



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JANUARY 14, 2020 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube

Call to Order – Pledge of Allegiance Followed by Silent Meditation

Presentation of Mayor’s Award

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from December 10, 2019 Regular Meeting & December 17, 2019 Special Meeting **Action:** Motion (pg. 2)

Second Consideration Ordinances:

2. Second Consideration Ordinance 8120-Rezoning 1001 N 7th Street **Action:** Roll Call (pg. 9)
3. Second Consideration Ordinance 8121-Special Use Permit 729 Pennsylvania **Action:** Roll Call (pg. 12)

NEW BUSINESS:

Public Comment: *(i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address)*

General Items:

4. Consider Request for Waiver-Transient Merchant Permit for Military Collectors Show and Riverfront Community Center **Action:** Motion (pg. 15)
5. Mayor’s Appointments **Action:** Motion (pg. 17)

Bids, Contracts, and Agreements:

6. Consider Bids for Stubby Park Renovations **Action:** Motion (pg. 18)
7. Consider Bids for WPC Chemicals **Action:** Motion (pg. 22)
8. Consider Bids for Planters II Plumbing Riser Replacement Project **Action:** Motion (pg. 26)
9. Consider Sole Source Contract for Hotel Accommodations For Planters II Tenants **Action:** Motion (pg. 36)

Consent Agenda:

Claims for December 7, 2019 through January 10, 2020, in the amount of \$3,805,033.83; Net amount for Payroll #26 effective December 20, 2019, in the amount of \$364,927.18; (Includes Police & Fire Pension of \$11,572.36); and Net amount for Payroll #1 effective January 3, 2020 in the amount of \$335,533.22; (No Police & Fire Pension).

Action: Motion

Other:

Adjournment

Action: Motion



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, Larry Dedeke and Mark Preisinger. Commissioner Elect Camalla Leonhard was present to take the oath of office, replacing Commissioner Larry Dedeke.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline, Deputy Finance Director Brandon Mills, Planning and Community Development Director Julie Hurley, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary Collins and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson called the meeting to order and opened the meeting with the pledge of allegiance led by Boy Scout Troop 173 and 6173 followed by silent meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the November 26, 2019 regular meeting as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

PRESENTATIONS:

Presentation to Outgoing Commissioner Larry Dedeke – The City Commission presented the “Key to the City” to Commissioner Larry Dedeke who serviced on the Commission since April 2001.

Oath of Office – The oath of office was given to the 2019 elected officials, Nancy D. Bauder, Camalla M. Leonhard and Mark Preisinger. Commissioners Bauder and Leonhard will service 4-year terms and Commissioner Preisinger will service a 2-year term.

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

Mayor Wilson moved to nominate Commissioner Griswold as Mayor from December 10, 2019 to December 8, 2020. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Commissioner Preisinger moved to nominate Commissioner Bauder as Mayor Pro-tem from December 10, 2019 to December 8, 2020. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Commissioner Preisinger moved to nominate Commissioner Leonhard as Financial Claims Reviewer from December 10, 2019 to December 8, 2020. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Public Comment: none

Public Hearings:

Public Hearing to Consider Petition to Vacate a Portion of an Alley in Block 4 Neely's Forest Addition

- **Open Public Hearing:**

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

- **Staff and Public Comments:**

 - **Staff Comments:**

Public Works Director Mike McDonald reviewed the petition submitted by Trinity Evangelical Lutheran Church requesting the vacation of the alley in Block 4 Neely's Forest Addition. All property owners adjoining the alley and utility companies were notified of the request. There were no objections from property owners or utility companies. The City has a sewer line in the alley and it is proposed that a utility easement be retained where the alley currently exists.

 - **Public Comments:**

Ron Romig 1700 Limit Street thanked staff for helping with the vacation process.

- **Close Public Hearing:**

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

- **First Consideration of Ordinance:**

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

Public Hearing to Amend the 2019 Budget

- **Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

- **Staff and Public Comments:**

 - **Staff Comments:**

Finance Director Ruby Maline presented the amendments to the 2019 Budget increasing the expenditure authority in the Business & Technology Park Fund in the amount of \$50,004.00 and the Storm Water Fund in the amount of \$1,250,004.00.

 - **Public Comments:** none

- **Close Public Hearing:**

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

- **Consider Amendments to the 2019 Budget:**

Commissioner Bauder moved to approve the Proposed Amendments to the 2019 Budget as presented and noted the proposed amendments require no additional tax levies. Commissioner

Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

General Items:

Comprehensive Plan Update and Authorize Staff to Enter into Agreement (tabled from the November 26, 2019 meeting) - Planning and Community Development Director Julie Hurley reviewed the two firms selected as finalists for updating the City's Comprehensive Plan. The finalist are Shockey Consulting and RDG Planning and Design. Each company gave a presentation to the Commission at the November 19, 2019 Study Session. Staff is now asking for direction from the Commission to enter into negotiations for an agreement with one of the firms.

