Data Backup contract

Commissioner Bauder:

- Mentioned the Ride LV program is going great, rides are up
- Appreciates the comments that people are leaving
- Appreciate the work the Guidance Center is doing

Mayor Wilson:

- Thanked those who participated in the Spring Clean Up, thanked Melissa Bower, PIO, for organizing and promoting this annual event
- Mentioned local events put on over the past weekend
- Congratulated Employee of the Quarter Melvin Sewell III
- Thanked the Commission for saying yes to Big Brothers Big Sisters

Adjournment:

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

Time Meeting Adjourned 7:27 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8213
AMENDING BY REGULAR ORDINANCE CHARTER ORDINANCE NO. 40**

May 9, 2023



Sarah Bodensteiner, CMC
City Clerk

Paul Kramer
City Manager

BACKGROUND:

At the April 25, 2023 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**BEING A FIRST AMENDMENT TO CHARTER ORDINANCE NO. 40
AN ORDINANCE REGARDING PURCHASING PRACTICES FOR CERTAIN
CITY IMPROVEMENTS, AMENDING BY REGULAR ORDINANCE
CHARTER ORDINANCE NO. 40, AND PROVIDING SUBSTITUTE AND
ADDITIONAL PROVISIONS ON THE SAME SUBJECT.**

There have been no other changes since first consideration.

Ordinance No. 8213 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8213

(Summary Published in the Leavenworth Times on May 12, 2023)

**ORDINANCE NO. 8213
BEING A FIRST AMENDMENT TO CHARTER ORDINANCE NO. 40**

AN ORDINANCE REGARDING PURCHASING PRACTICES FOR CERTAIN CITY IMPROVEMENTS, AMENDING BY REGULAR ORDINANCE CHARTER ORDINANCE NO. 40, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

WHEREAS, on May 27, 1997, the Governing Body of the City of Leavenworth, Kansas, passed and approved Charter Ordinance No. 40 which, among other things, exempted the City from and made inapplicable to it, the provisions of K.S.A. 13-1017 related to purchasing practices for certain city improvements, and provided substitute provisions on the same subject; and

WHEREAS, among other things, Section 2 of Charter Ordinance No. 40 provided that in all cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$10,000, sealed proposals for the improvement shall be invited by advertisement and published by the city clerk once in the official city paper, and the governing body shall let all such work by contract to the lowest responsible bidder who submits a responsive bid, if there is any whose bid does not exceed the estimate; and

WHEREAS, Section 3 of Charter Ordinance No. 40 provides that any future modification to the \$10,000 cost provision stated in Section 2 of Charter Ordinance No. 40 can be made by simple ordinance.

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

Section 1. Section 2 of Charter Ordinance No. 40 is hereby deleted in its entirety and amended to read as follows:

Section 2. Estimate of Cost of Improvements; Contracts; Bids; Bond Issue; When. Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds, or public building or facility, or any other kind of public improvement in the City of Leavenworth is commenced or ordered by the governing body, or under its authority, a detailed estimate of the cost of the improvements shall be made under oath by the city engineer (or some other competent person, appointed for such purposes by the governing body). Such estimate shall be submitted to the governing body for its action thereon. In all cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$10,000,000.00, sealed proposals for the improvement shall be invited by advertisement, published by the city clerk once in the official city paper. The governing body shall let all such work by contract to the lowest responsible bidder who submits a responsive bid, if there is any whose bid does not exceed the estimate.

Section 2. Section 2 of Charter Ordinance No. 40, in existence as of and prior to the adoption of this ordinance is hereby repealed. Except as expressly modified by this ordinance, Charter Ordinance No. 40 remains unmodified and in full force and effect and is hereby ratified and affirmed in all respects. To the extent of any conflict or inconsistency between this ordinance and Charter Ordinance No. 40, the terms and conditions of this ordinance shall control.

Section 3. 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 9th day of May, 2023.

Jermaine Wilson, Mayor


{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8214
AMENDING ARTICLE 9, HISTORIC PRESERVATION OF THE
CODE OF ORDINANCES DEVELOPMENT REGULATIONS**

May 9, 2023



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the April 25, 2023 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**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.**

There have been no other changes since first consideration.

Ordinance No. 8214 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8214

(Summary Publish in the Leavenworth Times on May 12, 2023)

ORDINANCE NO. 8214

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 (SHPO), 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 five Leavenworth residents by appointment by the mayor with concurrence by the City Commission. The membership will to every extent possible include a minimum of three of the Board members with either a professional or amateur background in: history, architecture, architectural history, historical architecture, archaeology-prehistoric, archaeology-historic, landscape architecture real estate, or planning. Appointments shall be for a term of three years. 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.

- 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 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 or at the next regularly scheduled meeting 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 9.17 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 9th day of May, 2023.

Jermaine Wilson, Mayor

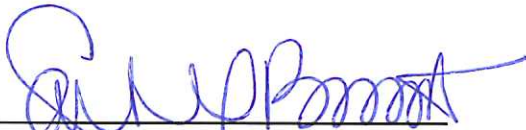
{SEAL}

ATTEST:

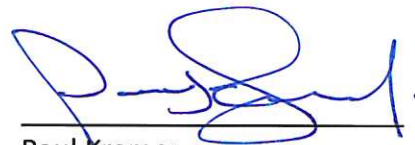
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8215
APPROVAL OF SPECIAL USE PERMIT FOR TWO-FAMILY DWELLING IN R1-6 ZONING
AT 728 POTTAWATOMIE STREET**

May 9, 2023



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the April 25, 2023 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ALLOWING A SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 728 POTTAWATOMIE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8215 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8215

(Summary Published in the Leavenworth Times on May 12, 2023)

ORDINANCE NO. 8215

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 728 POTTAWATOMIE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 3rd day of April 2023 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 9th day of March 2023; and

WHEREAS, the City Planning Commission did hear on the 3rd day of April 2023 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 728 Pottawatomie Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lots 14 and 15, Block 98 lying partly in WESTERN ADDITION and partly in DAY AND MACAULAY'S SUBDIVISION, a subdivision in the City of Leavenworth, Leavenworth County, Kansas; and more **commonly referred to as 728 Pottawatomie Street**, Leavenworth, Kansas.

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

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 9th day of May 2023.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8216
APPROVAL OF SPECIAL USE PERMIT FOR TWO-FAMILY DWELLING IN R1-6 ZONING
AT 1906 5TH AVENUE**

May 9, 2023



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the April 25, 2023 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ALLOWING A SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 1906 5TH AVENUE IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8216 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8216

(Summary Published in the Leavenworth Times on May 12, 2023)

ORDINANCE NO. 8216

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 1906 5th AVENUE IN THE CITY OF LEAVENWORTH, KANSAS.

