



Welcome to Your City Commission Special Meeting and Study Session - Please turn off or silence all cell phones during the meeting.

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube

WE WILL BEGIN WITH A SPECIAL MEETING. THE COMMISSION WILL TAKE ACTION ON AGENDA ITEMS THAT WERE SCHEDULED FOR THE MAY 28, 2019 REGULAR MEETING. THAT MEETING WAS CANCELLED DUE TO SEVERE WEATHER IN THE AREA. AFTER THE CONSENT AGENDA, WE WILL CLOSE THE SPECIAL MEETING AND MOVE INTO THE STUDY SESSION.

OPEN SPECIAL MEETING:

Action: Motion

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

- Minutes from May 14, 2019 Regular Meeting

Action: Motion (pg. 2)

NEW BUSINESS:

Bids, Contracts and Agreements:

- Consider Bids for 2019 Pavement Management Program
- Consider Bid for Water Pollution Control Vehicle

Action: Motion (pg. 12)

Action: Motion (pg. 15)

First Consideration Ordinances:

- First Consideration Ordinance to Rescind Special Use Permit
- First Consideration Ordinance General Obligation Bonds Series 2019-A

Action: Consensus (pg. 19)

Action: Consensus (pg. 21)

Consent Agenda:

Claims for May 11, 2019 through May 24, 2019, in the amount of \$1,304,860.49; Net amount for Payroll #11 effective May 24, 2019, in the amount of \$336,069.00; (Includes Police & Fire Pension in the amount of \$11,572.36).

Action: Motion

Other Items:

CLOSE SPECIAL MEETING:

Action: Motion

STUDY SESSION:

- Review Stormwater Issue - 2nd Street & Chestnut Drainage System (pg. 25)
- Discuss Amending Chapter 122 Vehicles for Hire (pg. 40)
- Discuss Amending Chapter 74 Parks & Recreation (pg. 52)



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Mayor Pro-Tem Myron J. (Mike) Griswold, Commissioners Nancy Bauder and Larry Dedeke. Commissioner Mark Preisinger was absent.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Police Chief Pat Kitchens, Planning and Community Development Director Julie Hurley, Community Development Coordinator Mary Dwyer, Parks and Recreation Director Steve Grant, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson opened the meeting with the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

National Poppy Day – Members of the American Legion Auxiliary were present to accept the proclamation.

Historic Preservation Month – Rik Jackson and Ed Otto of the Leavenworth Preservation Commission were present to accept the proclamation.

National Police Week – Police Chief Pat Kitchens was present to accept the proclamation.

National Public Works Week – Public Works Director Mike McDonald was present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the April 23, 2019 regular meeting as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

NEW BUSINESS:

Citizen Participation:

Scott Elliott 303 Arch Street:

- Discussed bee keeping and aviary
- Decrease in pollinators
- Consider amending the city ordinance to allow urban bee hives and aviaries in residential R1-6
- Suggested the City adopt the same urban best practices as the City of Lawrence

General Items:

Public Hearing for Unsafe & Dangerous Structures:

Open Public Hearing:

Commissioner Bauder moved to open the public hearing for unsafe and dangerous structures. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Staff and Public Comments:

Director of Planning and Community Development Julie Hurley reviewed the following structures and comments by property owners and public:

1. **905 Washington** – Single family house
 - No change, no contact from owner

Jeremy Bowen-Owner

Taxes paid now

Wants to demolish it himself on July 3-5 when he has time off

City Commission granted a 90-day extension

2. **1214 Pottawatomie** – Single family house
 - This property was previously on the demolition list in 2017 and was removed by the City Commission due to the property being under contract and the buyers requesting that it be removed in order to complete the sale
 - No change since that time

Property owner not present

City Commission agreed to proceed with demolition

3. **1605 Terry** – Single family house
 - Permits issued for siding, roof, and upgraded electrical service

Kevin Lis-Property owner was present

Plans to work on the property

City Commission granted a 90-day extension

4. **514 Linn** – Single family house
 - No change, no contact from owner.

Marcus Bray-Pride Properties

Feels he can start the rehab of the property soon

City Commission granted a 90-day extension

5. **603 Rees** – Single family house
- Owner has signed Remediation Agreement and indicated intent to repair

Clifford Conley-Property owner representative
Working on the property for the owner
Signed remediation agreement in March
Most of the work done has been on the inside

City Commission granted a 90-day extension

6. **795 Spruce** – Single family house
- Owner has indicated repairs will be complete by May 14th but have not been done

Owner not present

City Commission agreed to proceed with demolition

7. **1021 S. 2nd Street** – Single family house
- Owner has indicated intent to repair
 - Total of 3 police calls to location in 2018

Janet Wiber-Property owner

- Has purchased the roofing materials
- Materials were delivered to the property and stolen
- Homeless living in the property allowed by person contracted to repair (Beach Construction)
- Has been taking care of ill mother who is now in a nursing home
- Should be able to get the roof and gutters done in 90 days; not sure all can be done during that time

City Commission granted a 90-day extension

8. **1214 9th Avenue** – Single family house
- Owner has indicated intent to repair
 - Total of 7 police calls to location in 2018

Gabe Cotter-New property owner

Purchased on May 7th

Has already replaced the roof and front porch and painted the exterior

Will be completed in a couple months

City Commission granted a 90-day extension

9. **1708 S. 4th Street** – Single family house
- Owner has indicated intent to demolish on his own.

City Commission granted a 30-day extension for owner to demolish on his own if not done during that time, the city will proceed with demolition.

10. **1916 Montezuma** – Single family house

- Owner had indicated that she has a potential buyer for the property with intent to repair
- The owner was unable to get a buyer for the property and would like the city to go ahead and demolish

City Commission agreed to proceed with demolition

11. **2317 3rd Avenue** – Single family house

- All repairs have been completed
- Staff recommends removal from list

City Commission agreed to remove from the demolition list

Gabe Cotter – Cotter Creations

Requested a letter releasing the property from possible demolition so it can be sold

12. **305 N. 2nd Street** – Single family house

- Previously on demolition list and removed by City Commission
- No change, no contact from owner
- “For Sale” sign displayed on property

ABSL Ventures not present but sent a letter stating they plan to complete the repairs

City Commission granted a 90-day extension

13. **326 Osage** – Single family house

- Permits issued for new electrical service
- Has been doing some work

Owner not present

City Commission granted a 90-day extension

14. **400 N. 5th Street** – Mixed use building

- No change
- Owner has indicated intent to sell property
- Total of 5 police calls to location in 2018

Brian Visocsky-Property owner

Lives in Alaska

Needs time

90 days can get paint and soffits

City Commission granted a 90-day extension

15. **403 Olive** – Single family house

- Property owner signed remediation agreement
- No change to date
- Property has been posted as Unfit for Habitation since August 2018, property owner still residing in residence
- No electrical service, upgrades required before service may be restored
- City received Authorization to Abate from court due to excessive junk
- Abatement by contractor on 10/5/18
- Continuous junk present since that time
- Total of 32 police calls to location in 2018 and 9 to date in 2019
- Approximately \$2,000.00 paid by tax payers to clean up the junk so far

Gabriel Arroyo-Property owner

Stated that he has been working to clean up the property

Given time to do repairs-- claims 90% done with repairs

Offended by claims of drug house

Claims no one in his house uses drugs

Does open his house up to homeless people and they bring in junk

Commissioner Dedeke asked if children live in the house. Mr. Arroyo stated that yes children live there. Commissioner Dedeke asked how children could live there with all the junk.

Police Chief Kitchens:

Does not usually get involved with demolitions, however, in this instance feels compelled to do so

Police Department has had numerous calls to this location for various complaints

Drug needles on property

Carla Thrush – Owner of 406 Olive

Lives near in one of the historic homes in the area

Property value decreased

Appeals the assessment for this year took pictures of surrounding properties

Appraisal was reduced from \$77,900 to \$59,700

Does the city want to continue to have her property value reduced because of the neighbor's property and receive less in property taxes

Would appreciate the city keeping the property on the list and demolish

Patrick Swift - Owns 405 Olive

Starting rehabbing his property after purchase

Had to call the police multiple times for theft and entry of his property

Has stopped the rehab of his property because of 403 Olive

City Commission agreed to proceed with demolition

16. **505 N. 7th Street** – Shed only
- Owner has demolished shed

City Commission agreed to remove from the demolition list

17. **787 Shawnee Street** – Single family house
- Property has been purchased by current owners of adjoining Santa Fe Depot
Owners have indicated intent to repair or demolish on their own
Total of four police calls to location in 2018

Sherry Brown-Property owner
Just purchased the property
Have begun pulling junk from the inside
Going through the process of assessing the property
Believes it to be salvageable

City Commission granted a 90-day extension

18. **802 S. 4th Street** – Single family house
- Owner has indicated intent to complete demolition on his own
Total of 10 police calls to location in 2018

City Commission granted a 30-day extension for owner to demolish on his own if not done during that time, the city will proceed with demolition.

19. **219 Miami** - Shed only
- Property owner signed remediation agreement, indicated intent to repair
Roof has been repaired and some siding work done

City Commission granted a 90-day extension

20. **1016 N. 10th** – Shed only
- Owner has demolished shed.

City Commission agreed to remove from the demolition list

Close Public Hearing:

Commissioner Dedeke moved to close the public hearing for unsafe and dangerous structures. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Resolution B-2220:

Commissioner Bauder moved to approve Resolution B-2220 as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Review Dangerous Structure on Demolition List – 202 Pottawatomie - Director of Planning and Community Development Julie Hurley recommended to the commission a continuance of the review of this property by the Commission until after state grant awardees have been announced and the Leavenworth Preservation Commission has reviewed the status of the project. This property is on the current demolition list and the Commission has granted extensions pending the property owners request for grant funding for repairs.

Commissioner Griswold moved to continue the 202 Pottawatomie for discussion until after state grant awardees have been announced and the Leavenworth Preservation Commission has reviewed the status of the project. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Rehabilitation Recommendations for 10th Avenue – Public Works Director Mike McDonald presented for consideration the design recommendations and design contract with TranSystems. Doug Parke and Frank Weatherford from TranSystems reviewed options. TranSystems has reviewed industry literature as well as having had conversations with Kansas Department of Transportation (KDOT) on repairing the deteriorating concrete on 10th Avenue. The report presents nine options for the rehabilitation of 10th Avenue. Staff reviewed all options and recommends Option 3, without the side roads, focusing only on the driving surface of 10th Avenue. It is important to consider this as a short-term repair to allow time for the project to be included in the Capital Improvement Project (CIP). There are two actions required by the City Commission. The first is to approve TranSystems Option 3 for the rehabilitation of 10th Avenue and the second is to approve the design contract with TranSystems. At this point, repair roadway only without curbs at this time.

Commissioner Bauder moved to approve Option 3 presented by TranSystems for the rehabilitation of 10th Avenue. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Commissioner Griswold moved to approve the design contract with TranSystems in the amount not to exceed \$54,550.00 for the 10th Avenue Pavement Rehabilitation Project. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolutions:

Resolution B-2221 Community Development Block Grant (CDBG) 2019-2020 Annual Action Plan – Community Development Coordinator Mary Dwyer presented for consideration and approval to adopt the CDBG Annual Action Plan 2019-2020.

Commissioner Bauder moved to approve Resolution B-2221 and authorizes the submission of the 2019-2020 Annual Action Plan. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolution B-2222 Amending Resolution B-2217 – City Clerk Carla Williamson presented for consideration Resolution B-2222. The City Commission adopted Resolution No. B-2217 on February 26, 2019. Resolution No. B-2217 gave notice of the Governing Body’s official intent to issue bonds to finance improvements to Thornton Street and 10th Avenue in an estimated maximum amount of \$5,650,800.00. This amount includes the cost of necessary land and easement acquisition, utility relocation costs, design and engineering costs, legal costs and the costs of issuing bonds. It has been determined upon the advice of our

financial advisor, that the project cost needs to be increased to \$6,040,000.00 to include additional costs for capitalized interest to cover interim financing while the project is being completed pending permanent financing of the project.