Commissioner Bauder moved to select Shockey Consulting and to authorizing staff to negotiate a contract which will come back to the commission for approval. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Renewal of Commercial Insurance Package for 2020 – City Clerk Carla Williamson reviewed the 2020 insurance renewal with OneBeacon Insurance. The rate will increase 20% over last year due to payouts of claims against the city. The policy premium will increase from \$425,445.00 to \$522,389.00. The City's Insurance Broker, Mike Reilly was present to answer any question from the Commission.

Commissioner Preisinger moved to approval the renewal of the 2020 commercial insurance package with OneBeacon in the amount of \$522,389.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Cereal Malt Beverage Licenses for 2020 – City Clerk Carla Williamson presented the list of Cereal Malt Beverage licenses effective January 1, 2020. Commissioner Preisinger noted that three of the applicants are currently under investigation by the Kansas Gaming Commission for allegations of illegal gambling activity, however they have not been convicted so would just like staff to be aware if action needs to be taken regarding their license.

Abe's Place	5101 10 th Ave	ON
AZAD Inc dba 7-Eleven Store	701 Metropolitan Ave	OFF
Casey's Retail Store #1261	2004 Spruce St	OFF
Casey's Retail Store #2609	950 Eisenhower Rd	OFF
Casey's Retail Store #2826	2100 S 4 th St	OFF
CVS Pharmacy #5268	390 Limit St	OFF
Diamond Oil 2	1031 Metropolitan	OFF
Dillon's #40	720 Eisenhower Rd	OFF
Eddie's Grocery	1101 Spruce St	ON
Four B dba Price Chopper	2107 S 4 th St	OFF
Hometown Store	111 N Broadway St	OFF
GOJRA, LLC dba K7 Stop	300 N 4 th St	OFF
Little Bar	1431 10 th Ave	ON
Minit Mart #579	3122 S 4 th St	OFF
Murphy's USA #7486	1050 Eisenhower Rd	OFF
Star Gas	788 Spruce St	OFF
Towne Pub Restaurant	1001 Ottawa St	ON

Walgreens #12923	2900 S 4 th St	OFF
Walmart Store #26	5000 10 th Ave	OFF
Woody's Food Mart	700 Eisenhower Rd	OFF

Commissioner Preisinger moved to approve the 2020 Cereal Malt Beverage Licenses as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Cancellation of the December 24, 2019 City Commission Regular Meeting – City Manager Paul Kramer requested that the Commission approve the cancellation of the December 24, 2019 meeting due to the Christmas holiday. Mr. Kramer stated that on December 17th we would have our normal study session and include a special meeting to allow for some action items that need to be addressed before the end of the year.

Commissioner Wilson moved to cancel the December 24, 2019 regular meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution:

Resolution B-2240 Planters II Tenant Write-off Accounts - Planning and Community Development Director Julie Hurley reviewed the six tenant accounts to be written off as required by the U.S. Department of Housing and Urban Development (HUD).

Commissioner Bauder moved to adopt Resolution B-2240. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Stubby Park Storm Drain Replacement Project – Public Works Director Mike McDonald presented for approval the low bid from Linaweaver Construction for the Stubby Park Storm Drain Replacement Project for the base and alternate bid in the amount of \$540,435.00. Bids were opened on November 27, 2019 and were as follows:

<u>Company</u>	<u>Location</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
Linaweaver Construction	Lansing KS	\$405,235.00	\$135,200.00	\$540,435.00
Kansas Heavy Construction	Tonganoxie KS	\$588,718.75	\$198,950.00	\$787,668.75
Engineer's Base Bid Estimate:		\$472,495.00		

Commissioner Preisinger moved to approve the low base bid received from Linaweaver Construction for the base and alternate bid in an amount not to exceed \$540,435.00 for the Stubby Park Storm Drain Replacement Project. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Contract with O'Neill Events & Marketing for 2020 City Event – Assistant City Manager Tylour Tedder presented for consideration the comprehensive management contract with O'Neill Events and Marketing for the 2020 city event "Camp Leavenworth". The contract totals \$61,292.00.

Commissioner Bauder moved to approve the comprehensive management contract with O'Neill Events and Marketing for the 2020 Camp Leavenworth Festival in the amount of \$61,292.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Bauder moved to approve claims for November 23, 2019 through December 6, 2019, in the amount of \$1,311,307.05; Net amount for Longevity Pay effective November 29, 2019 in the amount of \$48,676.87; and Payroll #25 effective December 6, 2019, in the amount of \$338,719.61; (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

City Manager Kramer:

- Two recent tragedies in the country in the cities of Houston TX and Fayetteville AR resulting in police fatalities. Sending out thoughts to those cities and the families of the officers

- In cooperation with Lansing, the Parks and Recreation Departments will offer a 5 & 6 grade basketball program combining the two cities

Commissioner Preisinger:

- Commented on Thornton Street; sections opened look very nice

Mayor Griswold:

- Asked about the County-wide 1 cent sales tax renewal and the work on Eisenhower Road that a portion of the tax was to be used for
 - Ms. Kaaz, County Commissioner was in the audience and reported that the utility agreements have been signed and work will start in 2020

Adjournment:

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

Time Meeting Adjourned 8:00 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



Open Special Meeting:

Commissioner Preisinger moved to open a special meeting. Commission Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

CALL TO ORDER - The Governing Body met for a special meeting and the following commission members were present: Mayor Myron J. (Mike) Griswold, Mayor Pro-Tem Nancy Bauder, Commissioners Mark Preisinger and Jermaine Wilson. Not present: Commissioner Camalla Leonhard.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline, Planning and Community Development Director Julie Hurley, Public Information Officer Melissa Bower and City Clerk Carla K. Williamson.

