



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JANUARY 28, 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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from January 14, 2020 Regular Meeting **Action: Motion (pg. 2)**

NEW BUSINESS:

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

General Items:

2. Review Unsafe & Dangerous Structure 795 Spruce **Action: Motion (pg. 6)**
3. Update on Fire Damage Structure 228-230 Ottawa Street **Action: Motion (pg. 11)**
4. Request by USD 453 to Waive Permit Fees for Earl Lawson Elementary Renovations **Action: Motion (pg. 13)**
5. Mayor's Appointment to Sister City Advisory Board **Action: Motion (pg. 18)**

Resolutions:

6. Resolution B-2241 to Set Public Hearing for Fire Damaged Structure 1109 Spruce **Action: Motion (pg. 19)**

Bids, Contracts, and Agreements:

7. Consider Purchase of 4-Ton KM Hotbox **Action: Motion (pg. 24)**
8. Consider Revised Leavenworth County on Port Authority Agreement **Action: Motion (pg. 29)**

First Consideration Ordinance:

9. First Consideration Ordinance for Special Use Permit 869 Sherman **Action: Consensus(pg. 40)**

Consent Agenda:

Claims for January 10, 2020 through January 24, 2020, in the amount of \$1,646,837.26; Net amount for Payroll #2 effective January 17, 2020, in the amount of \$348,481.17; (Includes Police & Fire Pension of \$11,572.36)

Action: Motion

Other:

Adjournment

Action: Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present: Mayor Myron J. (Mike) Griswold, Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard, Mark Preisinger and Jermaine Wilson.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Parks and Recreation Director Steve Grant, Parks Superintendent Brian Bailey, Finance Director Ruby Maline, Planning and Community Development Director Julie Hurley, Housing Manager Leavenworth Housing Authority Andrea Cheatom, Public Information Officer Melissa Bower, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Griswold called the meeting to order and opened the meeting with the pledge of allegiance followed by silent meditation.

PRESENTATION:

Mayor's Award presented to Jack Walker for exceptional contributions to the City of Leavenworth through connecting the City to Fort Leavenworth and the greater Army community for more than three decades.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to approve the minutes from the December 10, 2019 regular meeting and December 17, 2019 special meeting as presented. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8120 Rezoning 1001 N 7th Street to General Business District – The Ordinance was presented for second consideration. The ordinance was placed on first consideration at the December 17, 2019 special meeting and there have been no changes.

Mayor Griswold called the roll and Ordinance 8120 passed unanimously 5-0.

Second Consideration Ordinance 8121 Allowing for a Special Use Permit at 729 Pennsylvania Street – The Ordinance was presented for second consideration. The ordinance was placed on first consideration at the December 17, 2019 special meeting and there have been no changes.

Mayor Griswold called the roll and Ordinance 8121 passed unanimously 5-0.

NEW BUSINESS:

Public Comment: none

General Items:

Consider Request for Waiver for Transient Merchant Permit for Military Collectors Show at Riverfront Community Center (RFCC) – City Clerk Carla Williamson presented for consideration an application for a waiver requested by Edward Trevor Brown for the use of the Riverfront Community Center on February 22, 2020 for a Military Collectors Show. The show has been held at the RFCC for several years. City Code prohibits Transient Merchant permits on city property but does allow the Commission to grant waivers. All fees for use of the facility and permits would still apply.

Commissioner Leonhard moved to grant the waiver as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Mayor’s Appointments:

Mayor Griswold moved to appoint the following:

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

Grow 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

Commissioner Preisinger 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 Renovation – City Manager Paul Kramer provided an overview of the project and reviewed the bids obtained for the project and recommend approval of the bid from BKM Construction in the amount of \$314,233.23. All bids came in over the project estimate however; staff worked with BKM Construction to value engineer the project without reducing the overall size and scope and has identified other funding sources that could be available to offset the overage. The Commission could also decide to reject all bids. Mr. Kramer announced that Bill Geiger of Geiger Ready-Mix has offered to donate 75 cubic yards of concrete required for the project. Parks and Recreation Director Steve Grant and Parks Superintendent Brian Bailey discussed the specifics of the design and project. Bids were opened on December 20, 2019 and were as follows:

Bidder	Location	Bid Amount
BKM Construction LLC	Leavenworth KS	\$314,233.23
Four J Environmental LLC	Smithville MO	\$353,755.69
Julius Kaaz Construction Co Inc	Leavenworth KS	\$356,864.00
Meg 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 Construction Inc	Lansing KS	Bid Incomplete
Engineer Estimate:		\$269,572.50

Commissioner Bauder moved to accept the bid from BKM Construction in the amount not to exceed \$314,233.23. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bids for Water Pollution Control (WPC) Chemical Bids - Public Works Director Mike McDonald presented for consideration the bids for the WPC Chemicals. Staff recommends approval of the low bids not to exceed \$55,000.00 in total to the following vendors:

Chemical	Cost	Vendor
Ferrous Chloride	\$0.99/lb. Fe	OFS Inc
Hydrogen Peroxide	\$0.315/lb.	Brenntag Mid-South
Sodium Hypochlorite	\$0.186/lb.	Brenntag Mid-South
Sodium Hydroxide	\$0.25/lb.	Brenntag Mid-South
Polymer	\$1.87/lb.	Atlantic Coast Polymers

Commissioner Preisinger moved to approve the low bids for chemicals as presented not to exceed \$55,000.00. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Low Bids for Planters II Plumbing Riser Replacement Project - Planning and Community Development Director Julie Hurley, Housing Manager Leavenworth Housing Authority Andrea Cheatom presented for consideration the bids for the Planters II Plumbing Riser Replacement Project. Staff recommends approval of the low bid from Kansas City Mechanical in the amount of \$532,434.00. Bids were opened on December 17, 2019 and were as follows:

Bidder	Amount
BKM Construction	\$731,034.50
Emcor	\$790,880.00
Kansas City Mechanical	\$532,434.00
Lawhon Construction Company	Incomplete bid
Infinity Group LLC	Incomplete bid

Acting as the Leavenworth Housing Authority: Commissioner Preisinger moved to approve the low bids for the Plumbing Riser Replacement Project at Planters II in the amount of \$532,434.00 with Kanas City Mechanical. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Sole Source Contract for Hotel Accommodations for Planters II Tenants - Planning and Community Development Director Julie Hurley, Housing Manager Leavenworth Housing Authority Andrea Cheatom presented for consideration a Sole Source Contract with Home 2 Suites by Hilton to provide accommodations for hotel lodging for Planters II tenants during the upcoming repairs to the plumbing risers. The hotel is directly across the street from Planters II and many tenants do not drive. This will allow easy access to their apartments.

Acting as the Leavenworth Housing Authority: Commissioner Leonhard moved to approve the sole source contract with Home 2 Suites for temporary housing of Planters II tenants in the amount not to exceed \$329,430.00. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Leonhard moved to approve 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). Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Commissioner Wilson

- Asked that all remember Martin Luther King day on Monday January 20, 2020

Mayor Griswold:

- Happy about the Alzheimer center that will be opening in Leavenworth as a result of the approval of the special use permit

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

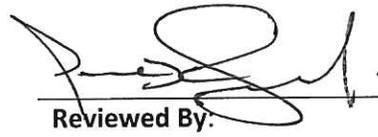
POLICY REPORT

**Review Unsafe and Dangerous Structures
795 Spruce**

JANUARY 28, 2020



Prepared By:
Julie Hurley,
Director of Planning and Community
Development



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

On May 14, 2019, the City Commission adopted Resolution B-2220 regarding demolition of 20 structures. At that time, the Commission voted to grant an extension to the owners of 11 properties to allow for completion of the needed work. One additional property, 795 Spruce, was later granted an extension to August 13th, 2019 after action was filed in district court by the property owner to halt the demolition.

The owner signed a remediation agreement stipulating repairs to be made and a repayment plan for costs already incurred by the City in the amount of \$2,325. As of this date, all requirements of the remediation agreement, including repayment of costs incurred, have been met.

As all requirements have been met, the City's legal counsel will recommend to the court that the pending case be dismissed.

RECOMMENDED ACTION

- Motion to remove 795 Spruce from demolition list.



PROPERTY REMEDIATION AGREEMENT

Owner: Victory Temple Family Worship
 Site Address: 795 Spruce
Leavenworth, KS 66048

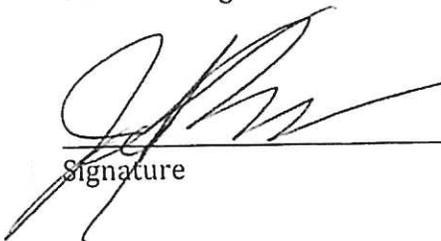
The owner(s) of the property located at 795 Spruce St recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, meet the repair deadlines listed below, and agree that the City can enter the property with 24-hours' notice to complete any task below for which the City would need such access. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	August 13, 2019	Siding - Replace all rotten siding and walls.
2)	August 13, 2019	Windows & doors - Replace all windows, windows can't have plywood over them.
3)	August 13, 2019	Paint - paint exterior structure.
4)	August 13, 2019	Obtain and pay for all building permits necessary to perform required repairs prior to any additional work being performed.
5)	August 13, 2019	Allow city staff entry to the property to perform sewer dye test to ensure habitability.
6)	Repayment Plan	Reimburse the city for costs incurred in the demolition process in the amount of \$2,325. Payment #1 in the amount of \$465 due by August 13, 2019 Payment #2 in the amount of \$465 due by Sept. 13, 2019 Payment #3 in the amount of \$465 due by Oct. 13, 2019 Payment #4 in the amount of \$465 due by Nov. 13, 2019 Payment #5 in the amount of \$465 due by Dec. 13, 2019

		Payments are to be made payable to The City of Leavenworth and delivered to the City Clerk's office at 100 N. 5 th Street no later than 5:00pm on the date the payment is due. If the stated due date falls on a weekend, payment shall be made no later than 5:00pm on the following business day.
--	--	--

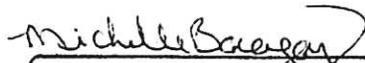
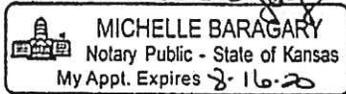
Until such time as Task 5 is completed and sewer functionality is verified by City staff, the property is deemed uninhabitable and shall not be occupied.