Commissioner Griswold moved to approve Resolution B-2222 as presented. Commissioner Dedeker seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolution B-2223 Authorizing the Public Sale of General Obligation Bonds Series 2019-A and Temporary Notes Series A2019 – City Clerk Carla Williamson presented for consideration a resolution authorizing and providing for the public sale of General Obligation Bonds, Series 2019-A and Temporary Notes, Series A2019. The details are as follows:

- **General Obligation Series 2019-A:** The City has found and hereby determines it necessary and advisable to issue and sell General Obligation Bonds for the purposes of permanently financing the costs of the City’s 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes. The Bonds shall be in the approximate principal amount of One Million Four Hundred Thousand Dollars (\$1,400,000) and shall be dated June 27, 2019.
- **Temporary Notes Series A2019:** The City has found and hereby determines it necessary and advisable to issue and sell Temporary Notes, Series A2019, (the “Notes”) for the purpose of temporarily financing the costs of the City’s 2019 Pavement Management Project and the Main Trafficway Improvements, and paying the cost of issuing the Notes. The Notes shall be in the approximate principal amount of Seven Million Four Hundred Thirty Thousand Dollars (\$7,430,000) and shall be dated June 27, 2019.

The bond and note sale will be on Tuesday, June 11, 2019 at 10:00 a.m. C.D.T. The results will be presented to the City Commission the same evening.

Commissioner Bauder moved to approve Resolution B-2223 as presented. Commissioner Dedeker seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Bids for Riverfront Community Center Fire Alarm Upgrade – Parks & Recreation Director Steve Grant presented for consideration the bids. Staff recommends approval of the bid from Meza Low Voltage of Kansas City Kansas in the amount of \$46,300.00. Bids were opened on May 7, 2019 and the following bids were received.

Meza Low Voltage	\$46,300.00
ProElectric	\$198,000.00

Commissioner Griswold moved to approve the bid from Meza Low Voltage in the amount of \$46,300.00 for the fire alarm upgrade project. Commissioner Dedeker seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Contract for Stubby Park Monument Sign - Parks & Recreation Director Steve Grant presented for consideration the purchase and installation of the LED monument sign from Odegard Sign Company. The

sign is to be located at Stubby Park on 4th Street. The contract amount is not to exceed \$82,143.27 and includes purchase, installation and required utility work.

Commissioner Dedeke moved to approve the purchase and installation of the LED monuments sign from Odegard Sign Company in a total amount not to exceed \$82,143.27. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for First Net Equipment for the Police Department – Police Chief Pat Kitchens presented for consideration the purchase of equipment from ROK Brothers, in the amount of \$39,738.24. The First Net Program is designed to allow public safety agencies to have priority cell phone usage and data movement during critical events. Bids were obtained from the following companies:

ROK Brothers, Inc.	\$39,738.24
RACOM Critical Communications	\$53,907.52

Commissioner Griswold moved to approve the purchase of equipment from ROK Brothers Inc. in the amount not to exceed \$39,738.24. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

The commission took a 5-minute break at 8:51.
The meeting resumed at 8:56.

Consider Bids for 2019 Stormwater Project 1 - North Improvements - Public Works Director Mike McDonald presented for consideration bids for the 2019 Stormwater Project No. 1 – North Improvements. Mr. McDonald provided a PowerPoint presentation to the City Commission. The locations for this project are 330 20th Street Terrace, 1200 Cherokee Street, 509 S 17th Street, 900 Klemp Street, 1013 17th Street Terrace and 5th Street and Elm Street. Staff recommends approval and awarding of the bid to Blue Nile Contractors in the amount of \$153,335.00. Bids were opened on May 8, 2019 and were as follows:

<u>Bidder</u>	<u>Total Bid</u>
Blue Nile Contractors	\$153,335.25
Linaweaver Construction	\$165,905.00
Westland Construction	\$204,723.50
Engineers Estimate	\$125,000.00

All bids came in over the Engineer’s Estimate. Staff reviewed the bids and discussed with the bidders. Staff believes busy schedules, material costs increases, and weather contributed to the higher than expected bids. Rebidding the project later with modifications is not expected to produce lower bids.

Commissioner Griswold moved to accept the low bid form Blue Nile Contractors in an amount not to exceed \$153,335.00 for the 2019 Stormwater Project No. 1 – North Improvements. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Change Order No. 1 to Contract 2018-69 Lineaweaver – 16th Terrace & Thornton Phase 1 Detention Project - Public Works Director Mike McDonald presented for consideration approval of change order 1 to the contract for construction of the 16th Terrace and Thornton Phase 1 Detention Project with Linaweaver

Construction in the amount of \$49,691.00. On October 9, 2018, the City Commission approved the contract with Linaweaver Construction.

Commissioner Bauder moved to approve Change Order No. 1 with Linaweaver Construction for the 16th Terrace and Thornton Phase 1 Detention Project in an amount not to exceed \$49,691.00. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

CONSENT AGENDA:

Commissioner Bauder moved to approve claims for April 20, 2019 through May 10, 2019, in the amount of \$883,033.35; Net amount for Payroll #9 effective April 26, 2019, in the amount of \$332,904.23; (Includes Police & Fire Pension in the amount of \$11,572.36) and Net amount for Payroll #10 effective May 10, 2019 in the amount of \$318,637.52 (No Police & Fire Pension). Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Commissioner Bauder:

- Went to ribbon cutting at Hill Crest Manor

Commissioner Griswold

- Will provide information to the City Manager on properties with possible code violations

City Manager Kramer:

The first group will begin clean up of 3-mile creek this Thursday
Parks and Recreation will begin clean up from the flood at Riverfront Park

Adjourn:

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

Time Meeting Adjourned 9:10 p.m.
Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT PWD NO. 19-28

**CONSIDER APPROVAL OF LOW BID FOR
THE 2019 PAVEMENT MANAGEMENT PROGRAM (MILL AND OVERLAY)**


City Project 2018-894
May 28, 2019

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider the bid received for the 2019 Pavement Management Program.

BACKGROUND:

Each year the City Commission authorizes General Improvement Bonds for the annual maintenance of public streets. All work encompasses major repair and maintenance work beyond the scope of the Streets Division.

On December 18, 2018, the City Commission approved a design contract with Affinis for design of the 2019 Pavement Management Program. The budget allocation for 2019 includes sufficient funds for:

- The construction (granite seal of 14 miles of roadway & mill and overlay of the final section of the 20th Street Trafficway project and the parking lot directly west of City Hall)
- Inspection of the 2019 program
- The City-wide pavement evaluation to be completed by Stantec following the 2019 work
- The design of the 2020 Pavement Management Program

Upon further evaluation, staff will be able to perform inspection services on the project.

The City Commission approved a contract for the granite seal portion of the program on March 12. City forces are completing the necessary crack sealing and repair work prior to the start of the granite seal. The contractor is expected to start the granite seal project the first week of June.

The Stantec project will occur this fall once all 2019 roadwork is complete.

CURRENT PROJECT:

The remaining portion of the 2019 program includes:

- 20th Street (Estates Street to Eisenhower Road) – 2" Mill & Overlay
- Parking lot and drainage improvements to the lot west of City Hall on 5th Street
- Pavement striping on the granite seal streets

The project plans were prepared by the Affinis Corporation and a notice of the project was sent to area plan rooms, Drexeltech.com, and advertised in The Leavenworth Times. Bids were opened on May 22nd, and the results of the bidding are shown below and in the attached bid tabulation. McAnany Construction was the only bidder and met all bidding requirements. McAnany has completed 3 of the first 4 phases of this project, including the 2016, 2017 and 2018 projects. The specialized paving method prescribed in the bid documents requires equipment held by a limited

number of contractors. Contractors without this equipment would act as a general contractor and have to subcontract out a majority of the work, which is not cost effective.

Company	City	Base Bid	Bid Total
McAnany Construction	Shawnee, KS	\$739,422.59	\$739,422.59
Linaweaver Construction	Lansing, KS		No Bid
Lexeco	Leavenworth, KS		No Bid
<u>Engineer's Base Bid Estimate</u>		\$860,000.00	

Work is expected to begin by mid to late July and be completed in 90 calendar days. The 20th Street Trafficway and City-wide pavement marking project segment shall be completed in thirty (30) calendar days once started. The 5th Street parking lot project segment shall be completed in thirty (30) calendar days once started.

RECOMMENDATION:

Staff recommends that the City Commission approve the low bid for the "Base Bid" submitted by McAnany Construction for the 2019 Pavement Management Program, in the amount of \$739,422.59.

POLICY:

The City Commission generally awards bids to the lowest bidder that are properly submitted and within the Engineer's Estimate.

ATTACHMENTS:


Bid Tabs




CITY OF LEAVENWORTH
Project No. 2018-894
2019 Pavement Management Bid Tab Review
May 22, 2019

BASE BID				Engineer's Estimate		McAnney Construction	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$46,000.00	\$46,000.00	\$42,000.00	\$42,000.00
2	Traffic Control	LS	1	\$35,000.00	\$35,000.00	\$5,000.00	\$5,000.00
3	Removal of Existing Structures	LS	1	\$16,000.00	\$16,000.00	\$49,000.00	\$49,000.00
4	2" Concrete Milling (Full Width Cut)	SY	22,164	\$4.50	\$99,738.00	\$3.21	\$71,146.44
5	Milling (Headers)	LF	254	\$15.00	\$3,810.00	\$2.30	\$584.20
6	Temporary Surfacing (AB-3)(EST)	TON	27	\$45.00	\$1,215.00	\$60.00	\$1,620.00
7	Overlay (Single Bonded, 2" KDOT Superpave)	SY	22,164	\$10.00	\$221,640.00	\$8.00	\$177,312.00
8	Emulsion Bonding Liquid (0.25 rate EST)	GAL	5,818	\$5.00	\$29,090.00	\$3.75	\$21,817.50
9	2" Asphaltic Concrete Surface Course KDOT Superpave Performance	TON	242	\$105.00	\$25,410.00	\$83.00	\$20,086.00
10	4" Asphaltic Concrete Base Course KDOT Superpave Performance	TON	484	\$105.00	\$50,820.00	\$83.00	\$40,172.00
11	Concrete Pavement (8")	SY	32	\$110.00	\$3,520.00	\$98.00	\$3,136.00
12	Concrete Street Repair (8")(EST)	SY	34	\$150.00	\$5,100.00	\$140.00	\$4,760.00
13	Concrete Street Repair (9")(EST)	SY	887	\$120.00	\$106,440.00	\$140.00	\$124,180.00
14	4" Granular Subbase, AB-3 Compacted	SY	2,486	\$11.00	\$27,346.00	\$10.00	\$24,860.00
15	Concrete Driveway/Alley (8")	SY	88	\$100.00	\$8,800.00	\$97.00	\$8,536.00
16	5'x4' Non-setback Curb Inlet	EA	1	\$10,000.00	\$10,000.00	\$6,100.00	\$6,100.00
17	Nyloplast Manhole (24")	EA	1	\$2,500.00	\$2,500.00	\$4,321.00	\$4,321.00
18	Concrete Collar	EA	3	\$1,100.00	\$3,300.00	\$810.00	\$2,430.00
19	Underdrain Pipe (6")	LF	32	\$40.00	\$1,280.00	\$45.00	\$1,440.00
20	Street Planter Inlet	EA	2	\$10,000.00	\$20,000.00	\$6,500.00	\$13,000.00
21	Storm Sewer - 15" HDPE Pipe	LF	143.1	\$65.00	\$9,301.50	\$70.00	\$10,017.00
22	Storm Sewer - 15" CMP	LF	14	\$100.00	\$1,400.00	\$96.00	\$1,344.00
23	Storm Sewer - 15" CMP Slotted Drain	LF	72	\$200.00	\$14,400.00	\$270.00	\$19,440.00
24	Storm Sewer - 18" RCP (EST)	LF	12	\$200.00	\$2,400.00	\$300.00	\$3,600.00
25	4" Solid White Line (Multi Component Epoxy)	LF	1,894	\$1.10	\$2,083.40	\$3.24	\$6,136.56
26	4" Solid Yellow Line (Multi Component Epoxy)	LF	10,084	\$2.15	\$21,680.60	\$0.60	\$6,050.40
27	6" Solid White Line (Multi Component Epoxy)	LF	476	\$2.75	\$1,309.00	\$0.76	\$361.76
28	12" White Crosswalk (Multi Component Epoxy)	LF	926	\$11.00	\$10,186.00	\$8.64	\$8,000.64
29	24" White Stop Bar (Multi Component Epoxy)	LF	76	\$19.75	\$1,501.00	\$11.00	\$836.00
30	Right Turn Pavement Marking (Multi Component Epoxy)	LF	5	\$270.00	\$1,350.00	\$216.00	\$1,080.00
31	Left Turn Pavement Marking (Multi Component Epoxy)	LF	3	\$270.00	\$810.00	\$216.00	\$648.00
32	"ONLY" Pavement Marking (Multi Component Epoxy)	EA	2	\$300.00	\$600.00	\$378.00	\$756.00
33	6" Broken White Line (Multi Component Epoxy)	LF	260	\$2.50	\$650.00	\$0.76	\$197.60
34	6" Broken Yellow Line (Multi Component Epoxy)	LF	284	\$2.50	\$710.00	\$2.16	\$613.44
35	6" Dotted White Line (Multi Component Epoxy)	LF	25	\$2.50	\$62.50	\$0.76	\$19.00
36	12" Solid Yellow Line (Multi Component Epoxy)	LF	88	\$10.50	\$924.00	\$6.50	\$572.00
37	48"x48" Handicap Symbol White on Blue (PTP)	EA	3	\$600.00	\$1,800.00	\$378.00	\$1,134.00
38	Electrical Conduit (3" PVC)	LF	80	\$40.00	\$3,200.00	\$40.00	\$3,200.00
39	Concrete Curb (Type E)	LF	20	\$40.00	\$800.00	\$34.56	\$691.20
40	Concrete Curb Sidewalk	LF	51	\$20.00	\$1,020.00	\$77.77	\$3,966.27
41	Concrete Curb Replacement (24" Standard City Curb & Gutter)	LF	693	\$40.00	\$27,720.00	\$34.56	\$23,950.08
42	4" Concrete Sidewalk	SF	670	\$7.25	\$4,857.50	\$6.45	\$4,321.50
43	4" Stamped Concrete	SF	706	\$15.00	\$10,590.00	\$11.00	\$7,766.00
44	ADA Ramps	EA	2	\$2,000.00	\$4,000.00	\$1,460.00	\$2,920.00
45	Perennial (EST)	EA	120	\$30.00	\$3,600.00	\$30.00	\$3,600.00
46	Decorative Rock (EST)	SY	45	\$20.00	\$900.00	\$110.00	\$4,950.00
47	Sod (EST)	SY	10	\$13.55	\$135.50	\$100.00	\$1,000.00
48	Temporary Erosion Control	LS	1	\$15,000.00	\$15,000.00	\$750.00	\$750.00
TOTAL - BASE BID					\$860,000.00		\$739,422.59