Mayor’s Appointment to City Planning Commission:

Mayor Griswold moved to appoint to the City Planning Commission Christopher A. Murphy to an unexpired term ending May 1, 2022. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Second Consideration Ordinance 8119 to Vacate an Alley in Block 4 Neely’s Forest Addition – City Manager Paul Kramer presented for second consideration. The ordinance was placed on first consideration at the December 10, 2019 meeting.

Mayor Griswold called the roll and Ordinance 8119 passed unanimously 4-0.

Consider Contract with Shockey Consulting for Comprehensive Plan - Planning and Community Development Director Julie Hurley presented for consideration a contract with Shockey Consulting to provide services to update the City’s Comprehensive Plan. The contract is in the amount not to exceed \$100,000.00.

Commissioner Bauder moved to approve the contract with Shockey Consulting as presented for the Comprehensive Plan. Commission Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for 2019 Stormwater Project 2 – South Improvements – Public Works Director Mike McDonald presented the bids for the 2019 Stormwater Project 2 – South Improvements. Staff recommends approval of the low bid received from Rodriguez Mechanical Contractors in the amount of \$268,584.00. Bids were opened on December 11, 2019 and were as follows:

<u>Company</u>	<u>City</u>	<u>Total Bid</u>
Rodriguez Mechanical Contractors	Kansas City KS	\$268,584.00
Blue Nile Contractors	Birmingham MO	\$298,523.27

Westland Construction	Basehor KS	\$307,740.00
Trinity Excavating	Olathe KS	\$349,500.00
J.M. Fahey Construction	Grandview MO	\$416,540.00
Orr Wyatt Streetscapes	Raytown MO	\$474,388.00
Engineer's Base Bid Estimate:		\$356,650.00

Commissioner Preisinger moved to approve the 2019 Stormwater Project 2 – South Improvements contract with Rodriguez Mechanical Contractors in the amount of \$268,584.00. Commission Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

First Consideration Ordinance to Rezone 1001 N 7th from R1-6 to GBD - Planning and Community Development Director Julie Hurley presented for first consideration the ordinance to rezone 1001 N 7th Street. The Planning Commission held a public hearing on December 2, 2019 and recommends approval of the request to rezone.

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

First Consideration Ordinance Special Use Permit 729 Pennsylvania Street - Planning and Community Development Director Julie Hurley presented for first consideration the ordinance to approve a special use permit at 729 Pennsylvania Street to operate an adult daycare center. The Planning Commission held a public hearing on December 2, 2019 and recommends approval of the request.

Public Comment:

Elaine Belardo - 1280 Summit Court, Lansing

- Addressed the Commission and discussed the plans of the organization

Jennie Reader – 7201 Maple

- Addressed the Commission and discussed the importance of engagement

Bill McNamee – 1303 Holman

- On behalf of the property owner to discuss the building

Joseph Clark – 1628 S. Broadway

- Questioned the use of the term Adult Daycare

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

City Manager Paul Kramer

- Spoke about the recent snow and the snow removal efforts of staff

Adjournment:

Commissioner Preisinger moved to close the special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved.

Time meeting adjourned 8:10 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8120
REZONING 1001 N 7TH STREET TO GENERAL BUSINESS DISTRICT**

JANUARY 14, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the December 17, 2019 City Commission special meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE 2016 DEVELOPMENT REGULATIONS OF
THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1001 N 7th STREET TO
GENERAL BUSINESS DISTRICT (GBD).**

There have been no other changes since first consideration.

Ordinance No. 8120 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8120

(Summary Published in the Leavenworth Times on January 17, 2020)

ORDINANCE NO. 8120

AN ORDINANCE AMENDING THE 2016 DEVELOPMENT REGULATIONS OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1001 N 7th STREET TO GENERAL BUSINESS DISTRICT (GBD).

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 2nd day of December 2019 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper on the 8th day of November 2019; and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 1001 N 7th Street, Leavenworth Kansas from High Density Single Family Residential District (R1-6) to General Business District (GBD); and

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

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

Section 1: That the following described properties, to-wit:

Lots 1, 2, 3, 4, 5, 6 & 7, Block 103, Day & Macaulay's Subdivision, City of Leavenworth, Leavenworth County, Kansas and more commonly known as **1001 N. 7th Street, Leavenworth Kansas.**

Section 2: That the "Zoning District Map" adopted under the 2016 Development Regulations of the City of Leavenworth, Kansas shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

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

PASSED and APPROVED by the Governing Body on the 14th day of January 2020.