I (Print the Owner's Name) Jed Knighten agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.


Signature

7-15-19
Date

Notary Area

DEMOLITION INVOICE

PARCEL NUMBER: 0520773504005003000

LEGAL DESCRIPTION: The South half of Lots 15 and 16, Block 53, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas

PROPERTY ADDRESS: 795 Spruce

OWNER(S) OF PROPERTY: Victory Temple Family Worship Center Inc.

ADDRESS OF OWNER(S): 795 Spruce, Leavenworth, KS 66048

DATE OF EXPENSE	TYPE OF SERVICE PERFORMED	COST
2/21/2019	Certificate of Title	125.00
6/4/2019	Water Disconnect	500.00
5/23/2019	Gas Disconnect	0.00
5/17/2019	Electric Disconnect	0.00
Incomplete	Sewer Disconnect cost incurred	450.00
6/12/2019	Asbestos Inspection	200.00
Incomplete	Demolition- costs incurred to date	900.00

SUBTOTAL: \$2,175.00

ADMINISTRATIVE FEE 100.00

DEMOLITION PERMIT FEE 50.00

\$2,325.00

COMMENTS/REMARKS:

To City Clerk:

MADGET DEMOLITION INC.

2425 S. 6th Street
St. Joseph, MO 64501
(816)232-6210
FAX (816)232-8573
madgetdemolition@att.net

July 10, 2019

CITY OF LEAVENWORTH

Attn: Mary Dwyer
100 N. 5th Street
Leavenworth, KS 66048

In Re: 795 Spruce Demolition/Removal CD 2019-03

INVOICE

DATE	DESCRIPTION	COST
July 2019	Per Mary Dwyer with City of Leavenworth JOB CONTRACT CANCELLED. Costs incurred to date.....	\$900.00
	BALANCE DUE.....	\$900.00

Please remit to: MADGET DEMOLITION INC.

THANK YOU!

Payment due within 30 days

NOTICE TO OWNER

Failure of this contractor to pay those persons supplying material or services to complete this contract can result in the filing of a mechanics lien on the property which is the subject of this contract pursuant to Chapter 429, RSMO. To avoid this result you may ask this contractor for "lien waivers" from all persons supplying material or services for the work described in this contract. Failure to secure lien waivers may result in your paying for labor and material twice.

POLICY REPORT PWD NO. 20-07

UPDATE ON UNSAFE STRUCTURE
228-230 OTTAWA STREET

January 28, 2020

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Update status of the unsafe structure located at 228-230 Ottawa Street.

BACKGROUND:

This two-family structure was damaged by fire on June 25, 2019. The City received a check from insurance proceeds for \$11,250. A Public Hearing was held on October 22, 2019 regarding the status of repairs. The Commission adopted Resolution No. B-2238, which stated that the owner was to begin repairs and the City Commission would review the status of the project in 90 days.

A building permit had been issued before the Public Hearing to the owner, Mr. James L. Patterson, on July 22, 2019. Progress has been made, and the first floor is near completion, but there is additional work that needs to be completed on the second floor. The repairs to the exterior of the structure have been completed.

On other fire-damaged projects in recent years where the City received insurance proceeds, staff has released the funds when repairs had been completed to the point that the structure was watertight on the exterior, and the interior was ready for sheetrock to be installed.

Significant progress has occurred on this specific structure and it is nearly ready for sheetrock.

RECOMMENDATION:

Staff recommends that the City Commission allow up to another 90 days for repairs to be made to 228-230 Ottawa Street.

ATTACHMENT:

Pictures of property



228-230 Ottawa Street
Leavenworth, KS

POLICY REPORT PWD NO. 20-04

CONSIDER REQUEST BY USD 453
TO WAIVE PERMIT FEES FOR
EARL LAWSON ELEMENTARY RENOVATION PROJECT

City Project No. 2019-915
January 28, 2020

Prepared by:

Reviewed by:



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



Paul Kramer,
City Manager

ISSUE:

USD 453 is requesting that the City of Leavenworth waive permit fees for the upcoming Earl Lawson Elementary renovation project.

BACKGROUND:

USD 453 is in the process of constructing the Earl Lawson Elementary renovation project. The valuation of construction for this project is estimated at \$7,896,000. The project is expected to begin in 2020.

They have requested that the permit fees be waived for this project. The building permit fee would be \$21,223, and the estimated fees for the electrical, mechanical and plumbing permits would be \$2,000.

The City sends plans out for review by a plan review service. There will be a Plan Review Fee paid by the City for this project. Based on the estimated cost of the project, the plan review fee collected by the City will be \$13,794.95. The City has not waived this fee on previous USD projects.

City policy is that any waiver of permit fees must be approved by the City Commission. Building permit fees for various organizations have been waived in the past. These projects were associated with local government, education, and non-profit organizations.