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 3rd day of April 2023 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 9th day of March 2023; and

WHEREAS, the City Planning Commission did hear on the 3rd day of April 2023 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 1906 5th Avenue, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

The South 24 feet of Lot 2 and all of Lot 3, Block 20, REES, DONIPHAN & THORNTON ADDITION, City of Leavenworth, according to the recorded plat thereof, Leavenworth County, Kansas; and more **commonly referred to as 1906 5th Avenue**, Leavenworth, Kansas.

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

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 9th day of May 2023.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT PWD NO. 23-21

PUBLIC HEARING FOR UNSAFE STRUCTURE
1015 OTTAWA STREET

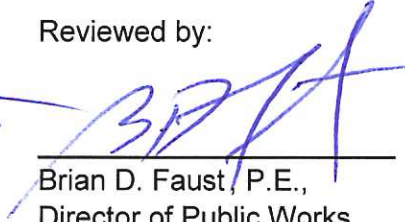
May 9, 2023

Prepared by:



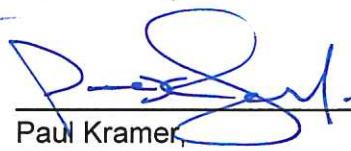
Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 1015 Ottawa Street.

BACKGROUND:

On March 28, 2023, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 1015 Ottawa Street that was damaged by fire. The Commission approved Resolution No. B-2330, setting May 9, 2023 as the date for a public hearing for the purposes of Chapter 20, Article V, of the City Code of Ordinances.

The structure was damaged by fire on November 10, 2022. The owner has spoken with City staff and has stated that he intends to have the structure demolished, but a demolition permit has not been issued yet.

When structures are damaged by fire and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return the property to the owner once repairs have progressed to a reasonable point, which is when the exterior has been repaired and the interior is ready for wall finishes to be installed.

The City has received proceeds from the insurance company for this property in the amount of \$34,500. The money will be returned to the property owner once the owner has completed the demolition of the structure, or the City will use the funds to have the structure demolished and return any funds not spent on demolition.

NOTIFICATION PROCEDURES:

On April 3, 2023, a copy of said resolution was mailed by certified, restricted delivery mail to the owner. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Staff recommends that the owner is given 90 days to complete the demolition of the structure. If the demolition is not completed at that time, then additional time may be given, or the Commission can direct staff to begin the demolition process.

COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2334 giving the owners 90 days to complete the demolition, or another amount of time decided by the Commission.

ATTACHMENT:

Resolution No. B-2334

Photos of the structure

(To Be Published in the Leavenworth Times on May 12, 2023)

RESOLUTION NO. B-2334

A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE LOCATED AT 1015 OTTAWA STREET AND HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 8th day of February 2023 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as “A single-family structure located at **1015 Ottawa Street**. The property is legally described as: BLOCK 4, LOT 15, EWING, ROELOFSON & CO. SUBDIVISION is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2330 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2330 was published in the official City newspaper on March 31, 2023 and April 7, 2023, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on May 9, 2023 the Governing Body heard all evidence submitted by the Chief Building Inspector of the City and heard any evidence submitted by the owner, agents, or lienholders of records.

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

Section 1. That the Governing Body hereby finds that the fire damaged property described above is an unsafe and dangerous structure. The owner of the structure is hereby directed to commence repair or removal of such structure on or before that date listed in Section 2, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

Section 2. The property is hereby given 90-days for repair or removal at which time the City Commission will review at the next scheduled meeting.

Section 3. Be it further resolved that the City Clerk and/or Chief Building Inspector shall cause this Resolution to be published once in the official City newspaper and a copy mailed to the owner, agents, and/or lienholder of record, and occupants or served personally as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas
on this 9th day of May 2023.

{SEAL}

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC City Clerk





MAYOR'S APPOINTMENTS

MAY 9, 2023

Mayor Wilson

"Move to

*Reappoint to the **Building Code Board of Appeals** Jody Kaaz to a term ending May 1, 2028;*

*Reappoint to the **Electrical Board of Appeals** Jeff Wagner to a term ending May 1, 2028;*

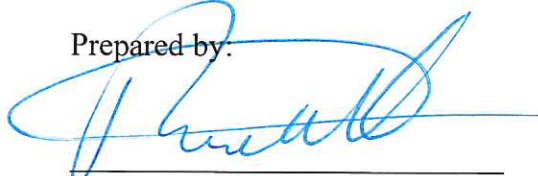
*Reappoint to the **Mechanical Board of Appeals** Keith Sanders to a term ending May 1, 2028;*

*Appoint to the **Plumbing Board of Appeals** John D'Agostino to a term ending May 1, 2028.*

Requires a second and vote by the Governing Body.

**Policy Report No. 3-2023
Cherokee Street Closure
May 9, 2023**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

The City of Leavenworth Staff and Police Department received a request to close Cherokee Street on Saturday, August 26, 2023 from 2:30 p.m. to 10:00 p.m. for a Motorcycle Show.

STAFF RECOMMENDATION:

Staff has no recommendation.

BACKGROUND:

On March 27, 2023 the City of Leavenworth received a Special Event Application (attached) from Carl Slicker to have the Leavenworth Bike Show at Haymarket Square on August 26, 2023.

Mr. Slicker and his team have held the Bike Show for the last several years and it has grown each year. This application included a request to close the 600 Block of Cherokee Street from 2:30 p.m. to 10:00 p.m. to accommodate the event.

On April 10, 2023 I met with Mr. Slicker and his team at the Police Department to review the application and event. They are asking to close Cherokee Street which would allow the vendors to set up. The motorcycles and food trucks would be inside the envelope of Haymarket Square. We discussed alternative locations for the event but did not identify one that would work. (10th Avenue Park, Ray Miller Park, etc.)

In addition to this request, we have two additional organizations that have made requests to close streets in the Central Business District. The NAACP is planning their annual Juneteenth Festival at Haymarket Square and have asked for a similar street closure of the 600 Block of Cherokee for several hours in the evening. Willcott Brewing has a request pending for Oktoberfest to close 6th Street from Cherokee to Delaware on Saturday, October 7, 2023 from 11:00 a.m. to 11:00 p.m.

City staff have not typically allowed events associated with Haymarket Square to overflow onto city streets that may interfere with other businesses or residents and in particular, on weekdays and Saturdays.

The City Clerk mailed letters about the potential street closing to surrounding businesses and residents and gave notice about tonight's meeting and discussion.

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Provide city staff guidance on proceeding with events at Haymarket Square that go outside of the event space and into city streets.



Street Closure Request Form

Receipt of this form does not guarantee approval of street closure. Street closure requests will be reviewed and may require approval from the city commission at a future city commission meeting. If your event requires city commission approval, the city clerk's office will contact you with the date of the city commission meeting in which your request will be presented to the city commission. You will want to attend that meeting in case questions arise in order to ensure the commissions understand the full aspect of what you are requesting.