POLICY REPORT NO. 19-27
Bid Approval – Water Pollution Control Division (WPC)
Ram 2500 Tradesman 4x4 Crew Cab
May 28, 2019

Prepared by: 
Chuck Staples
WPC Superintendent

Reviewed by: 
Michael G. McDonald P.E.
Public Works Director

Approved By: 
Paul Kramer
City Manager

ISSUE:

Consider the purchase of a new 2019 Ram 2500 (DJ7L91) Tradesman 4x4 Crew Cab for the Wastewater Treatment Facility through National Auto Fleet Group (NAFG) who is a member of Sourcewell (formerly known as NJPA contract number [120716-NAF]).

BACKGROUND:

Water Pollution Control is currently using a 2003, 3/4-ton pickup truck with just over 103,000 miles on it. This truck is used for carrying equipment and materials when responding to sewer calls, picking up parts, and transportation to training. The new vehicle would replace the current truck in use.

WPC staff called Jesse Cooper, the account manager for NAFG, to discuss the equipment necessary for Water Pollution Control and the equipment offered through NAFG. Sourcewell contracts are awarded at the manufacturer level and sales are made through local dealerships by receiving national volume pricing. This truck will take 12-14 weeks for delivery.

This replacement vehicle was approved in the 2019 Capital Improvements Vehicle Replacement Program. Capital Improvements Estimate: \$50,000.

The 2003 truck will be sold at auction.

BIDS RECEIVED:

2019 Ram 2500 4x4 Crew Cab with a 6.4 L V8 and a 6'4" bed: **\$40,674.30**

POLICY:

The City Commission generally awards bids to the lowest bidder that are properly submitted and within the Engineer's Estimate.

STAFF RECOMMENDATION:

The staff recommends the City Commission approve the purchase of the 2019 Ram 2500 4x4 truck at a cost of **\$40,674.30**.

ATTACHMENT:

Vehicle quote from the National Auto Fleet Group



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

5/6/2019

5/6/2019 Re-Configured

Quote ID: 10450 R1

Order Cut Off Date: TBA

Mr Chuck Staples
CITY OF LEAVENWORTH

790 Thornton

Leavenworth , Kansas, 66048

Dear Chuck Staples,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2019 Ram 2500 (DJ7L91) Tradesman 4x4 Crew Cab 6'4" Box, Factory Order) and delivered to your specified location, each for

	One Unit
Contract Price	\$40,674.30
Factory Order	
Tax (0.0000 %)	\$0.00
Tire fee	\$0.00
Total	\$40,674.30

- per the attached specifications.

This vehicle(s) is available under the **Sourcewell (Formerly Known as NJPA) Contract 120716-NAF** . Please reference this Contract number on all purchase orders to National Auto Fleet Group. Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,


 Jesse Cooper
 Account Manager
 Email: Fleet@NationalAutoFleetGroup.com
 Office: (855) 289-6572
 Fax: (831) 480-8497

Quoting Department
 Account Manager
 Fleet@NationalAutoFleetGroup.com
 (855) 289-6572



GMC

Vehicle Configuration Options

ENGINE	
Code	Description
ESA	ENGINE: 6.4L HEAVY DUTY V8 HEMI W/MDS, (STD)
TRANSMISSION	
Code	Description
DFX	TRANSMISSION: 8-SPEED AUTO 8HP75-LCV, (STD)
WHEELS	
Code	Description
WDA	WHEELS: 17" X 7.5" STEEL STYLED, (STD)
TIRES	
Code	Description
TWD	TIRES: LT245/70R17E BSW AS, (STD)
PRIMARY PAINT	
Code	Description
PW7	BRIGHT WHITE CLEARCOAT
PAINT SCHEME	
Code	Description
__	STANDARD PAINT
SEAT TYPE	
Code	Description
TXX8	DIESEL GRAY/BLACK, HEAVY DUTY VINYL 40/20/40 SPLIT BENCH SEAT
AXLE RATIO	
Code	Description
DME	3.73 AXLE RATIO, (STD)
ADDITIONAL EQUIPMENT	
Code	Description
ANT	BED UTILITY GROUP, -inc: Spray In Bedliner, LED Bed Lighting, Deployable Bed Step
A61	TRADESMAN LEVEL 1 EQUIPMENT GROUP, -inc: Remote Keyless Entry, Satin Chrome Interior Door Handles
DK3	ELECTRIC SHIFT-ON-THE-FLY TRANSFER CASE
DSA	ANTI-SPIN DIFFERENTIAL REAR AXLE
BAJ	220 AMP ALTERNATOR

GPG	POWER ADJUST & HEATED BLACK TOW MIRRORS, -inc: Mirror Running Lights, Exterior Mirrors w/Supplemental Signals, Exterior Mirrors Courtesy Lamps, Trailer Tow Mirrors
GFA	REAR WINDOW DEFROSTER
MWH	REAR WHEELHOUSE LINERS
XMF	SPRAY IN BEDLINER
LNJ	FRONT FOG LAMPS
LPL	LED BED LIGHTING
CLF	FRONT & REAR RUBBER FLOOR MATS
XAG	PARKSENSE FRONT/REAR PARK ASSIST SYSTEM
GVWR	
Code	Description
Z7F	GVWR: 10,000 LBS, (STD)
CPOS PKG	
Code	Description
2ZA	QUICK ORDER PACKAGE 2ZA TRADESMAN, -inc: Engine: 6.4L Heavy Duty V8 HEMI w/MDS, Transmission: 8-Speed Auto 8HP75-LCV

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE TO
RESCIND SPECIAL USE PERMITS**

May 28, 2019

Prepared by:



Carla K Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider rescinding Special Use Permits (SUP) under the 2016 Development Regulations Article 2 section 2.04.

BACKGROUND:

The Special Use Permit listed below closed in May of 2018 and requested to have their permits rescinded.

Name	Location	Use	SUP Ord	Date Approved
Linda & Ron Meinert	2001 10th Avenue	Child Care Center	7626	10/12/2004

ACTION REQUIRED:

Consensus to place an ordinance on first consideration to rescind the Special Use Permits as presented.

Attachments:

- Draft Ordinance

(Summary Published in the Leavenworth Times on June _____, 2019)

ORDINANCE NO. _____

**AN ORDINANCE TO DISCONTINUE OR RESCIND CERTAIN
SPECIAL USE PERMITS IN LEAVENWORTH KANSAS.**

WHEREAS, under the Appendix E of the City of Leavenworth Code of Ordinances, 2016 Development Regulations, Section 2.04 C, the Governing Body of the City of Leavenworth is given the power to administratively discontinue or rescind a special use permit; and

WHEREAS, property owners approved for a special use permit my request that such special use permit be rescinded.

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

Section 1. That the following special use permit is hereby rescinded by request of the property owner:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Linda & Ron Meinert	2001 10 th Avenue	Child Care Center	7626	10/12/2004

Section 2. 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 City Commission of the City of Leavenworth, Kansas, on June 11, 2019.

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
GENERAL OBLIGATION BONDS, SERIES 2019-A**

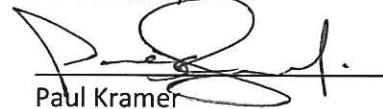
May 28, 2019

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider an ordinance authorizing the issuance of \$1,400,000.00 aggregate principal amount of General Obligation Bonds Series 2018-A.

BACKGROUND:

General Obligation Series 2019-A will be issued in the estimated amount of \$1,400,000.00 and will provide funds to permanently finance the cost of the 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes in the principal amount of \$1,360,000 together with accrued interest payable thereon on July 1, 2019 and paying the cost of issuing the bonds.

The bond and note sale will be on Tuesday, June 11, 2019. The results will be presented to the City Commission the same evening.

ACTION REQUIRED:

Consensus to place an ordinance on first consideration for the General Obligation Bonds, Series 2019-A, as presented.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,400,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2019-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 12-685 ET SEQ. AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Leavenworth, Kansas**, (the “City”) has, in accordance with the powers of home rule of all cities of the State of Kansas under Section 5 of Article 12 of the Constitution of the State of Kansas, passed and approved, by the vote of not less than two-thirds of the members-elect of the governing body of the City, Charter Ordinance No. 56 of the City, which charter ordinance was published once each week for two consecutive weeks in the official newspaper of the City with such charter ordinance taking effect, without protest, on the sixty-first (61st) day following the publication thereof; and

WHEREAS, Charter Ordinance No. 56 both exempted the City from the provisions of K.S.A. 13-1024a, which was applicable to the City but not uniformly applicable to all Kansas cities and therefor was, in accordance with the City’s powers of home rule, subject to the City’s authority to exempt itself from the whole or any part of said K.S.A. 13-1024a, and, in accordance with such power of home rule, provided substitute and additional provisions on the same subject as in both K.S.A. 13-1024a; and

WHEREAS, the City has, pursuant to Resolution No. B-2187 of the City adopted February 13, 2018, authorized the construction of certain general improvements in the total estimated amount of \$1,818,504 (the “2018 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has, pursuant to Resolution No. B-2192 of the City adopted March 27, 2018, authorized the improvement of a portion of New Lawrence Road, from 20th Street Trafficway and continuing in a northeasterly direction a distance of 1,400 feet, by preparing, grading, constructing, and otherwise completing a new 31 foot wide, back of curb to back of curb, street with a road surface of 8” asphalt placed on 6” of AB-3 over geo-grid reinforcement material on compacted soil sub-grade together with storm drainage, concrete curb and gutter, entrances, and other necessary items at a maximum estimated cost of \$605,000 (the “New Lawrence Road Project”) under the authority of K.S.A. 12-685 et seq. (the 2018 General Improvements and New Lawrence Road Project are collectively referred to as the “2018 Improvements”); and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$3,460,000 Temporary Notes, Series A2018, dated June 28, 2018, (the “Series A2018 Notes”) pursuant to Resolution No. B-2201 (the “Series A2018 Note Resolution”) adopted June 12, 2018, in accordance with the requirements of K.S.A. 12-1736 et seq., K.S.A. 12-685 et seq. and Charter Ordinance No. 56 of the City in part to temporarily finance the costs of the 2018 Improvements, a portion of which Series A2018 Notes maturing on December 1, 2019, in the amount of \$1,360,000 will be redeemed and paid on July 1, 2019, from proceeds of the Bonds authorized herein and other legally available funds of the City; and

WHEREAS, other legally available funds of the City in the amount of \$188,108 will be used to redeem and pay a portion the City's Series A2018 Notes maturing on June 1, 2022, in the principal amount of \$185,000 together with accrued interest payable thereon on July 1, 2019, to pay a portion of the costs of the New Lawrence Road Project; and

WHEREAS, the Series A2018 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after March 1, 2019, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, all legal requirements pertaining to the 2018 General Improvements have been complied with and the total cost thereof, including bond issuance costs, is \$_____ (the "Project Cost") to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$1,400,000 with the balance of such Project Cost payable from bond premium; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2019-A, in the aggregate principal amount of One Million Four Hundred Thousand Dollars (\$1,400,000) for the purpose of providing funds to permanently finance the costs of the 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes in the principal amount of \$1,360,000 together with accrued interest payable thereon on July 1, 2019, and paying the costs of issuing the Bonds; and

WHEREAS, the City does hereby authorize the issuance and sale of the bonds to the best bidder.