The attached memorandum dated January 17, 2020, from Hal Burdette, Chief Building Inspector, provides a list of projects that the permit fees have been waived since 2010.

It will still be necessary that the permits be obtained and all other inspection requirements be met if the fees are waived.

RECOMMENDATION:

Staff recommends that the City Commission waive building permit fees associated with the Earl Lawson Elementary renovation project.

ATTACHMENT:

Letter from USD 453
Building Permit Fees Waived Memo

RECEIVED JAN 13 2020

January 10, 2020

Mr. Paul Kramer,

The Leavenworth Public School District will be renovating Earl Lawson Elementary beginning this summer 2020. As part of the construction process, the City's Inspections Department has begun the plan review process using a third party as well as reviewing in-house. We have received the cost for the third party plan review and will issue payment to the City for \$13,794.95.

Based on the architectural estimate, the Inspection office has estimated the associated onsite inspection fees to be \$21,223.

The City has been generous in the past in waiving our onsite inspection fees related to large construction projects and we would again ask for the exemption for all of the fees for this construction cycle generated from your Inspection office.

Respectfully,



Matt Dedeke
Director of Facilities



MEMORANDUM

Public Works Department

TO: Mike McDonald, Director of Public Works
FROM: Hal Burdette, Chief Building Inspector 
SUBJECT: Waiver of Permit Fees for USD 453
DATE: January 17, 2020

A request has been made to waive the permit fees for the renovation of the Earl Lawson Elementary School for USD 453. The project valuation of \$7,896,000.00 was provided by USD 453 staff, and the associated building permit fee would be \$21,223.00.

I estimate that the electrical, mechanical and plumbing permit fees would be approximately \$2,000.00.

I have updated and attached a list of building permit fees that have been waived in recent years.

Building Permit Fees Waived

2019 Government

City of Leavenworth	\$ 7,430.00
<u>Education</u>	
U.S.D 453	\$ 10,954.00
Total	<u>\$ 14,357.00</u>

2018 Government

City of Leavenworth	\$ 284.00
<u>Education</u>	
U.S.D 453	\$ 32,327.00
Total	<u>\$ 32,611.00</u>

2017 Government

City of Leavenworth	\$ 102.00
Leavenworth County	\$ 5,701.00
<u>Non-Profit Organizations</u>	
Leavenworth Interfaith Community of Hope	\$ 4,327.00
Total	<u>\$ 10,130.00</u>

2016 Government

City of Leavenworth	\$ 487.00
<u>Education</u>	
U.S.D 453	\$ 1,097.00
<u>Other</u>	
Home 2 Suites	\$ 11,827.00
Total	<u>\$ 13,411.00</u>

2015 Government

City of Leavenworth	\$ 727.00
<u>Other</u>	
University of St. Mary's-Sports Complex (\$4000 Collected)	\$ 13,000.00
Ben Day Lofts (\$2000 Collected)	\$ 4,327.00
Total	<u>\$ 18,054.00</u>

2014 Government

City Of Leavenworth	\$ 968.00
<u>Education</u>	
<u>U.S.D 453</u>	\$ 2,577.00
Total	<u>\$ 3,545.00</u>

2013 Government

City of Leavenworth \$ 2,260.00
Leavenworth County \$ 15.00

Other

Stove Factory Lofts \$ 60,606.00
Fairfield inn & Suites (\$8000 Collected) \$ 11,127.00
Sisters of Charity - Ross Hall (\$5000 Collect) \$ 20,430.00

Total \$ 94,438.00

2012 Government

City of Leavenworth \$ 1,494.00
Leavenworth County \$ 15.00

Education

U.S.D. 453 \$ 80.00

Total \$ 1,589.00

2011 Non-Profut Organizations

Heritage Center \$ 267.00

Government

City of Leavenworth \$ 3,331.00

Eduction

Xavier School \$ 2,147.00

Total \$ 5,745.00

2010 Non-Profit Organiztions

Habitat for Humanity \$ 923.75

Government

City of Leavenworth \$ 11,968.00

Leavenworth County \$ 7,943.25

Education

U.S.D. 453 \$ 52,127.25

Total \$ 72,962.25

CITY OF LEAVENWORTH

TO: CITY COMMISSIONERS
FROM: MYRON, J. (MIKE) GRISWOLD, MAYOR
SUBJECT: CITY APPOINTMENT
DATE: JANUARY 28, 2020

I move to recommend the following appointments:

Sister City Advisory Board:

- Appoint Alisa J. Mahone Murphy to an unexpired term ending December 31, 2021

**POLICY REPORT PWD NO. 20-06
RESOLUTION SETTING HEARING DATE FOR UNSAFE STRUCTURE
1109 SPRUCE STREET**

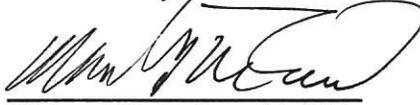
January 28, 2020

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider a resolution setting March 24, 2020 as the date of a public hearing regarding a property containing an unsafe or dangerous structure in the City of Leavenworth.