Myron J. (Mike) Griswold, Mayor

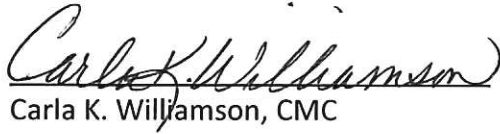
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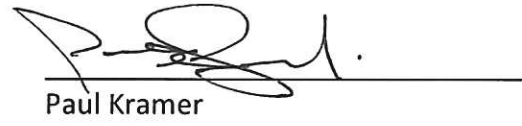
ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8121
ALLOWING A SPECIAL USE PERMIT AT 729 PENNSYLVANIA STREET**

JANUARY 14, 2020


Carla K. Williamson, CMC
City Clerk


Paul Kramer
City Manager

BACKGROUND:

At the December 17, 2019 City Commission special meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ADULT
DAYCARE CENTER TO BE LOCATED AT 729 PENNSYLVANIA STREET
IN THE CITY OF LEAVENWORTH, KANSAS.**

There have been no other changes since first consideration.

Ordinance No. 8121 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8121

(Summary Published in the Leavenworth Times on January 17, 2020)

ORDINANCE NO. 8121

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ADULT DAYCARE CENTER TO BE LOCATED AT 729 PENNSYLVANIA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 2nd day of December, 2019 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 8th day of November 2019; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for an adult daycare center at 729 Pennsylvania Street, Leavenworth, Kansas.

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for an adult daycare center for the property described herein.

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

Section 1. That a special use permit be issued for an adult daycare center at the following described property:

A tract of land beginning at a point in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 2 in Township 9 Range 22, 708 feet West of the Section line running between Sections 1 and 2 in said Township 9 and also 227 feet South of the North line of the South Half of the Northeast Quarter of the Northeast Quarter of Section 2 thence South to a line parallel to said Section line 200 feet, thence East 203 feet, thence North 200 feet, thence West 203 feet to the place of beginning. ALSO Commencing at a point on the South line of Pennsylvania Street 369 feet West of the East line of the Northeast 1/4 of Section 2, Township 9, Range 22 and running thence West along the South line of Pennsylvania Street 136 feet to the East line of land owned by Henry Brueggeu, thence South along the East line of said Brueggeu land and parallel to the East line of said 1/4 Section 200 feet, thence East parallel to Pennsylvania Street 136 feet to the West line of land owned by Keith, thence South along the West line of Keith's land and parallel to the East line of said 1/4 Section 200 feet to the place

of beginning. **More commonly known as 729 Pennsylvania, Leavenworth, Kansas.**

Section 2. That this special use permit is subject to the following:

- a.) The Operation shall be limited to a maximum of sixteen (16) adult participants;
- b.) No medical services shall be offered in conjunction with the facility; and
- c.) The hours of operation are to be between the hours of 8:00 a.m. – 5:00 p.m.

Section 3: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 14th day of January 2020.

Myron J. (Mike) Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
REQUEST A WAIVER FOR A TRANSIENT MERCHANT PERMIT
MILITARY COLLECTORS SHOW
RIVERFRONT COMMUNITY CENTER**

JANUARY 14, 2020

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

Edward Trevor Brown submitted an application that was received in the Office of the City Clerk for the February 22, 2020 Military Collectors Show at the Riverfront Community Center. This Collectors Show has been held at the Riverfront Community Center for several years. The show typically has 40-50 vendors from the local area and as far away as Omaha and St. Louis. Admission is by donation and vendors do sell their items.

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

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

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

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

- *Transient merchant, itinerant merchant or itinerant vendor* are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, or public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating

temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. A transient merchant is not a person who has a permanent business presence in Leavenworth and conducts sales or activities similar as described herein on a temporary basis.

Fee for Transient Merchants:

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

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

CITY COMMISSION ACTION:

Grant a waiver of a Transient Merchants Permit for use of the Community Center for the Military Collectors Show on February 22, 2020;

Or

Deny the request for a Transient Merchant Permit

CITY OF LEAVENWORTH

TO: CITY COMMISSIONERS
FROM: MYRON, J. (MIKE) GRISWOLD, MAYOR
SUBJECT: CITY APPOINTMENT
DATE: JANUARY 14, 2020

I move to recommend the following appointments:

Airport Advisory Board:

- Reappoint Bob Euler, Steve Jack and Greg Kaaz to terms ending December 31, 2022 and appoint Jeffrey Bouma to a term ending December 31, 2022

Deer Management Advisory Committee:

- Reappoint Clay McDaniel and Ed Menard to terms ending December 31, 2022

Grown Leavenworth County Development Corporation:

- Appoint Tom Meier to an unexpired term ending May 31, 2020

Parks and Community Activities Advisory Board:

- Reappoint David M. Davis, Frank Mazeitis, Wendy Sachen and Esteban Zamora to terms ending January 15, 2023 and Appoint Jennifer Brenneman Tobey to an unexpired term ending January 15, 2021

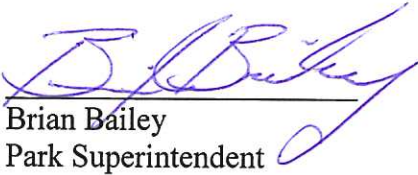
Sister City Advisory Board:

- Reappoint Maxine Hunter and Terry Weakley to terms ending December 31, 2022

POLICY REPORT NO. P&R 01-20
Parks & Recreation Department
Stubby Park Renovation
January 14, 2020

PREPARED BY:


Steve Grant
Parks and Recreation Director


Brian Bailey
Park Superintendent

REVIEWED BY:


Paul Kramer
City Manager

ISSUE:

Review bids for the renovation of Stubby Park. The work includes a complete redesign, as well as new playground equipment, walkways, and a parking lot expansion.