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

Section 1. That for the purpose of providing funds to permanently finance the costs of the 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes in the principal amount of \$1,360,000 together with accrued interest payable thereon on July 1, 2019, and paying the costs of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2019-A, of the City in the aggregate principal amount of One Million Four Hundred Thousand Dollars (\$1,400,000) (the "Bonds") as provided by Charter Ordinance No. 56 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City

with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 11th day of June, 2019.

CITY OF LEAVENWORTH, KANSAS

(SEAL)

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, City Clerk

**POLICY REPORT PWD NO. 19-29
REVIEW STORMWATER ISSUE
WITH THE 2ND STREET AND CHESTNUT DRAINAGE SYSTEM**

City Project 2018-895

June 4, 2019

Prepared by:



Michael G. McDonald, PE
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review the drainage infrastructure issues within the 2nd Street and Chestnut area stone/brick arch stormwater system.

BACKGROUND:

City staff has been monitoring the deterioration of the stormwater arch system that runs from the east side of 2nd Street to the east side of 4th Street south of Spruce Street for a number of years. The system, which serves a drainage area of 126 acres and branches north and south of the main arch on 3rd Street and 2nd Street, is failing rapidly. This system has been in place since the turn of the century. The original structures were constructed in the bottom of the creek, resulting in sections that are 30 feet deep.

In the early 1970s, an open ditch section south of Chestnut Street between 2nd and 3rd Streets was piped by a private party and a 6-plex housing unit was later constructed over the pipe. This pipe has now failed and created a large sinkhole behind the housing unit creating a safety issue. The property owner has been notified of the issue.

The system is also showing failures in the area of 3rd Street and Olive as numerous sinkholes have appeared in yards around the intersection. Staff is concerned that continued failures will occur creating flooding and safety issues in the area.

In March of 2018, staff sent a "Request for Qualifications" (RFQ) document to interested engineering firms and received four responses. All responses were reviewed by the City staff review team and two firms were selected for interviews. Staff selected Wilson & Company (Wilson) for the project. Wilson has extensive experience evaluating these types of storm drainage systems. Wilson has completed the design of numerous other projects for the City, including complex drainage projects.

Following work and consultation with City staff, Wilson submitted a proposed scope and fee for a study to evaluate the system, analyze the drainage area, and provide repair/replacement recommendations. That scope is included in the policy report. The evaluation of the drainage piping system will consider all options and includes outreach to the residents and owners in the area. The final design would draw on much of the information created in the study.

This proposal does not include design of the selected alternative.

RECOMMENDATION:

After reviewing the issue, concerns and the scope of the project, staff recommends a consensus to bring the attached scope of services for a study to evaluate the system and present options back to the City Commission for approval as soon as possible.

If the Commission moves forward, the next steps would be:

1. Approve a contract for the study/evaluation/options
2. Complete the study and present options to the Commission
3. Select the best option and direct staff to work toward a design contract
4. Review and approve a design contract
5. Complete the design contract, and pending available resources, bid the project

ATTACHMENTS:

Wilson and Company Scope & Fee
2nd & Chestnut System Exhibit
Selected Photographs

Exhibit A
Scope of Services
Preliminary Engineering Study
2nd & Chestnut Stone Arch Replacement
May 30, 2019

General Scope of Services

The following engineering services consist of completing a preliminary engineering study for storm sewer improvements at 2nd & Chestnut, which the system extends from the open lot on Olive Street between 3rd Street and 4th Street to the outlet west of 2nd Street and Chestnut Street intersection (See Exhibit B). The project will review the existing drainage conditions and recommend improvements for replacement or rehabilitation of the storm sewer system. The analysis will also determine if detention, alignment changes, water quality features, or other improvements are possible to help reduce impacts downstream on sewer system or downstream channel.

1. Task 1 – Existing Condition Review

- The City will provide the Consultant with all pertinent GIS shapefiles and LiDAR to complete the preliminary engineering study. This information shall include, but is not limited to, storm sewer, contours, parcels, other utilities, building outlines, etc. The City shall also provide the engineer with all pertinent as-built plans, drainage reports, and other documentation to understand the history of the system.
- The consultant will perform video inspection for the entire storm sewer system described in the general scope of services and shown in Exhibit B, which includes lateral storm sewers that connect to stone arch. A detailed report will be developed that details the specific location and type of deficiency using the industry standard criteria. It is anticipated that the video inspection of the main system will take 24 hours to complete the inspection with no cleaning required. If the inspection encounters excessive debris that requires cleaning activities, a supplemental fee will be developed for the additional cleaning and inspection services. Storm sewer system laterals will be video inspected by City staff and provided to the Consultant.
- The consultant will walk the project corridor, as shown in Exhibit B, to assess the condition of the ground level view, identify areas of potential conflict (e.g. – utilities), and areas of opportunities (e.g. – alignment changes). The site visit will be well documented with photos, maps, and detailed notes. Upstream potential regional detention areas will be investigated, if any are identified.
- The consultant will conduct a preliminary survey on the project corridor, as shown in Exhibit B, to establish basic infrastructure parameters to perform the hydrologic and hydraulic analysis. The survey will consist of storm sewer flowline elevations, storm sewer size/shape, ground surface at the centerline of alignment, and horizontally locate utilities. No property survey or information will be collected during the study.

2. Task 2 – Condition and Alternative Analysis

- The consultant will perform a hydrologic analysis for areas upstream and downstream of the project site. This analysis includes utilizing HEC-HMS modeling programs to determine watershed routing and peak runoff discharges for the 10%, 4%, 2%, and 1% annual exceedance probability (AEP) storm events based on existing watershed conditions.
- After the hydrologic analysis is complete, the consultant will perform hydraulic analysis for the existing storm sewer system downstream of the open channel on Olive Street. This analysis includes utilizing XP SWMM or equivalent modeling program to determine both enclosed storm system capacity/efficiency and overflow requirements for the 10%, 4%, 2%, and 1% AEP storm events.
- Inspection videos will be assessed by the Consultant to determine the condition and remaining service life of the entire system shown in Exhibit B. The pipes will be assessed per industry standard criteria to ensure uniformity and consistency throughout the process. The condition assessment will help determine feasibility for rehabilitation or replacement alternatives.
- After the existing hydraulic model and condition assessment are complete, the following improvements will be analyzed within the hydrologic and hydraulic models and considered for design:
 - Trenchless Technologies – Determine rehabilitation feasibility and long term safety to reduce cost and disruption of traditional remove and replace construction activities. Trenchless technologies include, but are not limited to, centrifugally cast concrete pipe , cast-in-place pipe, and slip-lining.
 - Horizontal or Vertical Alignment – Determine feasibility to adjust the horizontal or vertical alignment due to deep sewer conditions and location of residential properties throughout the corridor.
 - Upstream Detention – Determine feasibility and potential hydrologic relief of construction a detention pond on the open lot on Olive Street. Other locations include the open lot at 226 Olive Street or upstream public property.
 - Structure Downsizing – Associated with upstream detention, determine feasibility and capacity of existing system to evaluated appropriate size of downstream system. Evaluation of overflow path is critical to determining appropriate structure sizing.
 - Water Quality – Review the site for potential water quality features to be included within the proposed detention pond or other properties. Water quality features may include, but are not limited to, extended wet detention, sediment fore bays, vegetative buffer strips, infiltration basins/swales, or a combination of features.
 - Phased Construction - A phased construction approach will be evaluated as part of the improvement alternative analysis. The phased approach will consider phase cost, appropriate transition locations, functionality between phases, and general public safety.
- After all potential alternative combinations have been evaluated, the consultant will develop a final report to document analysis and provide recommended improvements, including phasing, to the City for consideration and approval. A cost estimate will be evaluated for each alternative. The final report will be revised one time based on City comments and corrections.
- Prepare concept plan sheets for the recommended improvements that show the type and location of the proposed improvements, 10% and 1% AEP enclosed system capacity, anticipated ponded water extents, and other details as required to depict the improvements.

3. Task 3 – Project Management

- The consultant will conduct a one (1) preliminary public meeting as part of the study to introduce the project to the impacted community and gather information about flooding or other issues that are impacting this area of the City. The meeting will be held at locations to be determined by the City in an “open house” format. Additionally, the consultant may conduct one-on-one meetings with impacted property owners on site to identify specific areas of concern.
- The Consultant will attend one (1) final report review meeting with the City Public Works staff to discuss the recommended improvements. No additional review meetings with the City Commission or other staff are anticipated for the study.

Assumptions

- Current City GIS shapefiles and LiDAR will be provided and utilized during the preliminary analysis.
- Current City As-Built plans, reports, drainage studies, etc. associated with the project area will be provided and utilized during the preliminary analysis.
- City will provide video inspection for all lateral system shown in Exhibit B.
- City will notify all property owners and other interested parties of any project activities including public meetings, etc.
- City will provide any recent bid tabs to assist in the development of the budgetary cost estimate for the recommended improvements.

Exclusions

- Any work requested by the City that is not included in the basic services will be classified as supplemental services.
- Detailed topographic or property survey of project areas will be conducted during this preliminary study portion of the project.
- Cleaning services associated with video inspection of the main storm sewer system.
- Geotechnical or environmental investigations unless authorized by the City.
- Preparation of any construction documents, environmental permits, LOMC documentation, or other permit clearance documents.



Proj.: 2nd & Chestnut Stone Arch Replacement Study
 By: CDLoughman
 Date: May 29, 2019
 Client: City of Leavenworth
 Notes: Preliminary Engineering Study