BACKGROUND:

This structure was damaged by fire on October 25, 2019. The fire damage was contained to the interior of the structure except for attic ventilation that was performed by the fire department and one broken window by the occupant. No repair work has begun at this time.

When structures are damaged by fire or other causes and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or be returned to the property owner once repairs are completed and the structure is ready for occupancy. The City has received money in regards to this property.

The Chief Building Inspector recommends that proceedings under the provisions of K.S.A. 12-1750, et seq. should be commenced. Approval of this resolution setting the date of the public hearing is the first step in the process. This action will ensure that the City retains control over the proceeds from the fire insurance to assist with efforts to maintain the site.

Pursuant to the provisions of K.S.A. 12-1750, et seq., a public hearing is required to determine if the structure should be demolished or if the owners will commit to making improvements within a time frame acceptable to the City Commission. To establish the hearing date and to begin the legal service of notice process, the City Commission has to establish the hearing date by which assignees and owners must be notified. The legal rights are vested in the hearing and the City Commission should refrain from taking any testimony at this time in order to protect their legal rights in the process.

At the public hearing, the Commission will receive testimony for and against ordering the demolition of the structure. At the conclusion of the March 24, 2020 public hearing, the City Commission findings will be adopted by resolution.

RECOMMENDATION: Motion to adopt Resolution No. B-2241 setting March 24, 2020 as the date for the public hearing regarding the unsafe structure located at 1109 Spruce Street.

ATTACHMENTS:

Resolution No. B-2241

Photos of Exterior of 1109 Spruce

(To Be Published in the Leavenworth Times on February 4, 2020 and February 11, 2020)

RESOLUTION B-2241

A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING AT WHICH TIME AND PLACE THE OWNER, HIS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE FIRE DAMAGED STRUCTURE HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, pursuant to K.S.A 12-1750 et seq., as amended, the enforcing officer of the City of Leavenworth, Kansas, did on the 28th day of January 2020, file with the governing body of said city a statement in writing that the structure hereinafter described is dangerous and hazardous and should be ordered by the governing body to be demolished or repaired; and

WHEREAS, on October 25, 2019 the hereinafter described structure was damaged by fire; and

WHEREAS, the City of Leavenworth is acting under Ordinance No. 8000, passed and approved by the Governing Body on July 12, 2016.

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

Section 1. That a Public Hearing shall be held on the 24th day of March 2020, before the Governing Body of the City of Leavenworth, Kansas, at 7:00 p.m. at the City Commission Room, 100 N 5th Street, Leavenworth, Kansas, at which time the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structure should or should not be condemned as a dangerous or hazardous structure and ordered repaired or demolished.

Section 2. The structure is described as: A single-family structure located at **1109 Spruce Street**. The property is legally described as: Lots five (5), Six (6), Seven (7) and Eight (8), Block Two (2) in STILLING'S SUBDIVISION, of the City of Leavenworth, Leavenworth County, Kansas. Parcel 052-077-35-0-30-02-003.00-0.

Section 3. The City Clerk and/or Chief Building Inspector are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address and shall be marked "deliver to addressee only."

- b. This resolution shall be published for two consecutive weeks; once on February 4, 2020 and once on February 11, 2020.

Section 4. This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas this 28th day of January 2020.