BACKGROUND:

The 2019 CIP included \$135,000 for the replacement of the playground equipment located at Stubby Park - Fourth & Poplar Streets. At the April 16, 2019 Study Session, staff presented options and associated costs with expanding the project to create more of a destination type play area to help reduce congestion at the Cody Park playground while offering citizens a more enjoyable experience while attending both park locations. The presentation also highlighted the work on the Stubby Park message board and the appearance of the park on Fourth Street. The Commission came to a consensus for staff to move forward with expanding the Stubby Park Project.

Staff worked with Indigo Design, Inc., to design an expansion of the park project to meet the needs and expectations as discussed. The major components of the renovation include a composite play structure designed for 5-12 year olds, a composite structure designed for 2-5 year olds, expansion of the perimeter sidewalk bordering the play area, expansion of the existing parking lot, protective fencing along Fourth Street, and grading/site work for improved drainage. Care was taken to not disrupt the area of the park currently utilized for sledding. Design also took into consideration the possibility for expansion of the project in future phases if required.

Contract documents, specifications and drawings were formulated and the project was published to bid on Friday, November 22, 2019. Staff conducted a pre-bid meeting on Thursday, December 5, 2019 at 10 a.m. at the Riverfront Community Center. Bids were opened at 10 a.m. on Friday, December 20, 2019 at the City Clerk's office. We received bids from eight prospective bidders. One bid was not read due to incomplete City bid requirements. The results of the other seven proposals are as follows:

Bidder	Address (City/State)	Bid Amount
Engineering Estimate	Leavenworth, KS	\$269,572.50
BKM Construction, LLC.	Leavenworth, KS	\$314,233.23
Four J Environmental, LLC.	Smithville, MO	\$353,755.69
Julius Kaaz Const. Co., Inc.	Leavenworth, KS	\$356,864.00
Mega Industries Corp.	Kansas City, MO	\$350,517.40
Prairie Band Construction, Inc.	Holton, KS	\$324,370.64
Gunter Construction Co.	Kansas City, KS	Bid incomplete
Linaweaver Const., Inc.	Lansing, KS	Bid incomplete

DISCUSSION:

All bids came in over the project estimate. There were a few contributing factors, including higher equipment prices from contractors than figured by the engineer. One option is to reject all bids and reconfigure the project, however staff would recommend completing the project without reducing the scope and scale. To make an impact in the area and at the park, the designed project accomplishes all priorities: playability, versatility, appearance and access.

Staff worked with the low bidder, BKM Construction, to value engineer the project to identify cost-saving areas without reducing the overall size and scope of the project. Staff also identified other funding sources that could be available to help offset the overage. Funding of the entire project can be accomplished as follows:

Project Bid Amount:	\$314,233.23
Design Costs:	\$20,994.00
Project Total:	\$335,227.23

Project Budget

Equipment Allocation	-\$135,000.00
Leaf Vac. Allocation	-\$124,306.00

(Shortfall \$75,921.23)

Staff recommended offsets

PAC HVAC remaining funds	-\$12,773.00
Batting Cage project savings	-\$15,000.00
Park Foundation monies	-\$19,029.00
Cost saving design changes	-\$15,438.71
CIP Contingency	-\$13,680.52

Remaining unfunded -0-

ACTION:

Commission may accept the bid from BKM Construction as designed utilizing the additional funding sources, or the Commission may reject all bids.

ATTACHMENTS:

BKM Construction LLC Bid Form

Stubby Park Renovations -CITY PROJECT NO.2020 STUBBYRENO
 BID FORM (REVISED)