Free Reviewed by:
 JCKlaudt
 Date:
 05/29/19

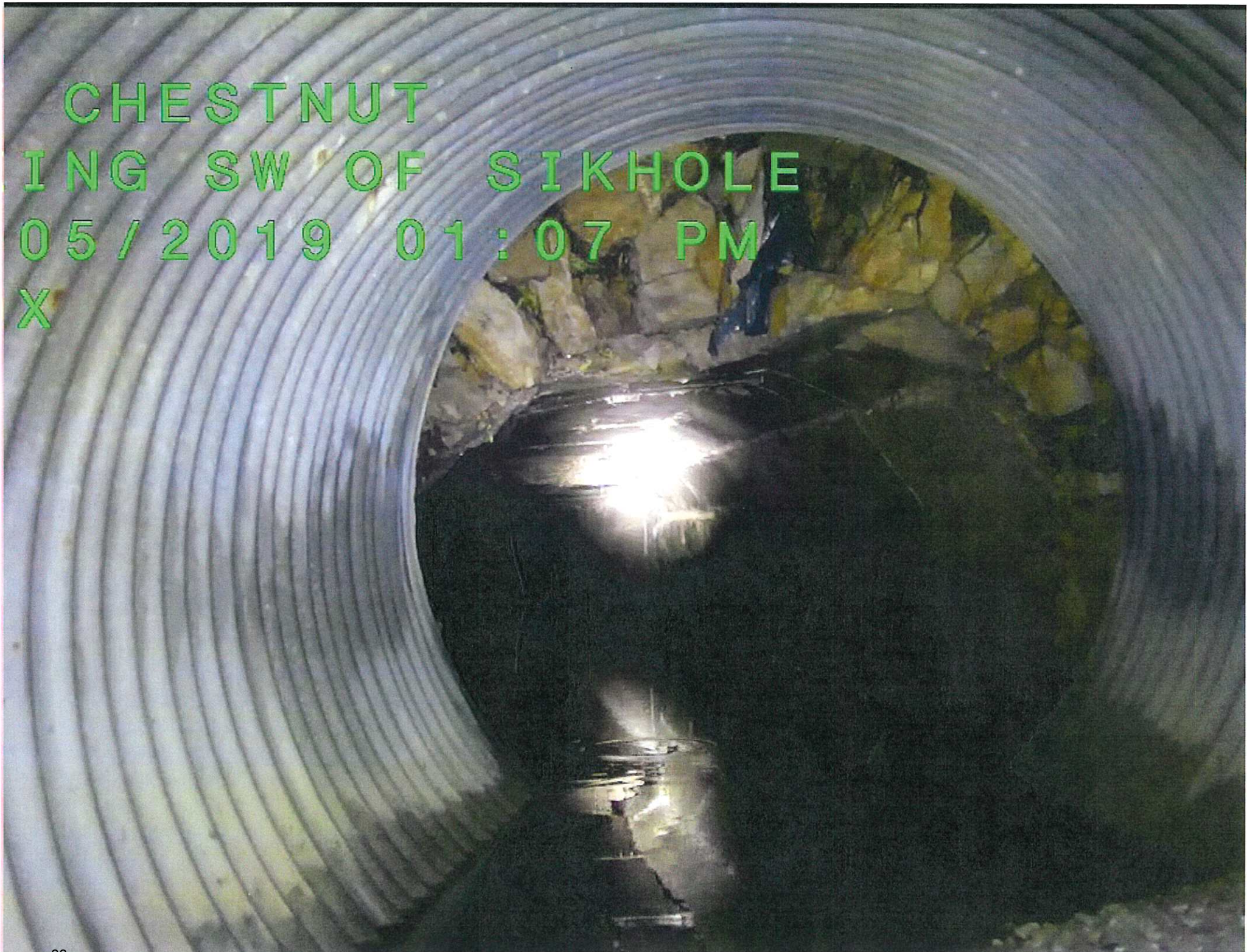
**EXHIBIT C
FEE ESTIMATE WORKSHEET**

TASK I.D.	WORK TASK DESCRIPTION	TASK CODE WCI CLASS TITLE	ESTIMATED MANHOURS						TOTAL HOURS	LABOR EFFORT	EXPENSE EFFORT	TOTAL FEE
			P6 QA/QC Manager	P4 Project Manager	P2 Project Engineer	PD2 CADD Designer	FS6 Survey Manager	FS5 Survey Crew Chief				
TASK 01 - Existing Condition Review												
1.1	Data Collection			4	8				12.00	\$ 2,236.00	\$ -	\$ 2,236.00
1.2	Storm Sewer Video Inspection									\$ -	\$ 10,072.00	\$ 10,072.00
1.3	Site Visit			4	4				8.00	\$ 1,356.00	\$ 72.00	\$ 1,428.00
1.4	Preliminary Survey					4		8	20.00	\$ 1,672.00	\$ 345.00	\$ 2,017.00
	Subtotal		0	8	12	4		8	40.00	\$ 5,264.00	\$ 10,489.00	\$ 15,753.00
TASK 02 - Hydrologic and Hydraulic Analysis												
2.1	Hydrologic Analysis			8	16				24.00	\$ 4,472.00	\$ -	\$ 4,472.00
2.2	Hydraulic Analysis			8	24				32.00	\$ 6,232.00	\$ -	\$ 6,232.00
2.3	Condition Assessment			4	12				16.00	\$ 3,116.00	\$ -	\$ 3,116.00
2.4	Alternative Analysis		1	16	32				49.00	\$ 9,124.00	\$ -	\$ 9,124.00
2.5	Final Report		2	8	24				34.00	\$ 6,592.00	\$ -	\$ 6,592.00
2.6	Concept Plan Set		2	4	16	16			38.00	\$ 5,604.00	\$ -	\$ 5,604.00
	Subtotal		5	48	124	16		0	193.00	\$ 35,140.00	\$ -	\$ 35,140.00
TASK 03 - Project Management												
3.1	Public Meeting / Involvement			6	6				12.00	\$ 2,034.00	\$ 144.00	\$ 2,178.00
3.2	Coordination Meeting		3	3	3				9.00	\$ 1,557.00	\$ 72.00	\$ 1,629.00
	Subtotal		3	9	9	0		0	21.00	\$ 3,591.00	\$ 216.00	\$ 3,807.00
TOTALS			8	65	145	20		8	254.00	\$ 43,995.00	\$ 10,705.00	\$ 54,700.00

CHESTNUT
ING SW OF SIKHOLE
05/2019 01:06 PM
X



CHESTNUT
ING SW OF SIKHOLE
05/2019 01:07 PM
X



CHESTNUT
ING NE OF SIKHOLE
05/2019 01:09 PM
X



CHESTNUT
KING SW AD 3333
05/2019 02:38 PM
X







STREETS

EVENT

STREETS

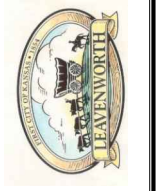
STREETS



PRELIMINARY
PLANS
NOT FOR
CONSTRUCTION
5/21/2019

2ND & CHESTNUT STONE ARCH
REPLACEMENT PROJECT
PROPOSED CONDITIONS

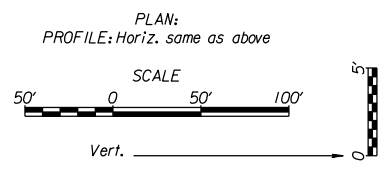
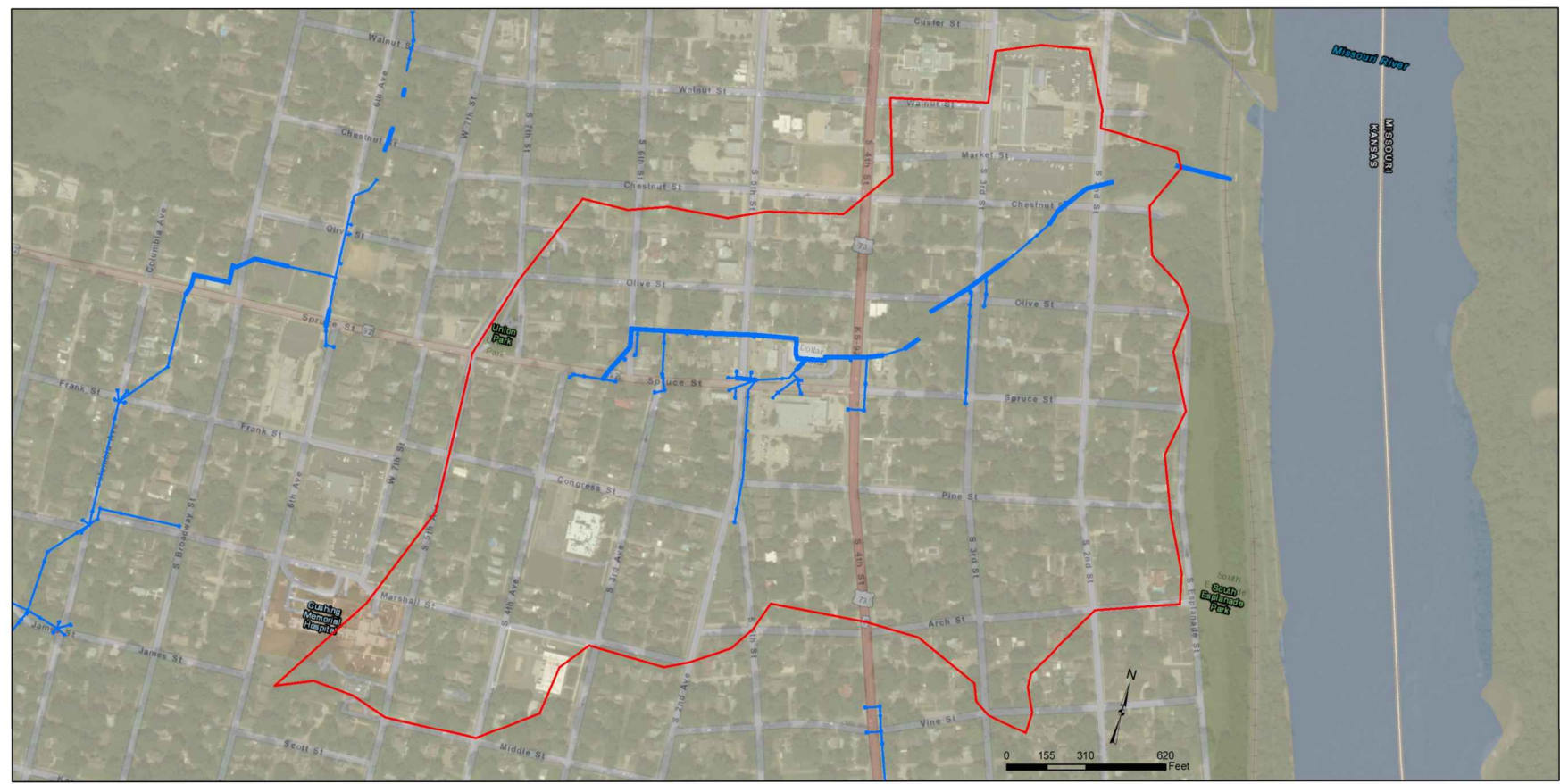
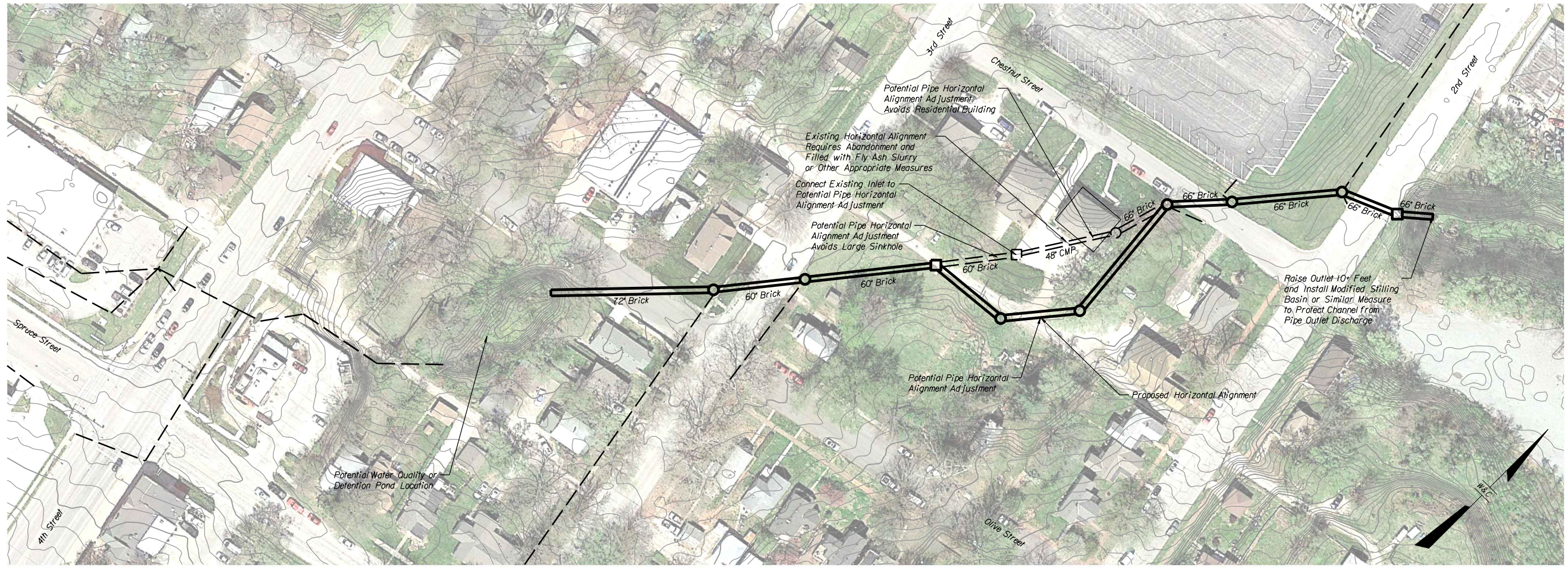
CITY OF LEAVENWORTH
PUBLIC WORKS DEPARTMENT
100 North 5th Street, Leavenworth, KS 66048
PHONE: (913) 684-0375



DATE	5/21/2019
DESIGNED BY	CDL
DRAWN BY	CDL
CHECKED BY	JCK
SURVEY BOOK NO.	
FILE NAME	

2nd & Chestnut Storm Sewer Plan Proposed.dwg

FIGURE 1



File: M:\Marketing\CM - MSD\Proposals\2019\Leavenworth - 2nd & Chestnut Storm Sewer Replacement - 2nd & Chestnut Storm Sewer Plan Proposed.dwg

**POLICY REPORT
DISCUSS
AMENDMENTS TO CHAPTER 122, VEHICLES FOR HIRE
OF THE CODE OF ORDINANCES**

JUNE 4, 2019


Carla K. Williamson, CMC City Clerk


Paul Kramer, City Manager

ISSUE:

Consider amending Chapter 122 of the Code of Ordinances.