Applicant Details:

Applicant Name: Carl Slicker

Applicant Phone: 502-396-6074 Applicant Email: LV Bikeshow@gmail.com

Event Details:

Name of Event: Leavenworth Bike Show

Event Description: Bike show

Start Date: 26 August 2023 End Date: 26 August 2023

Start Time: 2:30 pm End Time: 10:00 pm

Location of Event: Haymarket Square

Street to be closed: Cherokee

From: 5th St To: 7th St

Reason street closure is needed: additional vendors, Food Trucks, People visiting Businesses

Is event: Pubic Event Private Event

Carl Slicker

3/27/23

Event Coordinator Signature

Date

<p><u>3/27/23</u> Date Received</p> <p><u>LSH</u> Received By</p> <p>_____ Date Sent to PD for approval</p> <p>_____ Date Sent to City Clerk to place on city commission agenda (if needed)</p> <p>_____ City Commission Meeting Date</p> <p>Approval: Police Chief _____ City Commission _____</p>	<p>Office Use Only</p>
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Special Event Application

The undersigned hereby makes application for a Special Event in the City of Leavenworth, Kansas under the provisions of the Code of Ordinances, Chapter 42 Streets, Sidewalks and Other Public Places, Article VII

Fee: \$25.00 Per Event (non-refundable)

Application must be filed with the City Clerk eight (8) weeks prior to the event.

Event Information:

Name of Event: Leavenworth Bike Show Type of Event: Bike Show
Description of Event: Bike Show, Vendors, Food Truck
Date of Event: Start Date: 8/26/23 End Date: 8/27/23 Time of Event: Start Time: 3:00 End Time: 10:00
Event Location: Haymarket Square (attach route map)

Applicant Information:

Applicant/Event Coordinator Name: Carl Slicker
Applicant Address: 1324 9th Ave City: Leavenworth State: KS Zip: 66048
Applicant Phone: 502-396-6074 Email: lvbikeshow@gmail.com

Sponsoring Organization Information:

Business Name: _____
Business Address: _____ City: _____ State: _____ Zip: _____
Business Phone: _____ Email: _____

Needs from the city: Closure of Street

Will Event Have: Food Vendors Alcohol Inflatables _____ Amplified Sound

Event Fees and Forms Needed:

Due at time of event application:

- * KDOR Packet
- * Loud Noise Permit: \$5/event
- * Park Reservation:
- * Street Closure Request

Due a minimum of 2 weeks prior to event:

- * Certificate of Insurance
- * Temporary Liquor Permit: \$25/day

Due 1 week prior to event:

- * Bounce House(s): Permit required from KS Dept of Labor:
- * Temporary Food Vendors: \$0-\$35/vendor (based on licensing provided)

I understand that no candy, gum, or items may be thrown, tossed or otherwise distributed from vehicles or individuals in a parade, run, race or walk.
CS (initial)

Event Coordinator Signature:

Carl Slicker


Date: 3/27/23

<u>3/27/23</u> Date	<u>CS</u> Received By	Office Use Only		
Due at time of application:	<u>N/K</u> Route Map	<input checked="" type="checkbox"/> KDOR	<input checked="" type="checkbox"/> Park Reservation	
	<input checked="" type="checkbox"/> Noise Permit	<input checked="" type="checkbox"/> Street Closure Request		
Due after application:	_____ COI	_____ Temp Food	_____ Temp Liquor	_____ Inflation Certifications
	_____ Fire Chief	_____ Police Chief	_____ City Manager	

POLICY REPORT
CONSIDER REQUEST TO ABATE SPECIAL ASSESSMENT NUISANCE AND DEMOLITION FEES AND
NUISANCE LIEN FOR 1921 5th AVENUE

MAY 9, 2023

Prepared by:



Sarah Bodensteiner CMC, City Clerk

Reviewed by:



Paul Kramer, City Manager

ISSUE:

The City has received a request to waive the Special Assessment fees for Nuisance and Demolitions, and for the Nuisance Lien for the property located at 1921 5th Avenue.

BACKGROUND:

In 2021, the City had performed mowing at the property. In March of 2022, the City demolished the single-family structure located on the property of 1921 5th Avenue. Also in 2022, the City had performed mowing at the property on several occasions. Invoices had been sent to the property owner of record and the unpaid fees have been assessed to the property through liens and special assessments to the property taxes.

Actual costs incurred by the City:	\$10,761.50
Administration fees:	\$1,850.00
Total Fees:	\$12,611.50

In the past, the City Commission has reduced the fees for similar requests, to the actual cost incurred by the city and a nominal administration fee.

ACTION:

- Waive the Special Assessment fees for Nuisance and Demolition, and for the Nuisance Lien for the property located at 1921 5th Avenue
- Reduce the Special Assessment fees for Nuisance and Demolition, and for the Nuisance Lien for the property located at 1921 5th Avenue to a different amount
- Deny the request

ATTACHMENTS:

- Breakdown of dates and fees
- Nuisance Lien Filed December 2, 2021
- Demolition Special Assessment Ordinance No. 8189 Filed August 30, 2022
- Nuisance Special Assessment Ordinance No. 8190 Filed August 30, 2022
- Nuisance Lien Filed January 23, 2023

1921 5th Avenue

	Service Date	Actual Charges	Admin Fee	Total fee
Nuisance Fees	8/25/2021	\$49.61	\$500.00	\$549.61
Document No 2021R14422 Filed 12/2/2021				
Nuisance Lien				
*Nuisance Lien from Dec. 2021 Remained				
Unpaid, Moved to Special Assessment*				
Document No 2022R08159 Filed 8/30/2022				
Ordinance 8190				
		\$49.61	\$500.00	\$549.61
Demo - Single Family Structure	March 2022	\$10,201.59	\$1,000.00	\$11,201.59
Document No 2022R08158 Filed 8/30/2022				
Ordinance No. 8189				
		\$10,201.59	\$1,000.00	\$11,201.59
Current Nuisance Fees	6/20/2022	\$255.15	\$100.00	\$355.15
Not assessed to Taxes due directly to	7/13/2022	\$255.15	\$250.00	\$505.15
The City of Leavenworth				
		\$510.30	\$350.00	\$860.30
Total Fees Incurred by the City		\$10,761.50	\$1,850.00	\$12,611.50
Total Administration Fees				
Total Fees				



DOC #: 2021R1-422
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
12/02/2021 11:08:48 AM
RECORDING FEE: 123.00
INDEBTEDNESS: 0.00
PAGES: 7

November 18, 2021

TerriLois Mashburn
Leavenworth County Register of Deeds
300 Walnut Street
Leavenworth, Kansas 66048

RE: Nuisance Abatements

Dear Ms. Mashburn:

Please see the attached spreadsheet of the summary billing for unpaid nuisance abatement fees on properties in the City of Leavenworth for a period from August 3, 2021 to November 3, 2021. The City understands that there is a cost for such liens.

If the City receives payment of any fees on the properties listed, we will notify the Register of Deeds office in writing to have the lien removed.