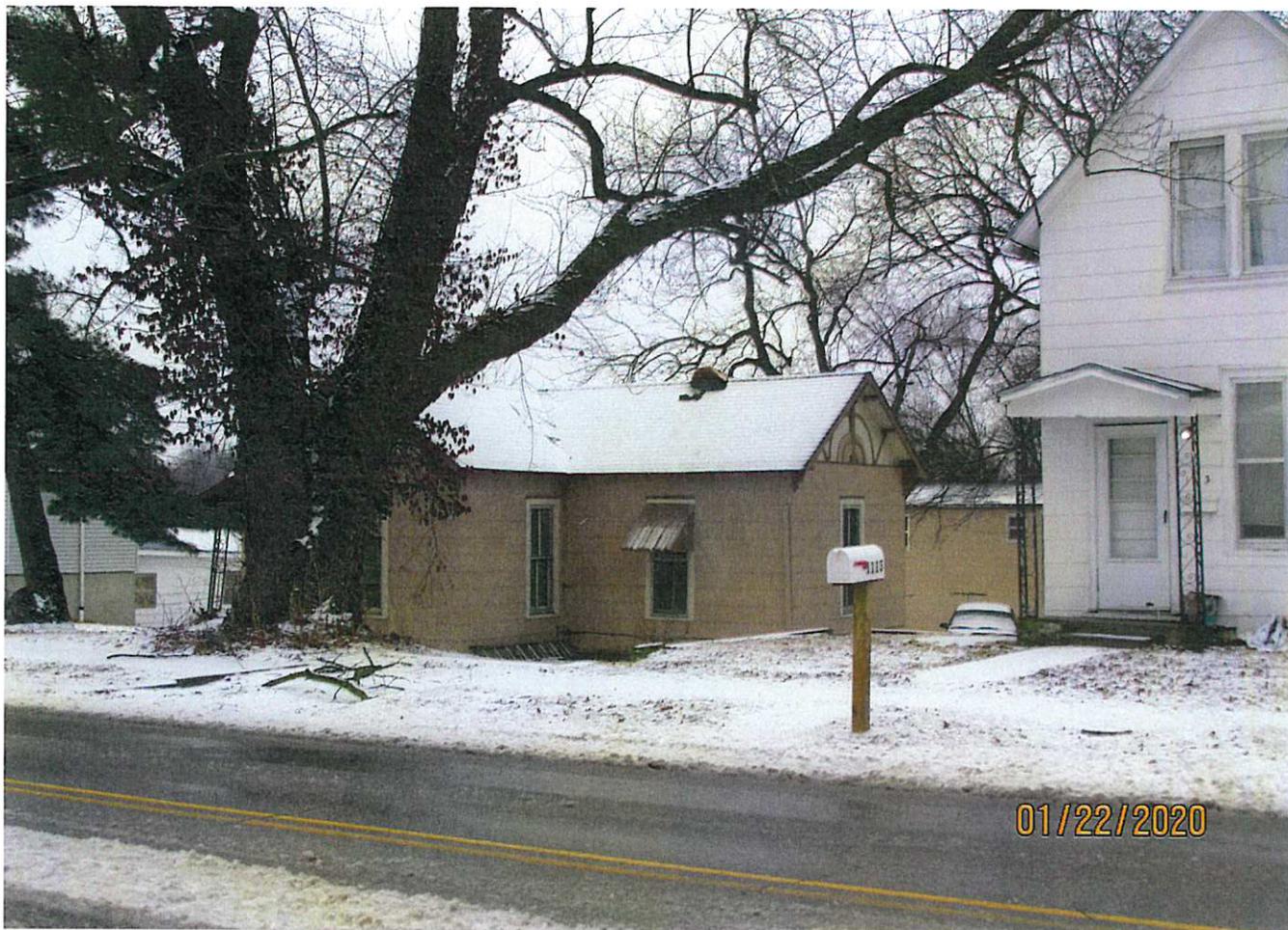
Myron J. (Mike) Griswold, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk





**POLICY REPORT PWD NO. 20-05
CONSIDER PURCHASE OF 4-TON KM HOTBOX**

January 28, 2020

Prepared by:


Curtis Marks, Sr.,
Chief Building Inspector

Reviewed by:


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

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Consider the approval of the cooperative purchasing bid from National Cooperative Purchasing Alliance (NCPA) for the purchase of a 4-ton KM Hotbox.

BACKGROUND:

Streets Division is budgeted for a hotbox in the 2020 CIP budget. Operations Superintendent Curtis Marks prepared bid specifications and researched options for purchasing the hotbox. After reviewing available purchase options, department staff chose to utilize the cooperative purchase available through the National Cooperative Purchasing Alliance. This program allows the City to purchase the hotbox that meets our needs while guaranteeing that standard governmental purchasing practices are followed.

FINANCE:

The 2020 CIP included funding in the amount of \$32,106.50 for the purchase of the 4-ton KM Hotbox.

RECOMMENDATION:

Staff recommends the City Commission approve the purchase of a 4-ton KM Hotbox for \$32,106.50 from Crafc0 Inc., 6165 W. Detroit Street, Chandler, AZ 85226.

The City purchasing policy is intended to ensure competition in the purchase of goods and materials by the City.

The City Commission can approve or reject this bid.

ATTACHMENT:

Quote from Crafc0, Inc.
Picture of 4-ton KM Hotbox



6165 W. Detroit St.
 Chandler, AZ 85226
 (602) 276-0406 (800) 528-8242
 FAX: (480) 940-0313

QUOTE #

BBBQ35440

Date Quoted 1/9/2020
 EXPIRATION DATE 3/8/2020

Quote To: Account Code: 921067 **Ship To:** Account Code: 921067

CITY OF LEAVENWORTH - KS **CITY OF LEAVENWORTH - KS**
N/A
 100 N. 5TH ST. 100 N. 5TH ST.
 LEAVENWORTH, KS 66048 LEAVENWORTH, KS 66048
 US US

Phone: 913-682-0650
Fax: N/A
Email: 913-682-0650

Project Title: KM Hotbox 4 ton thru NCPA

Bid Date: **Terms:** NET 30
Bid Number: **F.O.B.:** COL-Customer Pickup
Project Start Date: **Ship Via:** Customer p/up
Ship Before: **Sales Group:**
Quote Effective Dates: 1/9/2020 TO 3/8/2020 **Quoted By:** Dave Keener
Sales Office: 255- Dave Keener

Estimated Time to Ship After Receipt of Order: Quoted at time of order

Customer: CITY OF LEAVENWORTH - KS **Quote Number:** BBBQ35440
Project Title: KM Hotbox 4 ton thru NCPA **Date:** 01-09-20