COMPANY/BIDDER NAME

BKM Construction LLC


ITEM	QTY	UNIT	UNIT PRICE	SUBTOTALS
BASE BID ITEMS				
GENERAL CONDITIONS AND SITE WORK				
1	Mobilization			
2	Construction Staking/Layout	1	L.S. \$505.73	\$505.73
3	Earthwork	1	L.S. \$3,061.30	\$3,061.30
4	Finish Grading	1	L.S. \$6,061.37	\$6,061.37
		1	L.S. \$4,738.89	\$4,738.89
PARKING EXPANSION				
5	Demolition/Site Prep	1	L.S. \$3,600.09	\$3,600.09
6	Curb and Gutter (All Types)	180	LF \$36.74	\$6,612.41
7	HMA Commercial Grade (Class A)(6")	185	SY \$98.51	\$18,224.84
8	Concrete Pavement (AE)(6")	55	SY \$77.70	\$4,273.27
9	Crushed Aggregate Base (4")	301	SY \$9.12	\$2,745.92
10	Concrete Sidewalk (4")	68	SY \$45.74	\$3,110.04
11	Sidewalk Ramp	7	SY \$56.76	\$397.30
12	Concrete Parking Bumpers	2	EA \$195.92	\$391.85
13	Pavement Markings	1	L.S. \$1,163.29	\$1,163.29
14	Sign (ADA Parking)	2	EA \$428.58	\$857.16
15	Aggregate Ditch Lining (6")	1.7	SY \$244.90	\$416.34
PLAY AREA RENOVATION				
16	5-12 Play Structure	1	EA \$158,422.28	\$158,422.28
17	2-5 Play Structure	1	EA \$30,721.98	\$30,721.98
18	Multi-User Spinner	1	EA \$6,085.86	\$6,085.86
19	Multi-User Swing	1	EA \$8,667.15	\$8,667.15
20	Spinner Seat	1	EA \$3,740.91	\$3,740.91
21	Spring Bouncers	2	EA \$917.17	\$1,834.33
22	Toddler/Bucket Swings (2 seats)	1	pair \$3,876.83	\$3,876.83
23	Belt Swings (4-seats)	2	pair \$2,935.17	\$5,870.35
24	Play surface underdrains - 4" HDPE in gravel trench	277	LF \$6.04	\$1,672.22
25	Play surface underdrains - 6" HDPE (including gravel sump)	26	LF \$16.71	\$434.58
26	Wood Fiber Surfacing (9" compacted depth over 3" (3/4") clean gravel)	6,142	SF \$2.49	\$15,267.63
27	Bonded, Shredded Rubber Surfacing	480	SF \$22.04	\$10,579.85
28	Concrete Base for Rubber Surfacing	472	SF \$6.31	\$2,976.56
29	Concrete Walks (4")	282	SY \$59.41	\$16,754.67
30	Crushed Aggregate Base (4")	282	SY \$9.12	\$2,572.59
31	Concrete Play Area Curb	99	LF \$35.00	\$3,464.68
32	Fence (4' ht, black-vinyl chain link)	240	LF \$28.03	\$6,727.02
TOTAL BASE BID				\$335,829.30

Replaces items 16-23 in base bid.


ALTERNATE ITEMS						
OPTION A - RECOMMENDED						
33	5-12 Play Structure	1	EA	\$127,129.67		\$127,129.67
34	2-5 Play Structure	1	EA	\$27,514.96		\$27,514.96
35	Multi-User Spinner	1	EA	\$18,857.61		\$18,857.61
36	Multi-User Swing	1	EA	\$9,581.87		\$9,581.87
37	Spinner Seat	1	EA	\$1,388.61		\$1,388.61
38	Spring Bouncers	2	EA	\$949.00		\$1,898.01
39	Toddler/Bucket Swings (2 seats)	1	pair	\$6,647.92		\$6,647.92
40	Belt Swings (4-seats)	2	pair	\$2,289.24		\$4,578.48
OPTION B						
41	5-12 Play Structure	1	EA		TOTAL BID OPT. A	\$ 314,233.23
42	2-5 Play Structure	1	EA	\$120,720.53		\$120,720.53
43	Multi-User Spinner	1	EA	\$32,327.33		\$32,327.33
44	Multi-User Swing	1	EA	\$15,544.06		\$15,544.06
45	Spinner Seat	1	EA	\$10,592.10		\$10,592.10
46	Spring Bouncers	1	EA	\$907.37		\$907.37
47	Toddler/Bucket Swings (2 seats)	2	EA	\$1,138.19		\$2,276.38
48	Belt Swings (4-seats)	1	pair	\$2,079.23		\$2,079.23
		2	pair	\$2,704.35		\$5,408.70

OPTION B PLAY STRUCTURE DOES NOT MEET ADA REQUIREMENTS

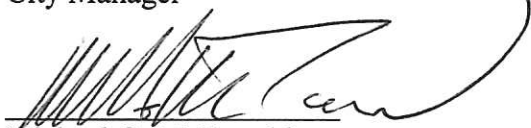
Policy Report No. 20-02 WPC
Bid Approval – Water Pollution Control Division Chemicals
Bid No. #62WW-2020-01
January 14, 2020

Prepared by: 

 Tim Guardado
 WPC Superintendent

Reviewed by: 

 Paul Kramer
 City Manager



 Michael G. McDonald
 Public Works Director

Issue:

Consider approval of bids for the purchase of chemicals used in the operation and maintenance of the Wastewater Treatment Plant.

Background:

These chemicals are used for a variety of processes in the treatment of wastewater. A summary of the uses is shown below.

- Hydrogen Peroxide is injected into the raw sludge line before the belt press to control the release of hydrogen sulfide gas in the pressroom.
- Sodium Hypochlorite and Sodium Hydroxide are used in the wet air scrubber to control odors from the dewatering operation.
- Ferrous chloride is added to the influent to control odors from the plant processes.
- Polymer is a coagulating agent used in the sludge dewatering process.

Staff Recommendation:

Staff recommends approval by the City Commission of the low bids that meet the specifications for the following chemicals as shown not to exceed \$55,000.00.