Sincerely,

Carla K. Williamson
Carla K. Williamson, CMC
City Clerk
100 N. 5th Street
Leavenworth, KS 66048
913-684-0335



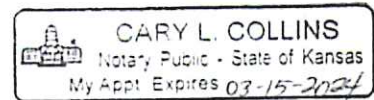
STATE OF KANSAS)
) ss:
COUNTY OF LEAVENWORTH)

This instrument was acknowledged before me on 18th day of November 2021 by Carla K. Williamson.

Attachment: Five (6) Pages

Cary L. Collins
Notary Public Signature
Cary L. Collins

03-15-2024
My appointment expires



Consolidated List - billings from 08-03-2021 to 11-03-2021

NELSON, GARY A & TONIA L	1400 KINGMAN STREET	STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 17, Lot 28	0773503029001000	\$ 124.61
		REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ		
NEU, DOUGLAS LEE	1921 5TH AVENUE		1010102023011000	\$ 549.61
NEW CHRISTY MINSTRELS FOUNDATION	703 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 1-5; BEG SE COR LT 1 W130'(S), N110'(S), E110'(S), S105'(S), TO POB (SCALED)	0772604205022000	\$ 1,394.82
NEW CHRISTY MINSTRELS FOUNDATION	707 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 4-6; BEG NW COR LT 6, E102'(S), S52', SWLY 110'(S), N68' TO POB	0772604205023000	\$ 672.83
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	0772604208001000	\$ 1,612.68
NEXIA HOLDINGS, INC	431 NORTH 12TH STREET	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ	0772603016001000	\$ 1,309.01
OFFICER, ALVIN	1518 3RD AVENUE	REES' DONIPHANÞTON'S, BLOCK 2, Lot 13	1010102004007000	\$ 125.00
OLD CANAL FINANCIAL	323 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21	0772503213008000	\$ 2,046.53
OWENS, ROBERT BRAD	1610 5TH AVENUE	REES' DONIPHANÞTON'S, BLOCK 5, Lot 3	1010102007002000	\$ 300.00
OWENS, ROBERT BRADLEY	912 GRAND AVENUE	STILLING'S, BLKS 1-3, BLOCK 2, LTS 19-20 & N75'LTS 21-26	0773503002011000	\$ 563.58
PALLESEN, RANDALL D	119 SENECA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16	0772503405004000	\$ 2,090.35
PAYNE, HARRY F	506 DAKOTA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 3 - 4	0772502011007000	\$ 1,044.38
PRICE, KENNETH S	501 OLIVE STREET	CLARK & REES ADDITION, BLOCK 28, Lot 1 - 3	0773602043001000	\$ 130.00
PROTON PROPERTIES LLC	789 POTTAWATOMIE STREET	WESTERN ADDITION, BLOCK 113, Lot 20 - 23	0772604301007000	\$ 288.99

(Published in the Leavenworth Times on August 26, 2022)

ORDINANCE NO. 8189

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain unsafe structures have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs to demolish unsafe structures in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against certain lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

Property Owner	Property Address	Legal Address	Demolition Process Costs
ASIX LLC	204 N 17 th St	AMRON ACRES, Lot 3	\$150.00
RYAN & ANDREA BOX	927 Pottawatomic St	Cochran & Mulligan's Sub, S26, T08, R22E, Block 21, Lot 6 - 7	\$150.00
HERBERT L. & DARLENE W. DERRINGER	824 Osage St	Mix's Subdivision, S26, T08, R22E, Block 1, Lot 12-13	\$21,490.00
ALLEN DWYER	733 Pawnee St	Day & Macaulay's Sub, Block 102, Lot 30	\$3,957.00
RICHARD L. & MARY J JEFFRIES	910 Sherman Ave	Central Subdivision, S35, T08, R22E, Block 16, Lot 16-17 (SCALED)	\$12,224.59
DOUGLAS LEE NEU	1921 5 th Ave	Rees' Doniphan & Thornton's, Block 19, Lts 10 & 11 & W1/2 VAC ALLEY ADJ	\$11,201.59
EDWARD C. RANDOLPH	620 Osage St	Leavenworth, P.L.T Orig, Block 79, Lot 12-13	\$16,850.59
		Total	\$66,023.77

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.



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

PASSED and APPROVED by the Governing Body on this 23rd day of August 2022.


Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:


Sarah Bodensteiner CMC, City Clerk



(Published in the Leavenworth Times on August 26, 2022)

ORDINANCE NO. 8190

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain nuisances have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs of abatement of nuisances in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against several lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

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

PASSED and APPROVED by the Governing Body on this 23rd day of August 2022.



Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:



Sarah Bodensteiner CMC, City Clerk



Property Owner	Property Address	Legal	CAMA	Billed Amount
JONES, MICHAEL D	204 NORTH 16TH STREET	HLASNEY REPLAT, BLOCK 1, Lot 4	0782704011009000	\$ 151.72
KENDALL, MATTHEW D	1424 WESTERN STREET	ACKERMAN 2ND REPLAT, BLOCK 2, Lot 2	0783404009024000	\$ 136.22
KING, WILLIAM B	118 SPRUCE STREET	CLARK & REES ADDITION, BLOCK 5, Lot 11	0773601002006000	\$ 524.88
LEWIS, REDIE	306 NORTH 3RD STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, N55'LTS 15 & 16	0772503107014000	\$ 368.32
LEWIS, REDIE	718 DAKOTA STREET	DAY & MACAULAY'S SUB, BLOCK 102, Lot 9	0772601409016000	\$ 374.94
LOPEZ, JULIO C & ANGELA L	809 SENECA STREET	EWING, ROELOFSON & CO., BLOCK 17, Lot 10 - 14	0772604313002000	\$ 250.00
MEDARIS, CATHY ANN	201 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32	0772503107001000	\$ 2,042.36
MORCHY, ALEGRA	514 WALNUT STREET	CLARK & REES ADDITION, BLOCK 25, E5' LT 12 & ALL LT 13 & W30'LT 14	0773602021009000	\$ 1,368.14
MOWERY, MICHAEL J & MARY A	306 LIMIT STREET	SOUTHSIDE PARK SUB, BLOCK 38, LTS 12-16 & S1/2 VAC ALLEY ADJ	1010104017008000	\$ 300.00
MUHAMMAD, RAMON	504 MIAMI STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 67, W19'LT 3	0772503302002000	\$ 1,286.70
MULLINS, BRIAN ALAN	317 POTTAWATOMIE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26	0772503212005000	\$ 1,547.16
NELSON, GARY A & TONIA L	1400 KINGMAN STREET	STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 17, Lot 28	0773503029001000	\$ 124.61
NEU, DOUGLAS LEE	1921 5TH AVENUE	REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	1010102023011000	\$ 549.61
NEW CHRISTY MINSTRELS FOUNDATION	703 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 1-5; BEG SE COR LT 1 W130'(S), N110'(S), E110'(S), S105'(S), TO POB (SCALED)	0772604205022000	\$ 1,394.82
NEW CHRISTY MINSTRELS FOUNDATION	707 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 4-6; BEG NW COR LT 6, E102'(S), S52', SWLY 110'(S), N68' TO POB	0772604205023000	\$ 672.83
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	0772604208001000	\$ 1,612.68



DOC #: 2023R00459
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
01/23/2023 03:46:34 PM
RECORDING FEE: 89.00
INDEBTEDNESS: 0.00
PAGES: 5

January 20, 2023

TerriLois Mashburn
Leavenworth County Register of Deeds
300 Walnut Street
Leavenworth, Kansas 66048

RE: Nuisance Abatements

Dear Ms. Mashburn:

Please see the attached spreadsheet of the summary billing for unpaid nuisance abatement fees on properties in the City of Leavenworth for a period from July 1, 2022 to December 1, 2022. The City understands that there is a cost for such liens.