BACKGROUND:

In a review of various chapters of the Code of Ordinances for the recodification project, staff recommends amending Chapter 122, Vehicles for Hire. Staff had conversations with vehicle owners and they were in favor of changes proposed.

Update definitions:

- Current code does not address Transportation Networks (Uber type services), which are regulated by the state not local governments
- Current definitions are confusing and incomplete

“For Hire” Lights:

- Most of the cabs in town have a “light” on the vehicle; however, they are not in compliance with the code as it is written
- In discussions with cab owners they are difficult to maintain
- Since cruising or sitting on a street for a fare is not allowed, there is no real reason to have an “in service” / “out of service” light
- Would Recommend removal of this requirement

Rates and Fares:

- The current code sets a minimum rate to be charged by the companies
- Staff could find no other city in Kansas that set rates
- Staff contacted cab owners and they have no issue with this being removed
- Rates for Limousines are unusual as to how they are defined
 - Example:
 - Single passenger \$15.00
 - Husband and wife \$20.00
 - Family \$28.00

Distinction between Taxicabs and Limousines:

- The current code makes a distinction between Taxicabs and Limousines
- Limousines, as we license them, are actually shuttle services
- Staff would recommend just referencing vehicles for hire

Insurance requirements:

- Update requirements
- Currently the requirements are different for Taxicabs and Limousines

Suspension or revocation/Appeal:

- Allow the Police Chief to suspend or revoke a license with appeal to the City Manager or Governing Body

General update:

- Amendment will have a general update of the language in the code and rearrangement for better flow and reduce duplications of sections.

ATTACHMENTS:

- Current copy of Chapter 122

Chapter 122 - VEHICLES FOR HIRE

ARTICLE I. - IN GENERAL

Secs. 122-1—122-25. - Reserved.

ARTICLE II. - TAXICABS

DIVISION 1. - GENERALLY

Sec. 122-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street means and includes any street, alley, avenue, boulevard, trafficway, lane, court or public place in the city.

Taxi service means the carrying or conveying of paying passengers inside a taxicab as defined in this article.

Taxicab means and includes all motor vehicles carrying passengers for hire for which public patronage is solicited; provided, that railroad cars, street railway cars and motorbuses designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity of 12 or more passengers shall not be considered taxicabs within the meaning hereof.

(Code 1978, § 38-16; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-27. - Accessibility to passenger compartment.

No motor vehicle having side doors which are directly accessible only from the front or driver's seat and which do not have doors opening directly into that part of the vehicle where the passengers are permitted to be carried shall be used as a taxicab.

(Code 1978, § 38-17; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-28. - For hire light.

No taxicab shall be operated unless it is equipped with a clearly visible light located on top of the taxicab. Such light shall be on when the taxicab is engaged in taxi service. Any time a taxicab is operated by a person who does not have a valid taxi driver's license or is being driven while "out of service" the taxicab shall be clearly posted "Vehicle Not For Hire" in the front windshield.

(Code 1978, § 38-18; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-29. - Seating capacity.

No taxicab shall carry a greater number of persons, including the driver or operator, than its rated seating capacity, as rated by the manufacturer thereof and as disclosed by the application for a license.

(Code 1978, § 38-19; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-30. - Rates of fare and meter requirements.

Regulations relating to rates of fare for taxicabs in the city shall be as follows:

- (1) No taxicabs shall be operated within the limits of the city unless it is equipped with a meter in good condition to record the amount to be charged on each trip, which amount shall be shown in figures visible to the passenger.
- (2) No taxicab shall set or change a rate of fare less than the following minimum:

Meter Rates	
First one-tenth mile	\$1.65
Each additional one-fifteenth mile	0.10
Per hour waiting time	15.00
Minimum for trips outside city limits	3.00
Minimum for trips within the Fort Leavenworth military reservation	3.00
Optional fuel surcharges per trip (when the price of self service unleaded gasoline is over \$1.40 per gallon)	0.50

- (3) The taxicab shall travel the most direct route from pickup to destination.
- (4) It shall be unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of a trip.
- (5) The meter shall be on at all times that the taxicab is occupied by one or more passengers.

(Code 1978, § 38-20; Ord. No. 7204, § 1, 1-10-95; Ord. No. 7352, § 1, 3-10-98; Ord. No. 7469, § 1, 8-8-00; Ord. No. 7601, § 1, 5-25-04)

Sec. 122-31. - Cruising; solicitation of passengers prohibited.

When not actually being operated in driving to or in returning from a specific destination while employed in rendering transportation service, taxicabs shall be held subject to call at the usual place of business maintained by the owner or operator thereof. No taxicab shall be operated over the streets of the city in taxicab service without a specific destination. No taxicab owner or driver shall solicit or employ or engage any other person to solicit patronage on the streets, sidewalks or public ways within the city.

(Code 1978, § 38-21; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-32. - Parking to solicit business prohibited; exception.

- (a) It shall be unlawful for the owner, driver or operator of any taxicab to park such taxicab for the purpose of soliciting business or passengers for hire in any street or alley in the city, except to load

or unload such taxicab, and except as hereinafter provided; driver occupied cabs shall be permitted to remain legally parked in the city, for return fare.

- (b) An occupied taxicab may remain legally parked in any business area of the city for the purpose of availability for fares.

(Code 1978, § 38-22; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-33. - Stop and inspection.

Taxicabs and drivers shall be subject to reasonable stop and inspection by the police for conformance with the requirements of this ordinance.

(Code 1978, 38-22; Ord. No. 7352, § 1, 3-10-98)

Secs. 122-34—122-45. - Reserved.

Sec. 122-46. - Required.

No person, whether acting as owner, principal, agent, employee, lessee or licensee, shall operate or permit to be operated upon the streets of the city any taxicab without first having procured an owner's license therefor, as provided in this division.

(Code 1978, § 38-29; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-47. - Application.

No person, whether acting as owner, principal, agent, employee, lessee or licensee, shall operate a taxicab for carriage of persons for hire in the city without first making application in writing to the license collector or the city clerk for an owner's license to do so. Such application shall contain the full name and address of the owner of the taxicab to be operated and a description thereof, including make of car, style, year, vehicle identification number, model and state license number, the number of persons it is capable of carrying, and a guarantee by the owner of the car that it is in good mechanical condition, the fare meter has been checked against the test mile, and the car is in compliance with the requirements of this article.

(Code 1978, § 38-30; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-48. - Auto registration prerequisite to issuance.

No owner's license shall be issued under this division unless the owner shall produce a valid, current registration establishing applicant's ownership of the automobile to be licensed.

(Code 1978, § 38-31; Ord. No. 7343, § 1, 1-27-98; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-49. - Inspection of vehicle prerequisite to issuance.

No taxicab shall be licensed until it has been thoroughly and carefully inspected and examined by an ASE certified mechanic and certified by the mechanic's signature to be in a thoroughly safe condition regarding the operability and condition of the vehicle's brakes, suspension, steering, tires and wheels, muffler and exhaust system, glazing and mirrors, windshield wipers, defroster, door latch and release mechanisms, fuel tank and lines, seat belts and restraints, exterior and signal lighting and horn. All taxicabs so licensed shall be inspected at the time of licensing or renewal. Such inspection and

mechanical condition shall be noted and attested to by the mechanic's signature and date of inspection on a form approved by the governing body and provided to the applicant by the city clerk's office. Continued maintenance and repair of the mechanical systems of the taxicab shall be the responsibility of the taxicab owner and any taxicab found to be in a dangerous condition shall be subject to suspension of the license until repairs are made.

(Code 1978, § 38-32; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-50. - Insurance prerequisite to issuance.

Before an owner's license shall be issued under this division, the applicant shall file and deposit with the city clerk a certificate of insurance issued by an insurance company authorized to do business in the state, which insurance certificate so issued shall provide insurance coverage for each and every taxicab owned or operated by the applicant of not less than \$25,000.00 for any injury or death of any one person, and \$50,000.00 for the injury to or death of any number of persons in one accident, and with a property coverage of not less than \$10,000.00 for property damage in any one accident. The insurance certificate shall be effective whether the taxicab at the time of any accident was being driven by the owner, agent, employee, lessee or licensee. Such certificate shall be of standard form as required by the laws of the state and by the insurance commissioner of the state, and shall carry a uniform endorsement providing for the actual notice to the city of any changes thereof. The insurance certificate shall further provide that it cannot be canceled until ten days' written notice of such cancellation has been filed with the city clerk. The certificate shall be retained and held by the city clerk during the life of the taxicab license. If the insurance coverage which is required to be carried by the owner of any taxicab as set out in this section is canceled by the insurance company, then the taxicab owner's license and the owner's taxicab driver's license shall be automatically canceled and the owner's and driver's license shall be immediately surrendered to the city clerk.

(Code 1978, § 38-33; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-51. - Approval by police chief.

Licenses under this division shall be issued by the city clerk with the concurrence of the police chief or his designee.

(Code 1978, § 38-34; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-52. - Fee; term.

Owners of taxicabs licensed under this division shall pay to the license collector a yearly fee for such license, in advance, for each calendar year or part thereof, as prescribed in appendix F. The license fee shall be due on January 1 of each year and shall expire on December 31 of each year.

(Code 1978, § 38-35; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-53. - Issuance; form; display; duplicate.

- (a) Upon satisfactory proof of the successful passing of inspection of the taxicab, the payment of the required fee, the filing and deposit with the city clerk of the certificate of insurance required in this division, and full compliance with all of the provisions and requirements of this article, the city clerk shall thereupon issue an owner's license for such cab to the applicant, which shall be approximately three inches high and five inches wide and have printed thereon the number of such license and the amount of the license fee, the date of issuance, complete information as to the make of car as shown

by the application, the taxicab license number, the name of the company carrying liability insurance on such taxicab, and the number of the policy, and shall be signed by the city clerk and shall be in the form as provided by the city clerk.

- (b) When issued, such owner's license shall, at all times, be carried in the taxicab. Such license shall be presented for review upon demand to any law enforcement officer or passenger of such taxicab.
- (c) In case of a loss of a taxicab owner's license, the owner shall file with the city clerk a sworn statement of the facts concerning such loss, and if the city clerk is satisfied that the facts justify the issue of a replacement therefor, the city clerk shall, upon payment of a fee as set out in appendix F, issue a duplicate license, such license to be plainly marked "Duplicate" in red ink across the face and the number of the original and duplicate to be furnished to the chief of police.

(Code 1978, § 38-36; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-54. - Reserved.

Sec. 122-55. - Transfer.

If the owner of an automobile upon which an owner's taxicab license has been issued desires to have the license transferred to another car, the owner shall make an application to the license collector or the city clerk for such transfer and deposit the sum as set out in appendix F with the application for such transfer. Such application shall show the disposition of the car previously licensed and all other information provided for in the original application. If the city clerk determines that the application is made in good faith and that the car for which the license was issued shall no longer be used by the licensee in the taxicab business, then the city clerk shall have the authority to transfer the owner's license for the term issued for the car described in the application. No owner's license shall be transferred or assigned by any licensee nor shall any owner's license be used by or in the taxicab of any person than the one to whom issued.

(Code 1978, § 38-38; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-56. - Suspension, revocation.

A taxicab owner's license may be suspended or revoked at any time by the governing body upon the recommendation of the chief of police for a violation of any of the provisions of this article or of any other ordinance of the city, or of any law of the state, or for any immoral, indecent or offensive conduct, or for any other reason the governing body deems right and proper, and such decision by the governing body shall be final. Any such suspension shall be noted on the license so suspended, together with a statement of the reasons therefor, and the owner shall thereupon immediately surrender the license to the chief of police to be retained by the chief of police during the period of such suspension. A second suspension for the same reason as the first suspension, or a third suspension for any cause, shall automatically revoke the license. No owner whose license shall have been revoked shall again be licensed as an owner of a taxicab except upon presentation of reasons satisfactory to the governing body. No part of any owner's license fee shall be refunded upon revocation of any such license and such license shall be purchased and issued upon these conditions.

(Code 1978, § 38-39; Ord. No. 7352, § 1, 3-10-98)

Secs. 122-57—122-65. - Reserved.