Chemical	Price Paid 2019	Cost for 2020	Vendors for 2020
Ferrous Chloride	\$0.92/lb. Fe	\$0.99/lb. Fe	OFS Inc
Hydrogen Peroxide	\$0.325/lb.	\$0.315/lb	Brenntag Mid-South
Sodium Hypochlorite	\$2.25/gal	\$2.00/gal	Brenntag Mid-South
Sodium Hydroxide	\$0.244/lb.	\$0.25/lb	Brenntag Mid-South
Polymer	\$1.489/lb.	\$1.87/lb.	Atlantic Coast Polymers

Options/Alternatives: The City Commission can accept any or all of the low bids as recommended by the City Staff, or can ask the Staff to re-bid any or all of these.

Attachment:

Bidder Spreadsheet, Chemical bid specification and Chemical used for 2019.

**City of Leavenworth
Bid Tabulation**

Project or Purchase: Chemical Bid 62WW-2020-01
Bid Opening Date: January 3, 2020
Bid Opening Time: 10:30 AM

Bidder	Address (City/State)	Sodium Hypochlorite	Sodium Hydroxide	Hydrogen Peroxide	Ferrous Chloride	Polymer
Brenntag mid South	Kansas City, Mo	\$110/ Per Drum \$440	\$141/ Per Drum \$282	\$161.60/ Per Drum \$3,716.80		
OFS Inc	Oklahoma City, Ok				\$0.99lb/ \$26,730.00	
Atlantic Coast Polymers	Austin, TX					ACP-305 \$1.87 lb \$20,570.00
PVS Technologies	Detroit, MI				\$1.47lb/ \$39,690.00	
Nalco Company	Naperville, Il					Acrylamide Nalco 9909- \$3.30lb/ \$36,300
Pencco	San Felipe, Texas	Non Responsive	Non Responsive	Non Responsive	Non Responsive	Non Responsive
Sterling Water Technologies	Columbia, TN	Non Responsive	Non Responsive	Non Responsive	Non Responsive	Non Responsive

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



CITY OF LEAVENWORTH KANSAS
WATER POLLUTION CONTROL DIVISION
CHEMICAL BID
SPECIFICATIONS
BID #62WW-2020-01

The following is a list of chemicals the Water Pollution Control Plant will need for 2020 operations:

<u>Name</u>	<u>Strength</u>	<u>Approximate Usage</u>
Sodium Hypochlorite	12.5%	(4) 55 gallon drums
Sodium Hydroxide	25%	(2) 55 gallon drums
Hydrogen Peroxide	32%	(23) 55 gallon drums

Ferrous chloride, delivery in bulk, to be bid and billed based on pricing per pound of iron in each delivery, solutions not less than 20% total FeCl_2 . Approximate usage 27,000 lbs.

Polymer, Acrylamide and Adipic acid or Percol 789, granular in 55 pound bags, approximate usage 11,000 pounds.

All prices are to include delivery to the Leavenworth Wastewater Treatment Plant. Drum deposits to be indicated.

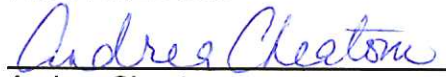
These products will be ordered as required.

Chemicals used 2019

- Ferrous Chloride
 - 23,835 lbs.
- Sodium Hypochlorite
 - 8 - 55 gallon drums
 - Odor Scrubber serviced bleach use should return to four.
- Sodium Hydroxide
 - 2 - 55 gallon drums
- Hydrogen Peroxide
 - 19 – 55 gallon drums

**POLICY REPORT
ACCEPT LOW BID FOR PLANTERS II PLUMBING RISER
REPLACEMENT PROJECT
JANUARY 14, 2020**


PREPARED BY:


Andrea Cheatom
Housing Manager
Leavenworth Housing Authority

REVIEWED BY:


Julie Hurley
Executive Director
Director of Planning &
Community Development

APPROVED BY:


Paul Kramer
City Manager

ISSUE:

Review and award of bid for the Plumbing Riser Replacement Project at Planters II.

The waste lines at Planters II are compacted with 46 years of buildup, allowing only approximately 10%, or less, of capacity to be used. The buildup is causing excessive drain clogs and leaks, which are becoming increasingly difficult to fix due to the pipe walls becoming brittle and eroded. The pipe walls are so brittle that, when trying to fix a leak or unclog a drain, the pipe will disintegrate, requiring extensive repairs. Vent pipes are cracking causing a sewer smell in the apartments and throughout the building.

Due to the entire waste stack cracking previously, the 4" pipe (only) was replaced with PCV in the 02 stack (2013) and 08 stack (2012).

In consulting with D'Agostino Mechanical Contractors, Inc. and S&S Plumbing, the life expectancy of cast iron pipes is approximately 30 years. The cast iron pipes in Planters II are 46 years old.

Replacing the cast iron pipes with PVC will not only fix the problem, but the life expectancy for PVC is currently indefinite, eliminating the need to repeat this project in the future.

The Leavenworth Housing Authority worked with Alan Lankford of Lankford Fendler & Associates for Engineering services, and Ron Auxier of Ellison-Auxier Architects, Inc. for Architect services to prepare the specifications and drawings for this project.