If the City receives payment of any fees on the properties listed, we will notify the Register of Deeds office in writing to have the lien removed.

Sincerely,

Sarah Bodensteiner, CMC
City Clerk
100 N. 5th Street
Leavenworth, KS 66048
913-684-0335
Sarah.Bodensteiner@firstcity.org

STATE OF KANSAS)
) ss:
COUNTY OF LEAVENWORTH)

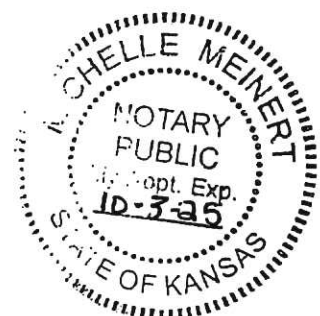
This instrument was acknowledged before me on 20th day of January 2023 by Sarah Bodensteiner.

Attachment: Four (4) Pages

Michelle Meinert
Notary Public Signature
Michelle Meinert

10/3/25
My appointment expires

100 N 5th Street * Leavenworth, Kansas 66048-1970 * (913) 682-9201
www.leavenworthks.org



CITY OF LEAVENWORTH, KANSAS

7/1/2022 thru 12/1/2022

Property Owner	Proeprty Address	Legal Desc.	CAMA	Billed Amount
GORDON, BETTY	1529 10TH AVE	WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15	1010201006005000	\$722.92
RAMOS, RAFAEL R JR	910 10TH AVE	STILLING'S, BLKS 1-3, S35, T08, R22E, BLOCK 1, LTS 42-44 LESS ROW	0773503001018000	\$284.06
DR REAL ESTATE INVESTMENTS LLC	1416 4TH AVE	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 19, Lot 19	0773603040011000	\$200.22
NELSON, JIMMY R & SAVANNAH E	1921 5TH AVE	REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	1010102023011000	\$860.30
BROWN, MAURICE & TRACI	1925 5TH AVE	REES' DONIPHANÞTON'S, BLOCK 19, LT 12 & W1/2 VAC ALLEY ADJ & N1/2 VAC DONIPHAN ST ADJ	1010102023012000	\$250.00
FITCH PROPERTIES LLC	1032 6TH AVE	DAVIS, JAMES, ADD, BLOCK 7, Lot 2	0773504012008000	\$683.54
KRAUSE, BRIAN & JOLIE	1124 CHEROKEE ST	CENTRAL SUBDIVISION, BLOCK 29, LT 10 & W19'LT 11	0773502008010000	\$224.15
MEYERS, LISA	729 CHESTNUT ST	LATTA'S ADDITION, BLOCK 27, Lot 3	0773501030002000	\$1,947.28
R & L COMMUNITY INVESTORS LLC	525 CHEYENNE ST	LEAVENWORTH,PLT ORIG, S26, T08, R22E, BLOCK 60, Lot 20 - 21	0772601406007000	\$211.07
CASAD, BENJAMIN N; IRA	1813 CLEVELAND TER	FENNS BROADWAY SUB, BLOCK 10, LTS 18&19 & W1/2 VAC ALLEY ADJ	1010201021005000	\$579.64
ALLRED, VANCE M	1929 CLEVELAND TER	FENNS BROADWAY SUB, BLOCK 6, Lot 5 - 7	1010201022009000	\$270.91
202106WY-08 LLC	212 DAKOTA ST	BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 17	0772502008007000	\$267.59
RAMOS, RAFAEL R JR	500 ELM ST	FACKLERS ADDITION, BLOCK 28, Lot 13 - 16	0773603026009000	\$650.00
SWIENTEK, MICHAEL & MOLLY	748 HIGHLAND TER	HIGHLAND POINTE 3RD PL, S14, T09, R22E, Lot 105	1061400001075000	\$227.49
GRIFFITHS, ZACHARY T	3321 IOWA ST	SHAMROCK ACRES ADDITION, BLOCK 3, S54'LT 2 & N46' LT 3	1011202003068000	\$322.71
JNR PROPERTIES LLC	1136 IRONMOULDERS ST	STILLING'S BLKS 7-11, S35, T08, R22E, BLOCK 8, E 18' LTS 8-10, NORTON, WILLIAMS & THOMAS ADD, ALL LT 14 & W20.5' OF LT 15 STILLING'S BLKS 7-11	0773503013010000	\$263.00
RAMOS, RAFAEL R JR	1118 KENTON ST	STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18	0773503002009000	\$681.34
CLAYTON, LAURINE M	819 KICKAPOO ST	EWING, ROELOFSON & CO., BLOCK 13, Lot 14 - 15	0772604208006000	\$235.27
MAUDIE, FRANK W	625 KIOWA ST	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 20	0772604103011000	\$458.36
ROSS, LEE A	714 KIOWA ST	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, LT 6 LESS W2'	0772604101005000	\$1,095.80
MOWERY, MICHAEL J & MARY A	306 LIMIT ST	SOUTHSIDE PARK SUB, BLOCK 38, LTS 12-16 & S1/2 VAC ALLEY ADJ	1010104017008000	\$1,282.00

Policy Report

Finance No. 23-03

Resolution No. B-2335: Authorize Issuance of General Obligation Bonds for the Construction, Furnishing, and Equipping of New Fire Station #3

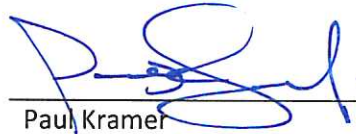
May 9, 2023

Prepared by:



Roberta Beier
Finance Director

Approved by:



Paul Kramer
City Manager

Background:

Based on direction provided by the City Commission, Staff is pursuing a design-build contract with Kaaz Construction & WSKF Architects for the design and construction of Fire Station #3 (the Project). Staff recommends funding the construction of the Project with general obligation bonds (G.O. bonds), therefore, prior to approving the design-build contract, Staff is requesting that the City Commission authorize the issuance of general obligation bonds, per KSA 12-1736, for the purpose of funding the project.

Issue:

It is contemplated that the design and engineering phase of the project will occur in 2024 and the construction phase of the project will occur in 2025. Staff recommends paying the costs of engineering and design of the project from funds available in the Countywide Sales Tax Fund.