DIVISION 3. - DRIVER'S LICENSE

Sec. 122-66. - Required.

It shall be unlawful for any person to act as a driver of a taxicab without having first secured a license to be issued by the city clerk as provided in this division.

(Code 1978, § 38-47; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-67. - Application.

- (a) Each license under this division shall be applied for in writing on such forms as the city clerk may prescribe, and such application shall include:
- (1) The name, age, sex, weight, height, color of eyes and hair of applicant and residence address;
 - (2) Whether or not the applicant has previously been licensed in any state or city as a taxicab driver, and if so, when and by what state or city, and whether such license has been revoked or suspended, and if so, the date of, and reason for such revocation or suspension;
 - (3) The number of times and places the applicant was arrested or convicted for traffic violations;
 - (4) The experience the applicant has had in driving motor vehicles, and that the applicant is the holder of a current, valid state operator's license issued by Kansas or valid for state vehicle operation in Kansas;
 - (5) The name of the person by whom the applicant is employed;
 - (6) Whether or not the applicant has ever been convicted of a felony or misdemeanor, giving particulars of each such conviction.
- (b) Each applicant shall furnish two recent photographs of the applicant not less than 2½ inches by 3¼ inches. One of the photographs shall be attached to the application filed with the city clerk.

(Code 1978, § 38-48; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-68. - Examination of applicant by police; approval.

The chief of police or his designee shall cause each applicant for a taxicab driver's license to be examined as to the applicant's criminal and driving record through appropriate law enforcement channels. He shall then approve or disapprove the application based upon the information in the application, the applicant's criminal and driving history and any other reliable information at his disposal. Reasons for disapproval shall include but may not be limited to:

- (1) Any felony conviction in the last five years which is of a sexual or violent nature;
- (2) Any felony theft or crime of moral turpitude conviction in the last five years.
- (3) Any misdemeanor conviction in the last three years which is of a violent or sexual nature.
- (4) Any misdemeanor theft or crime of moral turpitude conviction in the last three years.
- (5) Any DUI or open container conviction in the last three years.
- (6) Conviction for three moving violations within the last 18 months.
- (7) Any omission or falsification of information on the applicant form.

Any person holding a valid taxicab owner's or driver's license at the time of the enactment of this ordinance shall not be denied renewal based upon factors (1) through (5), unless such incident or conviction occurred since their last renewal. The chief of police or his designee shall note upon the application approval or disapproval of the issuance of a license to the applicant.

(Code 1978, § 38-49; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-69. - Fee; term.

Drivers of taxicabs licensed under this division shall each pay to the license collector as a yearly fee at the beginning of each calendar year, in advance, for each driver, the sum as prescribed in appendix F. All such licenses shall terminate on the last day of the calendar year in which such licenses are issued.

(Code 1978, § 38-50; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-70. - Issuance; form; display; duplicate.

- (a) If an applicant for a taxicab driver's license shall successfully pass the examinations by the chief of police, the applicant shall pay in advance the required fee and shall comply with all the requirements of this article. The city clerk shall thereupon issue a license to the applicant which shall be approximately three inches by five inches in size and shall have printed thereon the number of the license, amount of payment therefor, date of issuance, the age, height, weight, sex of the applicant, color of the applicant's hair and eyes, and taxicab license number and attached thereto a photograph of the applicant, and the license shall be signed by the city clerk and shall be in the form prescribed by the city clerk.
- (b) The taxicab driver's license shall be conspicuously displayed in such a manner that the entire card or sheet is visible from the rear seat of the taxicab which the driver is operating, and the only driver's license displayed shall be the one belonging to the driver who is on duty at that time. The license shall be enclosed in a frame with a glass or other transparent front, so that the license shall be clearly discernible to and can be read by a passenger in the rear seat. No driver shall operate a taxicab unless such driver has his driver's license so displayed, and the driver shall be responsible for keeping the license in a good condition so as to be legible at all times.
- (c) In case of a loss of a taxicab driver's license, the owner of such lost license shall file with the city clerk a sworn statement of the facts concerning such loss, and if the city clerk is satisfied that the facts justify the issue of a replacement therefor, the city clerk shall, upon payment of the fee as set out in appendix F, issue a duplicate license, such duplicate to be plainly marked "Duplicate" in red ink across the face and the number of the original and duplicate to be furnished to the chief of police.

(Code 1978, § 38-51; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-71. - Transferability.

No taxicab driver's license shall be subject to transfer or assignment to any person other than the one to whom it was issued.

(Code 1978, § 38-52; Ord. No. 7352, § 1, 3-10-98)

Sec. 122-72. - Suspension, revocation.

A taxicab driver's license may be suspended or revoked at any time by the governing body upon the recommendation of the chief of police for a violation of any of the provisions of this article or any other ordinance of the city or any law of the state, or for any immoral, indecent or offensive conduct, or for any other reason the governing body may deem right and proper, and such decision by the governing body shall be final. Any such suspension shall be noted on the license so suspended, together with a statement of the reasons therefor, and the driver shall thereupon immediately surrender the license to the chief of police to be retained by the chief of police during the period of such suspension. A second suspension for the same reason as the first suspension, or a third suspension for any cause, shall

automatically revoke the license. No driver whose license shall have been revoked shall again be licensed as a driver of a taxicab except upon presentation of reasons satisfactory to the governing body. Upon revocation of a driver's license, the license shall be surrendered to the chief of police. In addition to the surrender of a driver's license upon suspension or revocation, the driver's badge shall also be surrendered. No part of any driver's license fee shall be refunded upon revocation of any such license and such license shall be purchased and issued upon the conditions set out in this division.

(Code 1978, § 38-53; Ord. No. 7352, § 1, 3-10-98)

Secs. 122-73—122-95. - Reserved.

ARTICLE III. - LIMOUSINE SERVICE

DIVISION 1. - GENERALLY

Sec. 122-96. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle means and includes any motor vehicle carrying passengers for hire from any point in the city to a point outside the city, and from a point outside the city to any point in this city, but shall exclude taxicabs and vehicles having passengers for hire operating generally within the city under other franchise or permit.

(Code 1978, § 38-65; Ord. No. 7199, § 1, 12-13-94)

Sec. 122-97. - Information on outside of vehicle.

Every vehicle licensed under the provisions of this article shall have plainly marked upon the outside of such vehicle the name of the owner or operator, which shall be in letters at least two inches in height on each side thereof and on the back thereof.

(Code 1978, § 38-66)

Sec. 122-98. - Rates and fares.

The minimum rates of fare to be charged by persons operating a vehicle under the provisions of this article shall be as follows:

- (1) Single passenger \$15.00.
- (2) Husband and wife 20.00
- (3) Family 28.00

(Code 1978, § 38-67; Ord. No. 7199, § 2, 12-13-94)

Sec. 122-99. - Driver's license.

All drivers of vehicles under this article shall meet the same requirements as provided in division 3 of article II of this chapter.

(Code 1978, § 38-68)

Secs. 122-100—122-110. - Reserved.

DIVISION 2. - LICENSE

Sec. 122-111. - Required.

It shall be unlawful for any person to transport for hire any passengers as provided in this article without having first obtained a license from the license collector.

(Code 1978, § 38-76)

Sec. 122-112. - Application.

An application for a license under this division shall be filed with the city clerk upon forms provided by the city. Such application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant.
- (2) The experience of the applicant in the transportation of passengers.
- (3) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of the license.
- (4) The number of vehicles to be operated or controlled by the applicant and the location of proposed pickup points.
- (5) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (6) Such further information as the city clerk may require.

(Code 1978, § 38-77)

Sec. 122-113. - Reserved.

Sec. 122-114. - Reserved.

Sec. 122-115. - Insurance prerequisite to issuance.

- (a) *Required.* No vehicle shall be operated under this article and no certificate of public convenience and necessity shall be issued or continued in operation unless the applicant or certificate holder has filed with the city clerk a public liability insurance policy in some insurance company authorized to transact business in the state, and countersigned by a duly authorized agent licensed to do business in the state. Such insurance policy shall be approved by the legal department and shall bind the obligors thereunder to pay compensation for injury to persons and loss of or damage to property resulting from the negligent operation of such limousine by the holder of such insurance. A certificate of the liability insurance company certifying that there is in effect the liability insurance or coverage required by this section, attached to the policy, may be filed in lieu of the original liability policy.
- (b) *Amount.* Any liability insurance policy filed pursuant to this article shall be in such reasonable sum as the governing body deems necessary to adequately protect the interests of the public, with due regard to the number of persons and amounts of property involved. In no event shall the coverage in such policy be less, for each vehicle, than the sum of \$50,000.00 for personal injury or death to any one person in any one accident; \$100,000.00 for injury or death to two or more persons in any one accident; and \$10,000.00 for loss to property of others in any one accident.

- (c) *To cover all vehicles whether specifically designated or not.* Every liability insurance policy filed pursuant to this article shall provide for coverage of all the vehicles regularly licensed and operating under the name of the person or company and shall be deemed to cover only such vehicles specifically designated in the policy for purposes of this article.
- (d) *Notice of termination.* Every liability insurance policy filed pursuant to this article shall contain a clause obligating the insurer to give the city clerk, and a copy to the license department, at least ten days' written notice before the cancellation, expiration, lapse or other termination of such insurance policy, or the expiration or withdrawal of the insurer or other termination of such policy. Failure to give the notice required by this section shall operate to continue the liability of the insurer for the benefit of the persons injured or damaged, and such policy shall continue in full force and effect.
- (e) *Continuing liability; replacement.* The policy of insurance required by this article shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon. If, at any time, in the judgment of the finance commissioner, such policy is deemed insufficient for any cause, the commissioner may require the owner of such limousine to replace such policy with another to be approved by the commissioner.

(Code 1978, § 38-80)

Sec. 122-116. - Inspection of vehicle and title prerequisite to issuance.

No limousine shall be licensed until it has been thoroughly and carefully inspected and examined by an "ASE" certified mechanic and certified by mechanic's signature to be in a thoroughly safe condition regarding the operability and condition of the vehicles brakes, suspension, steering, tires and wheels, muffler and exhaust system, glazing and mirrors, windshield wipers, defroster, door latch and release mechanisms, fuel tank and lines, seat belts and restraints, exterior and signal lighting and horn. All limousines so licensed shall be inspected at the time of licensing or renewal. Such inspection and mechanical condition shall be noted and attested to by the mechanic's signature and date of inspection on a form provided to the applicant by the city clerk's office. Continued maintenance and repair of the mechanical systems of the limousine shall be the responsibility of the limousine owner and any limousine found to be in a dangerous condition shall be subject to suspension of the license until repairs are made.

(Code 1978, § 38-81; Ord. No. 7199, § 5, 12-13-94; Ord. No. 7791, § 1, 3-10-09)

Sec. 122-117. - Fees; term.

No license shall be issued or continued in operation unless the holder thereof has paid to the license collector a fee as prescribed in appendix F. Such license fee shall be due on January 1 of each year and shall expire on December 31 of each year.

(Code 1978, § 38-82)

Sec. 122-118. - Suspension and revocation.

The governing body, upon ten days' notice, may suspend or revoke any license issued under this article if the licensee has failed or neglected to comply with the terms of either this article or other ordinances of the city, or fails to keep in effect the insurance policy required by section 122-115.

(Code 1978, § 38-83)

**POLICY REPORT
DISCUSS
AMENDMENTS TO CHAPTER 74, PARKS & RECREATION
OF THE CODE OF ORDINANCES**

JUNE 4, 2019



Carla K. Williamson, CMC City Clerk



Paul Kramer, City Manager

ISSUE:

Consider amending Chapter 74 of the Code of Ordinances.

BACKGROUND:

In a review of various chapters of the Code of Ordinances for the recodification project, staff recommends amending Chapter 74, Parks and Recreation to include policies and regulations already in place.

No changes have been made to this Chapter in over 40 years. Over time, various regulations have been put into effect but have never been added into the code of ordinances. The proposed amendments are presented for review and discussion.

After discussion by the Commission, staff will bring this back to a regular meeting to adopt the amendments by ordinance.

ATTACHMENTS:

- Current copy of Chapter 74
- Proposed Amendments

Current Code

Chapter 74 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

Secs. 74-1—74-50. - Reserved.

ARTICLE II. - PARK AND RECREATION DEPARTMENT

Sec. 74-51. - Created.

The park system and the city public recreation system shall be combined to form a park and recreation department.

(Code 1978, § 25-16)

Sec. 74-52. - Administration of park and recreation system.