SALES TAX EXEMPT CERTIFICATE MUST BE PROVIDED AT THE TIME OF ORDER OR SALES TAX WILL BE ADDED TO YOUR ORDER

Part #	Description	Unit	Qty.	Retail	Quote Price	Ext. Price
KM8000TEDD-NCPA	4 TON TRAILER MOUNT - ELECTRIC BRAKE - DIESEL - PUMP	ea	1	\$26,030.0000	\$26,030.0000	\$26,030.0000
KMTRCK-NCPA	4-6 HOLE TOOL RACK - MOUNTED ON TRAILER	ea	1	\$275.5000	\$275.5000	\$275.5000
KM8000DIRARRW-NCPA	DIRECTIONAL ARROW BOARD & CONTROLLER - MOUNTED ON UNIT	ea	1	\$1,377.5000	\$1,377.5000	\$1,377.5000
KMSTRB-NCPA	AMBER STROBE LIGHT, MOUNTED AND SWITCHED	ea	1	\$285.0000	\$285.0000	\$285.0000
KMTRLRHSTEELEC-NCPA	LOADING HOIST/WINCH & DAVIT - 12V POWERED - REMOTE	ea	1	\$2,707.5000	\$2,707.5000	\$2,707.5000
6008224	FREIGHT CHARGE	ea	1	\$0.0000	\$1,431.0000	\$1,431.0000

Total \$32,106.50

COMMENTS:

Here is the quote you requested.
 I have included all options available so you can choose what you are needing.

NOTE:

WARNING:

Products on this quote may be labeled in accordance with California Proposition 65. California purchasers refer to <http://crafco.com/resources/Prop-65.xlsx>

For Terms and Conditions of purchases go to: www.crafco.com/Terms-of-Sale.pdf

Quantities may be limited at Crafco's discretion.

Pricing and availability are subject to change without notice.

Pricing does not include applicable taxes. Tax exemption forms must be on file prior to invoicing. Unpaid sales tax will be reported to State and Local tax authorities. Extension is net after terms.

FOB DEFINITIONS:

CFR- Seller pays for the carriage of goods up to the named port of destination.

CIF- Same as CFR with exception that the seller is required to obtain insurance for the goods while in transit to the named port of destination.

CIP- Same as CPT with exception that the seller is required to obtain insurance for the goods while in transit.

COL- Collect

CPT- Seller pays for the carriage of the goods up to the named place of destination.

DAF- Seller pays for transportation to the named place of delivery at the frontier. Rail or Road.

DAP- Seller delivers when the goods are placed at the disposal of the buyer on the arriving means of transport ready for unloading at the named place of destination.

DDP- Seller is responsible for delivering the goods to the named place in the country of the buyer, and pays all costs in bringing the goods to the destination including import duties and taxes.

DDU- Seller delivers the goods to the buyer to the named place of destination in the contract of sale.

DEQ- Same as DES, but the passing risk does not occur until the goods have been unloaded at the port of discharge.

DES- Seller pays the same freight and insurance costs but the passing risk does not occur until the ship has arrived at the named port of destination and the goods made available for unloading to the buyer.

DLB- Delivered, buyer pays.

DLV- Delivered, seller pays.

EXW- Seller makes the goods available at their premises, or at another named place.

FAS- Seller delivers when the goods are placed alongside the buyer's vessel at the named port of destination.

FCA- Seller delivers the goods, cleared for export, at a named place (possibly including the seller's own premises).

FH- Free House.

FOB- Seller bears all costs and risks up to the point the goods are loaded on board the vessel.

PPA- Delivered; freight included.

PPD- Delivered; freight separate.

UN- Not free.

Pavement Preservation Products Restocking Policy

Crafco will only accept the return of products that have been authorized in writing in advance. To obtain authorization contact your customer service representative. A written authorization will be faxed or emailed to you. A copy of the RETURN AUTHORIZATION must accompany the material being returned.

Not all products are returnable. Products that have a shelf life or are considered made to order or special order may not be returned. No used parts may be returned.

All returns are subject to restocking charges.

All products returned must be in the original packaging and be in good and salable condition. Crafco reserves the right to charge repackaging charges in addition to restocking charges.

Restocking Charges

PARTS (*) 15%

EQUIPMENT Non Returnable

SEALANT (*) 25%

SILICONE Non Returnable

GEOCOMPOSITES Non Returnable

MASTIC (*) 25%

POLYPATCH (*) 25%

TECHCRETE (*) 25%

OTHER STANDARD INVENTORIED ITEMS (*) 25%

CUSTOMER IS RESPONSIBLE FOR ALL SHIPPING COST ON RETURNED MATERIALS.

(*) Not all purchases are returnable. Any part or product that is non-standard or obsolete is not returnable. Request information on the acceptability for returns for any specific product when ordering.