Staff recommends paying for the demolition of the existing fire station, and for the construction, furnishing, and equipping of the new fire station with G.O. Bonds, which will be issued in 2025, upon commencement of that phase of the project. The cost of the project is estimated to be less than \$5,000,000.

Recommendation:

Staff is requesting that the City Commission approve Resolution No. B-2335 which authorizes the issuance of general obligation bonds of the City in the maximum principal amount of \$5,000,000 to pay the costs of the Project together with all things necessary and incidental thereto.

RESOLUTION NO. B-2335

WHEREAS, the City of Leavenworth, Kansas, (the “City”) has the authority to erect or construct, acquire by gift, purchase, condemnation or lease a public building or buildings and procure any necessary site therefor by gift, purchase or condemnation and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings for public purposes pursuant to K.S.A. 12-1736 et seq., as amended (the “Act”); and

WHEREAS, the City, in order to protect and promote the public health, safety and welfare of the City and its inhabitants, wishes to demolish its existing Fire Station No. 3 located at the intersection of 2nd and Limit Streets in the City and by constructing, furnishing, and equipping a new Fire Station No. 3 on such site; and

WHEREAS, the City Engineer has preliminarily estimated that the costs of demolishing the existing station, clearing the site thereof, constructing, completing and financing the new station will be approximately \$5,000,000 (the “Project”); and

WHEREAS, the City intends to pay the costs of engineering and design of the Project from legally available funds of the City and such costs will not be financed with the proceeds of the general obligation bonds of the City provided for herein to finance costs of constructing, furnishing, and equipping the Project and preparing the site therefore; and

WHEREAS, the Project does not involve the acquisition or construction of City offices, public libraries, auditoriums, community or recreational buildings, no election to consider the issuance of the bonds of the City hereinafter provided for is required under the Act; and

WHEREAS, the City intends to finance the costs of the Project from the proceeds of its general obligation bonds issued in accordance with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, sitting in regular session this 9th day of May, 2023, that the completion of the Project of the City be, and the same is hereby, authorized and ordered to be done and that general obligation bonds of the City in the maximum principal amount of \$5,000,000 be issued under the authority of the Act to pay the costs of the Project together with all things necessary and incidental thereto.

BE IT FURTHER RESOLVED and declared that the completion of the Project to protect and promote the public health, safety and welfare constitutes a valid public purpose.

BE IT FURTHER RESOLVED that the City both reasonably expects and intends to finance the costs of said improvements from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such pre-issuance original expenditures (as defined in Treas. Reg. 1.150-2(c)) made by it on or after the date which is 60 days before the date of this Resolution from the proceeds of such bonds in the estimated maximum principal amount of \$5,000,000. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. This Resolution, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the City be, and they are hereby, authorized to give public notice, in accordance with the requirements of K.S.A. 10-106, of the City's intent to sell its general obligation bonds to finance the payment of the costs of the Project.

BE IT FURTHER RESOLVED that this Resolution, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after its passage and approval.

IT ITS SO RESOLVED.

ADOPTED AND APPROVED this 9th day of May, 2023.

CITY OF LEAVENWORTH, KANSAS

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

(SEAL)


POLICY REPORT PWD NO. 23-19

CONSIDER A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE
PRIVATE PROPERTY CONNECTED WITH THE
U.S. 73 (CHOCTAW TO SENECA) IMPROVEMENT PROJECT

KDOT Project Number 052 KA-05590-01
City Project 2020-939

May 9, 2023

Prepared by:


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

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Consider approval of Resolution B-2336 to start the process for acquisition of private property for public purposes on the U.S. 73 (4th Street from Choctaw to Seneca) Improvement Project.

BACKGROUND:

In March of 2019, the City submitted CCLIP-PR applications to KDOT for two (2) projects along 4th Street. The first project was from Choctaw to Delaware and the second was from Delaware to Seneca. CCLIP-PR stands for City Connecting Link Improvement Program – Pavement Restoration.

KDOT notified the City in July of 2020 that our project between Choctaw and Delaware was selected. The second project, between Delaware and Seneca was not. The CCLIP is a cost share program with KDOT covering 85% of eligible costs while the City's share is 15%. The maximum KDOT contribution will be \$1,000,000.

While not selected, the City requested that the second project (Delaware to Seneca) be included in the overall project limits. KDOT agreed and the City and KDOT previously signed Agreement No. 142-21 that includes the updated project limits.

The plans for the street improvements identified the need for several temporary construction easements, permanent landscape easements, additional rights-of-way and a permanent drainage easement. Over the last month, the City, through our consultant, Orrick & Erskine, LLP has been working to obtain the needed easements from the property owners. The process is going reasonably well; however, to avoid risking the loss of KDOT funding, the City needs a parallel condemnation process to help ensure the needed properties are obtained. City staff will continue to work with all the property owners and Orrick & Erskine to obtain signed easements throughout the process.

This project is scheduled to be bid in September; however, KDOT requires the easements/ROW to be obtained or condemnation to be initiated prior to bidding.

While easements are needed for the project, the protection of private property rights is a key "American" principle. The law also allows for the government to acquire private property for public purposes with "just compensation". Kansas Statutes define the process to help ensure that the power of the government is not unreasonably applied to the citizens during property acquisition. The approval of this resolution is simply the first step of a larger process summarized below.

General Outline of Eminent Domain Actions

1. Government approves a resolution declaring their intent to use the power of eminent domain (“condemnation”) for a specific project. This is the action recommended in this policy report.
2. Government adopts an ordinance identifying the legal descriptions of the property in question and the names of the owners.
3. After the ordinance is effective, an action is filed in District Court.
4. After a judge is assigned to the case, there are three (3) appraisers appointed by the judge to review the documents, inspect the property and determine the value of compensation to be paid to the owner.
5. The appraisers will hold a hearing where the City and the owners can talk about their concerns and the amount of compensation.
6. After the hearing, and assuming the judge finds the needs of the City to be reasonable, the judge will issue an order listing the value of compensation for each easement. After this value has been paid to the court by the City and recorded in District Court, the easements are available for use by the City. The City can object to any of the amounts and “not pay”, but the easement will not be available for the project.
7. Should an owner believe the easements were undervalued, this can be appealed to the court system. It is important to note that the appeal is ONLY to the value, not the actual need for the easement.

There are costs to the City for this process. The City is responsible for its own attorney fees, filing fees, appraiser fees, and any compensation recommended by the court. The process is somewhat lengthy, and usually is complete within 60 days; however, the process may take longer.