The park and recreation department shall administer the city's park and public recreation system.

(Code 1978, § 25-17)

Sec. 74-53. - Employees.

The park and recreation department shall consist of the following employees:

- (1) Director of parks and recreation;
- (2) Such other employees as may be required by ordinance or may be deemed necessary within administrative rules and regulations to effectively carry out the work of the department.

(Code 1978, § 25-18)

Secs. 74-54—74-75. - Reserved.

ARTICLE III. - USE OF PARKS AND PUBLIC GROUNDS

Sec. 74-76. - Violations.

It shall be unlawful for any person to violate any rule for the use of a park or public grounds established by the governing body of the city and posted within the park.

(Code 1978, § 25-7)

Sec. 74-77. - Closing hour.

All of the public parks in the city shall be closed for any and all uses at 10:00 p.m., with the following exceptions:

- (1) For any program that is being sponsored by the park and recreation department, the park and recreation department may set the hour of closing.
- (2) There shall not be a set closing time for persons camping at Riverfront Park; however, the park will be closed to noncampers at 10:00 p.m.
- (3) Groups and organizations may request permission for the park and recreation department to have a program or function beyond the normal closing time. If permission is granted it must be in written form and be signed by the director of parks and recreation.

(Code 1978, § 25-1)

Sec. 74-78. - Destroying property; flowers, shrubs.

It shall be unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any public park or other public grounds within the city, or to willfully bring or permit to be brought in or around any public park or other public grounds within the city any dogs, either loose or on a leash, or any other animals which while in or around any public park or other public grounds may injure in any manner whatsoever flowers, flowering plants, shrubs or trees growing in or around any public park or other public grounds, or to willfully and without authority tear down, remove, cut or otherwise injure or destroy any stand, bench, seat or other property situated upon such park or public grounds.

(Code 1978, § 25-3)

Sec. 74-79. - Motor vehicles unlawful on park or public grounds; exceptions.

It shall be unlawful to drive or park any motor vehicle except on a street, driveway or parking lot or to park or leave any such vehicle at any place other than one established for public parking in any public park or on public grounds; provided, that nothing in this section shall restrict the use of city or contract vehicles in performing maintenance or other purposes approved by the director of parks and recreation. For purposes of this section, "motor vehicle" means and includes every vehicle which is self-propelled, including motorized bicycles which may be propelled by either human power or helper motor, or by both.

(Code 1978, §§ 25-4, 25-5)

Sec. 74-80. - Fires.

It shall be unlawful to light or maintain any fire in a park or on public grounds other than in an incinerator, fireplace or oven provided or a portable device constructed and used so as to prevent the spread of fire or burning material therefrom.

(Code 1978, § 25-6)

PROPOSED AMENDMENTS

Chapter 74 – PARKS AND RECREATION

ARTICLE I. – GENERAL PROVISIONS

Sec. 74-1. - General provisions.

The Parks and Recreation department of the city shall be under the general supervision of the city manager. The department shall administer the city's park and public recreation system and shall consist of a parks and recreation director and such other employees as may be required by ordinance or may be deemed necessary within administrative rules and regulations to effectively carry out the work of the department and to fixed by the annual city budget.

Sec. 74- 2. - Penalty for violation.

Violations of any provision of this chapter is a public offense and any person, firm, association, partnership, or corporation convicted shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Sec. 74-3. - Making and enforcing rules and regulations – posting.

The parks and recreation director, with the consent of the city manager, is authorized to make and enforce such additional rules and regulations as may be necessary for the management and operation of any of the lands, buildings, structures, pools or facilities that are placed under the supervision of the parks and recreation director by action of the governing body or city manager. The regulatory authority shall be supplementary to any specific such authority contained elsewhere in the city code. Such rules and regulations shall have the force and effect of law and the violation of those rules shall constitute a public offense and shall be enforced in the same manner as other violations of the municipal code. Violation of any adopted rules and regulations shall be grounds for eviction from the park lands, buildings, pools or facilities and the denial, revocation or suspension of any privilege granted by the parks and recreation department. Such rules and regulations shall be approved by the director and posted in a conspicuous place in or on the park land, building, structures, rooms or facilities or be maintained in written form and available to the public in the office of the parks and recreation director prior to their becoming effective.

Sec. 74-4. - Fees and insurance.

Fees for use of any shelters, rooms, facilities, pools, and services shall be set forth in the city fee schedule. Liability insurance may be required as deemed necessary.

Sec. 74-5. - Severability.

In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter which shall remain in full force and effect.

Sec. 74-6 – 74-25. - Reserved.

ARTICLE II – PARK REGULATIONS.

Sec. 74-26 - Public parks hours-exceptions.

All public parks in the city shall be closed for use by the public between the hours of 10:00 p.m. and 5:00 a.m.; provided, however, parks may be closed temporarily or opening hours extended temporarily in case of emergency, adverse weather conditions or unusual circumstances as determined and ordered by the parks and recreation director.

Exceptions:

- (1) For any program or event being sponsored by the parks and recreation department or the city in which alternate hours have been set.
- (2) Persons camping at Riverfront Park during open camping season.
- (3) Groups or organizations which have requested and have been granted permission by the parks and recreation director beyond the normal closing hours. Such permission must be in writing and approval signed by the parks and recreation director.

Sec. 74-27 - Sanitation and Fire.

All waste material and refuse of any kind shall be deposited in disposal drums provided for such purpose and no such waste or contaminating material shall be discarded otherwise in or upon park land. If no disposal drums are provided all waste generated by the user of such park shall carry the waste material or refuse from the park area.

It shall be unlawful to light or maintain any fire in a park or on public ground other than in an incinerator, ring pits fireplace or oven provided or a portable device constructed and used so as to prevent the spread of fire or burning material therefrom. Fires must be extinguished before leaving the area. Fires may be prohibited entirely as a protective measure from time to time by the posting by the city of special warning signs and may be part of the conditions upon which event approval or reservations are given.

Sec. 74-28 - Vandalism.

It is unlawful for any person to commit an act of vandalism by willfully injuring, damaging, defacing, destroying, or substantially impairing any flowers, flowering plants, shrubs, trees, stands, benches, seats, fences, playground equipment, building or improvement within a park area.

Sec. 74-29 - Animals.

Domestic animals present within a park area shall be subject to the provision of chapter 18 of the city code of ordinances. The parks and recreation director may establish rules and regulations established in addition thereto to prohibit such domestic animals from certain park areas to prevent damage and provide safe use of park areas. The parks and recreation director may establish certain park areas for use by owners of domestic animals for recreation purposes such as dog parks.

Horses and other livestock animals are specifically prohibited in parks without the prior permission. Such permission must be in writing and approval signed by the parks and recreation director.

Sec. 74-30 - Motor vehicles prohibited.

Motor vehicles are specifically prohibited for operation within any park areas or the city except parking lots, access drives to parking lots, and park streets, or areas specifically established by the parks and recreation director for motor vehicle use.

Sec. 74-31 - Skating and Skateboarding.

No person shall, at any time, skate or skateboard except upon areas designated by the city and at such times and pursuant to such rules as the city has posted.

Sec. 74-32 - Fishing and Hunting.

Fishing in park areas shall be in accordance with the laws of the Kansas Department of Wildlife. No person shall pursue, catch, kill or take any wildlife except as provided in chapter 18 of the city code of ordinances.

Sec. 74-33. - Commercial use.

No park area may be used for any commercial enterprise in any form except wherein the city is directly involved as a co-sponsor of an event or project or as granted permission by the parks and recreation director. Such permission must be in writing and approval signed by the parks and recreation director.

Sec. 74-34. - Camping.

Overnight camping on park property is prohibited except as allowed at Riverfront Park campground.

Sec. 74-35. - Riverfront Park camping.

The campgrounds are open seasonally from April 1 – October 31. The parks and recreation director shall establish rules and regulations for the campgrounds and amend the opening dates as needed due to weather.

Sec. 74-36. - Reservations - picnic shelters, athletic fields, courts and park area reservations

All request for reservations of picnic shelters, athletic fields, courts and other park areas shall be made to the parks and recreation department. Reservations are made on a first come first serve bases. Fees for shelters are as provided in the city fee schedule.

Sec. 74-37. - Alcoholic beverage.

The possession and consumptions of alcoholic beverages is prohibited except as otherwise provided in chapter 10 of the city code of ordinances.

Sec. 74-38 – 74-60. - Reserved.

ARTICLE III – COMMUNITY CENTER.

Sec. 74-61. - Request for use/reservation

All requests for use or reservation for rooms and/or facilities of the community center shall be made to the community center manager. The parks and recreation director shall establish rules and regulations for use of the community center rooms and/or facilities.

Sec. 74-62 – 74-80. - Reserved.

CHAPTER IV – MUNICIPAL SWIMMING POOLS.

Sec. 74-81. - Open – rules and regulations generally.

The municipal swimming pools of the city shall be open to the public as limited in this chapter at all proper and seasonable times subject to such rules and regulations contained in this chapter and as provided by the rules and regulations of the Kansas State Board of Health.

Sec. 74-82. - Manager and employees – duties generally.

The parks and recreation director shall appoint pool managers and other employees of the swimming pools. The pool managers shall have general supervision over the swimming pools and over all people attending the same and the park areas in which the same are located. It shall be the pool managers' duty to preserve order, to enforce all provisions of this article and the rules and regulations

of the city and the Kansas State Board of Health. The managers may exclude any person or person from the pools and their grounds for the violation of this chapter, such rules and regulations as may be made by the city or the Kansas State Board of Health or when the pool manager deems such exclusion to be in the best interest of the orderly and peaceable operation and management of the pools.

Sec. 74-83. - Contagious disease.

It is unlawful and in violation of this article for any person at any time to enter the water of the swimming pools who are afflicted with any infectious or contagious disease. The manager of the pools appointed as provided in this article are authorized, directed and empowered within their discretion to require from any person requesting permission to enter the swimming pools, a certification of health from a licensed doctor of medicine, dated within three days of the date admission is sought, stating that the person applying for admission to the pool is free from any infectious or contagious disease which might endanger the health of other occupants of the pool.

Sec. 74-84. - Admittance refused or persons removed:

The pool managers are authorized, directed and empowered to refuse admission to any person applying for admission to the pools or remove from the pools any person who, is known to be intoxicated or under the influence of drugs, opiates, or any person having a skin disease, open sores or cuts. The pool manager may, when they deem the same to be in the best interest of orderly operation and management of the pools refuse admission or remove any person or persons whatsoever.

Sec. 74-85. - Pollution and contamination prohibited.

It is unlawful for any person or persons to throw or place in the waters of the pools any stones, debris, refuse or discarded substances; it is further unlawful for any person in any manner willfully to pollute the water of the pools.

Sec. 74-86. - Animals prohibited.

Except for special events authorized by the parks and recreation director, it is unlawful at all times for any person or persons to place in the waters for the swimming pools, or cause or to suffer any dogs or any animals of any kind to enter or be therein.

Sec. 74-87. - Hours, entry, use and number allowed.

The hours which the municipal swimming pools shall be open for use, shall be determined by the parks and recreation director. The pool managers shall have the authority to close the pool during inclement weather or periods of limited demand or in case of emergency. It is unlawful for any person or persons to enter

the water of the pools except when the managers or lifeguards are in charge of the same and on duty.

The pool managers shall have authority to limit admittance of guest into the swimming pools whenever, in their option, the pools are so crowded as to make it unsafe for the safety of the people. The managers shall also have authority to designate pool areas, which guests and/or residents may use.

Sec. 74-88. - Revocation of swimming privileges and suspension of membership.

It is unlawful for any person or persons to violate the lawful orders of the parks and recreation director and/or designated supervisors or managers within the swimming pool area. Any person or persons who violate such order or orders shall forfeit their right to swimming privileges at the pool or pools and the pool manager may suspend the use and membership for a period not to exceed seven days. A suspension greater than seven days may be recommended by the pool manager to the aquatic supervisor and parks and recreation director. The recommendation will be reviewed and investigated by the aquatic supervisor and parks and recreation director and then affirmed or overruled. Memberships that have been suspended for a period of greater than seven days may make application for their return through the city manager. After investigation, the city manager will affirm or overrule the suspension of the person or person's swimming privileges.

Sec. 74-89 - Children accompanied by adult.

All children under the age of 10 shall be accompanied by a parent or guardian or by some adult who shall be responsible for their safety and conduct while in the pools.

Sec. 74-89 – 74-125. - Reserved.