REVIEW OF PROPOSALS:

Bids were opened at the Leavenworth Housing Authority office on December 17, 2019 at 10:00 a.m.:

1. BKM Construction	\$731,034.50
2. Emcor	\$790,880
3. Kansas City Mechanical	\$532,434
4. Lawhon Construction Company	Incomplete bid
5. Infinity Group LLC	Incomplete bid

All bidders supplied the required bid bond. Lawhon Construction Company and Infinity Group LLC did not have all the appropriate bid documents.

Kansas City Mechanical has worked with the City of Leavenworth on previous projects without any noted performance issues.

STAFF RECOMMENDATION:

Staff recommends that the bid of \$532,434 be awarded to Kansas City Mechanical.

BUDGET IMPACT:

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

COMMISSION ACTION:

Acting as the Leavenworth Housing Authority Board, authorize the low bid for the Plumbing Riser Replacement Project at Planters II of \$532,434 to Kansas City Mechanical.

Leavenworth Planters II Plumbing Riser Replacement Opinion of Probable Construction Costs

item	budget cost
General	
DEMO	\$ 1,110.00
FRAMING/GYPSUM	\$ 820.00
PAINTING	\$ 740.00
Plumbing	
DEMO	\$ 1,160.00
PIPING w/FIRESTOPPING	\$ 1,840.00
Mechanical	
DEMO and REINSTALL	\$ 100.00
Electrical	
DEMO and REINSTALL	\$ 250.00
total per Unit	<u>\$ 6,020.00</u>
total units	105
subtotal	<u>\$ 632,100.00</u>
10% OH	<u>\$ 63,210.00</u>
subtotal	<u>\$ 695,310.00</u>
10% PROFIT	<u>\$ 69,531.00</u>
subtotal	<u>\$ 764,841.00</u>
	TOTAL \$ 764,841.00
5% contingency	<u>\$ 38,242.05</u>
TOTAL	\$ 803,083.05















**POLICY REPORT
APPROVE SOLE SOURCE REQUEST
HOTEL ACCOMMODATIONS FOR PLANTERS II TENANTS
DURING RENOVATIONS**

JANUARY 14, 2020

PREPARED BY:



Andrea Cheatom
Housing Manager
Leavenworth Housing Authority

REVIEWED BY:



Julie Hurley
Executive Director
Director of Planning &
Community Development

APPROVED BY:



Paul Kramer
City Manager

ISSUE:

Consider sole source contract with Home2 Suites by Hilton to provide accommodations for hotel lodging for Planters II tenants during renovations.

BACKGROUND:

The Leavenworth Housing Authority is requesting a sole source contract to accommodate tenants displaced during the Plumbing Riser Replacement Project. There will be 6 phases to this project displacing Seventeen to Eighteen tenants for approximately 30 days during each phase. The tenants will be able to access their apartments daily. Home2 Suites is across the street from Planters II offering tenants easy access to their apartments, as most of our tenants do not drive.

The proposal from Home2 Suites by Hilton was received by Andrea Cheatom, Housing Manager, at the Leavenworth Housing Authority for an estimated total cost of \$329,430.00.

Home2 Suites by Hilton offered the Leavenworth Housing Authority a discounted weekly rate of \$104 per night per guest and \$150 per stay pet fee. The current normal weekly rate ranges from \$124 to \$131. This amount will increase to \$129 to \$149 for the spring and summer peak season months. The normal pet fee is \$150 per day.

STAFF RECOMMENDATION:

Staff recommends approval of the sole request contract with Home2 Suites by Hilton in the amount not to exceed \$329,430.00.

BUDGET IMPACT:

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

COMMISSION ACTION:

Acting as the Leavenworth Housing Authority Board approve the sole source contract with Home2 Suites for temporary housing of Planters II tenants in the amount not to exceed \$329,430.00.

ATTACHMENT:

Home2 Suites by Hilton total cost letter



January 7, 2020

Ms. Andrea Cheatom
City of Leavenworth
200 Shawnee Street
Leavenworth KS 66048

Re: Planters Construction

We are pleased to be the host hotel for your guests during the Planter's construction project.

Please find the cost listed below:

100 studio king suites @\$104 per room, per night x 30 days - \$324,480

33 guests with pets @\$150 deep cleaning fee 4,950

Total costs **\$329,430**

Sincerely,

Denise Souza

Denise Souza
Director of Sales
(913) 651-8600 ext. 2

250 Delaware Street, Leavenworth, KS 66048

(913) 651-8600

SOLE SOURCE REQUEST

Requesting Department: Housing Accounting: 606020-6302

Description of goods or services requested as a sole source: Hotel rooms for tenants displaced during our Plumbing Riser Replacement Project

Vendor: Home 2 Suites by Hilton Telephone: 913-651-8600

Vendor Address: 250 Delaware, Leavenworth, KS 66048

Estimated Cost: \$ 329,430

Alternate goods/services and vendors that are available to fulfill the required departmental use (if answer is NONE, a full explanation is required on the factors that led to that conclusion: This request is to accommodate our displaced tenants during the pipe project. This hotel is across the street from Planters II offering our elderly and disabled tenants easy access to their apartments as most of our tenants do not drive.

Explanation of why the estimated cost noted above is fair and reasonable: _____

Requested By: _____

Approved By: 

Department Director or Division Superintendent

Finance Director or City Manager

Date: _____

Date: 1-9-20