RECOMMENDATION:

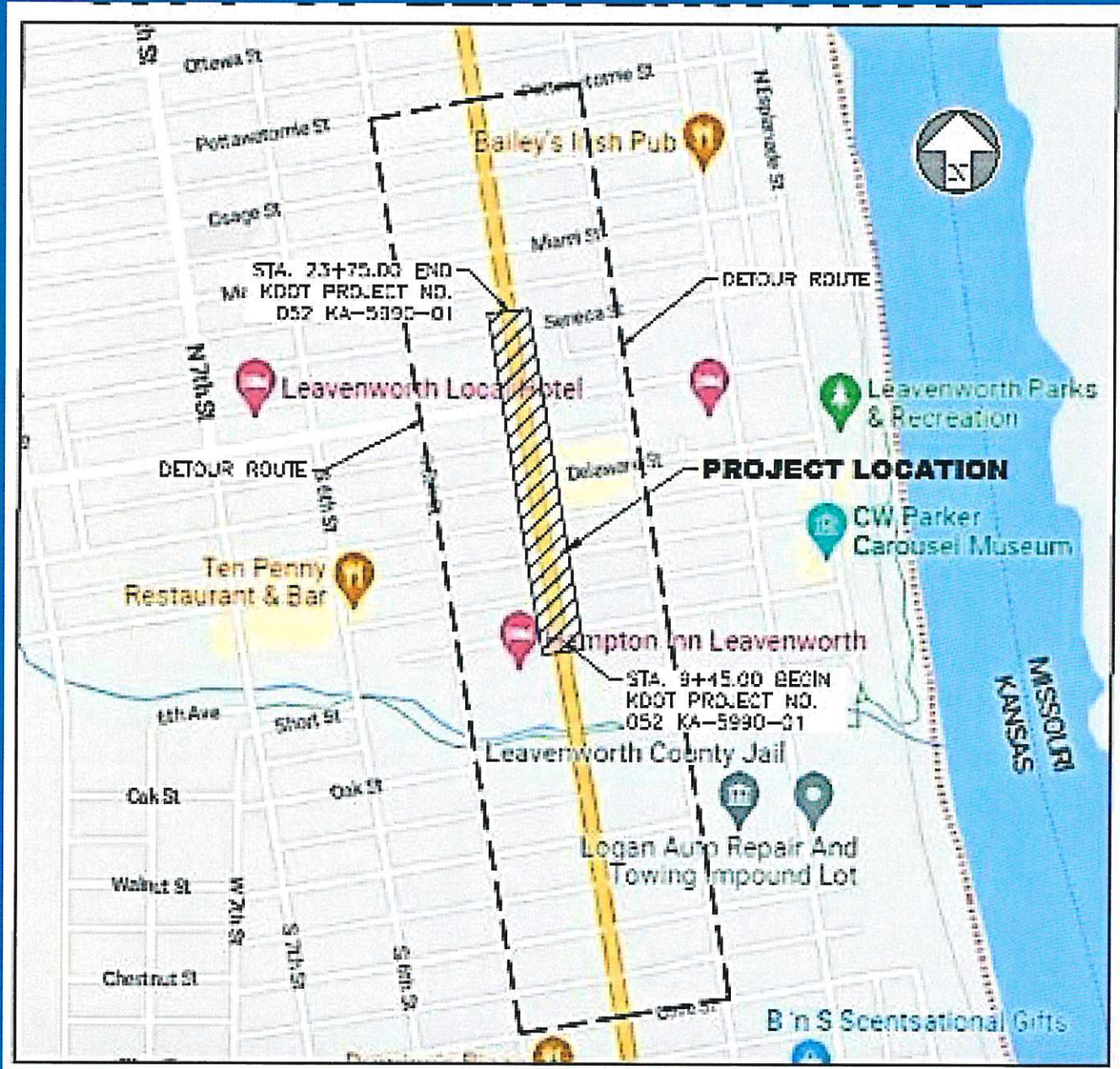
Staff recommends that the City Commission approve Resolution B-2336 regarding the appropriation of private property for public purposes.

ATTACHMENTS:

Map

Resolution B-2336

City of Leavenworth Project No. 2020-939 4th Street between Choctaw & Seneca Improvement May 9, 2023



(Published in the Leavenworth Times on May 9, 2023)

RESOLUTION NO. B-2336

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE U.S. 73 (CHOCTAW TO SENECA) IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING SURVEYS AND DESCRIPTIONS OF LAND OR INTERESTS TO BE CONDEMNED TO BE PREPARED.

WHEREAS, the City of Leavenworth, Kansas, intends to undertake certain street and other public improvements, generally described as Leavenworth CCLIP-PR (U.S. 73 from Choctaw to Seneca), KDOT Project No. 052 KA05590-01, and City project no. 2020-939, as shown on the plan documents therefor (the "Project"), and in furtherance thereof, the City shall require certain easements and/or rights-of-way; and

WHEREAS, pursuant to K.S.A. 26-201, whenever it shall be deemed necessary by the governing body of any city to appropriate private property for the use of the city for any purpose whatsoever, the governing body shall by resolution declare such necessity and authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the city clerk.

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

Section 1: That the Governing Body does hereby deem it necessary to appropriate private property for the use of the City for the purposes of rights-of-way, permanent easements, landscape easements, temporary construction easements, and other interests in real property to complete the Project.

Section 2: That the Governing Body does hereby authorize a survey and description of the lands or interests to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct land surveys, the same to be filed with the City Clerk.

Section 3: That the City Clerk shall cause this Resolution to be published once in the official city newspaper as provided by K.S.A. 26-201.

Section 4: 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 9th day of May, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT PWD NO. 23-18

**CONSIDER APPROVAL OF LOW BID FOR
THE 2023 PAVEMENT MANAGEMENT PROJECT
(MILL & OVERLAY PROGRAM)**

City Project 2022-990

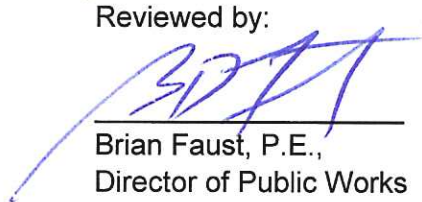
May 9, 2023

Prepared by:



Michael Stephan,
Project Manager

Reviewed by:



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



Paul Kramer,
City Manager

ISSUE:

Consider bids received and possible award of the 2023 Pavement Management – Mill & Overlay Program.

BACKGROUND:

On September 13, 2022, the City Commission approved a design contract with Alfred Benesch & Company for the design of the 2023 Pavement Management Program.

For 2023, the City Commission authorized a combination of General Improvement Bonds and Sales Tax for the annual maintenance of public streets. The components of the 2023 program include micro-surfacing, mill and overlay, parking lot upgrades and major repair and maintenance work beyond the scope of the Streets Division. The funding for 2023 covers the costs of the 2023 construction of the various components, along with the next phase of a Comprehensive Pavement Management Program. Inspection will be by City Staff.

The Mill & Overlay Program for 2023 includes the City streets highlighted on the attached map. They are:

- Shawnee Street between 10th and 15th
- 10th Street between Stockton and Michigan
- Spruce between 3rd and 4th
- Poplar Street between 2nd and 3rd
- Intersection of 15th and Vilas

The project plans were prepared by Alfred Benesch & Company and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on April 25, 2023 and the bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
Little Joe's Asphalt	Bonner Springs, MO	\$701,688.00
J M Fahey	Grandview, MO	\$804,408.00
Engineer's Estimate		\$995,277.00

Little Joe's Asphalt was the low bidder and met all bidding requirements. Both Little Joe's Asphalt and JM Fahey have completed Mill & Overlay Programs for the City in the past. The prior work by Little Joe's was completed within the required timeframe and specifications.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. While there were only two bidders, the low bid from Little Joe's Asphalt was under the engineer's estimate and the contractor is well qualified for this work.

BUDGET IMPACT:

The 2023 budget included \$2M for the Pavement Management Program. There is also a small amount of additional funding left from the 2022 project.

Current/estimated 2023 costs:

- Micro-surfacing (Vance Brothers) awarded March 28th: \$ 507,790.04
- Mill and Overlay (Little Joe's) possible award May 9th: \$ 701,688.00
- Subsurface investigation for the city hall lot (Terracon): \$ 4,400.00
- Estimated total (5/9): \$1,213,878.04

Remaining items to be included in the 2023 program:

- City Hall Parking Lot and 7th Street – June bid (tentative)
- 2024 Contract for Pavement Management Design

RECOMMENDATION:

Staff recommends that the City Commission award the 2023 Pavement Management – Mill & Overlay Program to Little Joe's Asphalt for the amount of \$701,688.00.

ATTACHMENTS:

- Project Street Map
- Bid Tab
- 2023 CIP Sheet

City of Leavenworth Mill & Overlay Projects - 2023 FY



■ Mill & Overlay - Bid Package 2



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CITY OF LEAVENWORTH
Project No. 2022-990
2023 PMP - Mill and Overlay
April 25, 2023

BASE BID

Item	Description	Unit	Quantity	Engineer's Estimate		Little Joe's Asphalt		JM Fahey	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$40,000.00	\$40,000.00	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00
2	Milling (Headers)	LF	634	\$8.00	\$5,072.00	\$8.00	\$5,072.00	\$6.00	\$3,804.00
3	Milling (Full Width)	SY	23,090	\$3.00	\$69,270.00	\$2.60	\$60,034.00	\$3.00	\$69,270.00
4	2" Asphaltic Concrete Surface Course KC APWA 5-01	TON	2,745	\$95.00	\$260,775.00	\$91.00	\$249,795.00	\$98.00	\$269,010.00
5	Asphaltic Base Courses KC APWA 5-01	TON	264	\$500.00	\$132,000.00	\$204.50	\$53,988.00	\$200.00	\$52,800.00
6	ADA Ramps (R & R)	SY	12	\$350.00	\$4,200.00	\$185.00	\$2,220.00	\$475.00	\$5,700.00
7	Curb & Gutter (24") (R & R)	LF	2,549	\$75.00	\$191,175.00	\$52.00	\$132,548.00	\$60.00	\$152,940.00
8	Concrete Pavement (8") (R & R)	SY	206	\$200.00	\$41,200.00	\$138.00	\$28,428.00	\$230.00	\$47,380.00
9	6" Granular Subbase, AB-3 Compacted	SY	1,147	\$20.00	\$22,940.00	\$23.00	\$26,381.00	\$17.00	\$19,499.00
10	4" Concrete Sidewalk (R & R)	SF	1,950	\$20.00	\$39,000.00	\$12.50	\$24,375.00	\$18.00	\$35,100.00
11	Regrade Manholes	EA	21	\$2,000.00	\$42,000.00	\$2,150.00	\$45,150.00	\$2,300.00	\$48,300.00
12	Reset Monument Boxes	EA	7	\$2,250.00	\$15,750.00	\$1,050.00	\$7,350.00	\$805.00	\$5,635.00
13	Permanent Pavement Markings, 6" Solid White Line (Multi Component Epoxy)	LF	597	\$10.00	\$5,970.00	\$13.50	\$8,059.50	\$14.00	\$8,358.00
14	Permanent Pavement Markings, 12" Solid White Crosswalk Line (Multi Component Epoxy)	LF	377	\$25.00	\$9,425.00	\$19.00	\$7,163.00	\$20.00	\$7,540.00
15	Permanent Pavement Markings, 4" Solid Yellow Line (Multi Component Epoxy)	LF	12,160	\$5.00	\$60,800.00	\$1.85	\$23,051.00	\$1.80	\$21,888.00
16	Permanent Pavement Markings, 12" Solid Yellow Line (Multi Component Epoxy)	LF	68	\$25.00	\$1,700.00	\$22.00	\$1,496.00	\$20.00	\$1,360.00
17	Permanent Pavement Markings, 24" Solid White Line (Multi Component Epoxy)	LF	125	\$40.00	\$5,000.00	\$27.50	\$3,437.50	\$27.00	\$3,375.00
18	Permanent Pavement Markings, Left Turn Arrow (Multi Component Epoxy)	EA	14	\$1,000.00	\$14,000.00	\$510.00	\$7,140.00	\$500.00	\$7,000.00
19	Asphalt Oil Price Adjustment	LS	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	Traffic Control	LS	1	\$35,000.00	\$35,000.00	\$6,000.00	\$6,000.00	\$20,449.00	\$20,449.00
				TOTAL BASE BID:	\$995,277.00		\$701,688.00		\$804,408.00

Highlighted cells had an omission or math error

**Capital Improvements Program
2023 - 2027
Streets - Pavement Management Program**

Purpose:

This allocation provides for the resurfacing of streets throughout the City. It is an allocation based on Ordinance 56 which allows for an amount up to 28% of the previous year's ad valorem receipts to be issued in G.O. bonds for this purpose. When identified projects are complete, FFE funds will be used for the pavement management program, decreasing our reliance on bond proceeds for this program.

Source	Comments	Year	Requested	Projected
Bond Proceeds		2023	\$ 750,000	\$ 750,000
Sales Tax		2023	600,000	600,000
Capital Reserves		2023	650,000	650,000
Bond Proceeds		2024	750,000	750,000
Sales Tax		2024	600,000	600,000
Capital Reserves		2024	650,000	650,000
Bond Proceeds		2025	750,000	750,000
Sales Tax		2025	600,000	600,000
FFE Funds		2025	350,000	350,000
Capital Reserves		2025	300,000	300,000
Bond Proceeds		2026	750,000	750,000
Sales Tax		2026	600,000	600,000
FFE Funds		2026	450,000	450,000
Capital Reserves		2026	200,000	200,000
Bond Proceeds		2027	750,000	750,000
Sales Tax		2027	600,000	600,000
FFE Funds		2027	450,000	450,000
Capital Reserves		2027	200,000	200,000
			\$ 10,000,000	\$ 10,000,000

Uses	Comments	Year	Requested	Projected
Public Works	Street resurfacing, projects are identified annually	2023	\$ 2,000,000	\$ 2,000,000
Public Works	Street resurfacing, projects are identified annually	2024	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2025	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2026	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2027	\$ 2,000,000	2,000,000
			\$ 10,000,000	\$ 10,000,000