ASPHALT HOTBOX TRAILER
KM8000T

AVAILABLE IN:
PROPANE OR DIESEL
DUMP OR NON DUMP

CHOOSE FROM MULTIPLE
ADDITIONAL OPTIONS



- 1 HEAVY DUTY DIAMOND PLATE FENDERS
- 2 SINGLE **SCISSOR LIFT** HYDRAULIC DUMP OPTION
- 3 DUAL LOADING DOORS OPEN **FRONT TO BACK**
- 4 RECESSED BATTERY BOX
- 5 **PROTECTED** DIESEL CONTROL PANEL
- 6 PROTECTED BURNER LOCATED ABOVE THE FRAME IN STEEL ENCLOSURE
- 7 SHOCK ASSISTED LOADING DOOR HANDLES REQUIRING LESS THAN 15LBS. OF PRESSURE TO OPEN
- 8 HEAVY DUTY 8" CHANNEL STEEL FRAME. INDUSTRY LEADING 5 YEAR WARRANTY ON TRAILER FRMAE



Heat Retention: Triple Wall Construction with high efficiency insulation
Temperature Control: Thermostatically controlled heating system for better fuel efficiency
Cost Savings: Maintain HMA for up to 48 hours or Reclaim bulk stored virgin HMA
Low Maintenance: Burner and key components mounted above frame and in steel enclosure
Ease of Use: Front to back loading doors with cantilevered handles
Diesel or Propane Fired (2 30Lb. Propane Cylinders included with Propane units)
52" Dump feature (additional option)



www.kminternational.com | (800) 492-1757

Policy Report
Revised Leavenworth County Port Authority Agreement
January 28, 2020

Prepared by:



Paul Kramer
City Manager

Background:

The City of Leavenworth and Leavenworth County established the Leavenworth County Port Authority in 1969. The Port Authority was created for the purpose of “...*promoting commerce, prosperity, industry, improvement of the health and living conditions of the people, and for the promotion of the general welfare.*”

Among the provisions of the 1969 agreement, is the creation of the Port Authority board. It is that provision of the agreement that started the process of a revision of the agreement. The “Membership” section of the agreement states that “The Leavenworth County Port Authority shall consist of five members, to be selected jointly by the parties to this Agreement...” The parties in this section refer to the City of Leavenworth and Leavenworth County as the two agencies that had any formal role in determining the board members.

Starting in 2017, discussion started at the County level of a desire to change the membership section to expand the size of the board and involve the cities of Basehor, Lansing and Tonganoxie in the selection of the board members.

Issue:

The included draft agreement was approved by the County Commission on January 15, 2020. The draft has a few significant changes from the original agreement:

1. The aforementioned board composition has been changed to now allow the City, County, Lansing, Basehor and Tonganoxie to each appoint member(s). In the new agreement, both the City of Leavenworth and Leavenworth County would appoint two members, and the remaining three cities would each appoint one member, for a total of seven (7) board members. It is the sole discretion of the governing bodies to select their representative(s).

2. The new agreement is also a bilateral agreement with the City and the County, but does have a new dissolution clause (Sec. 9) that allows either party to dissolve the Port Authority if it is in the best interest of the citizens under the jurisdiction of either party.

3. This agreement updates all significant and applicable sections of provisions covered in state law, as well as improves language and clarification.

Although there is no deadline to approve the agreement, the Commission should note that there are currently only four (4) active members of the Port Authority board and business continues to come before the Port Authority.

Commission action:

The Commission will review the agreement attached. The Commission may approve the agreement, move to amend the agreement, or reject the agreement. Any action other than approval of the attached revised agreement as is would require the agreement to be sent back to the Leavenworth County Board of County Commissioners.

Attachments:

- Original agreement
- County-approved revised agreement

AN ORDINANCE DECLARING THERE IS A NEED FOR THE ESTABLISHMENT OF A PORT AUTHORITY IN THE CITY OF LEAVENWORTH, KANSAS; CREATING THE SAID AUTHORITY AND AUTHORIZING THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS FOR THE FORMATION OF A JOINT PORT AUTHORITY.

WHEREAS, under Chapter 89, Session Laws of Kansas, 1969, Cities and Counties have been given the right to establish a Port Authority by declaring that there is a need for such Authority, and

WHEREAS, the Governing Body of the City of Leavenworth, Kansas does hereby find that there is a need for a Port Authority and that the same should be created and established, and

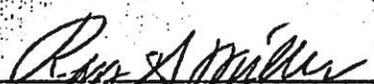
WHEREAS, Chapter 89 of the Session Laws of Kansas, 1969, authorizes any City or County to combine to form a Joint Port Authority by executing a cooperative agreement by the respective Governing Bodies.

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

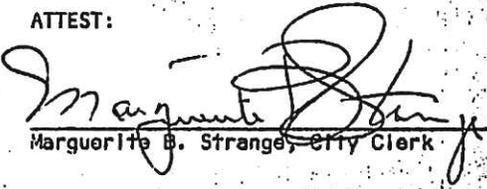
Section 1. That there is hereby established a Port Authority for the City of Leavenworth, Kansas.

Section 2. That the Governing Body is hereby authorized to enter into an agreement with the Board of County Commissioners, for the formation of a Joint Port Authority.

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


Ray H. Miller - Mayor

ATTEST:


Marguerite B. Strange, City Clerk

Passed and Approved:
December 20, 1969

Published:

LEAVENWORTH COUNTY PORT AUTHORITY AGREEMENT

- PARTIES: Board of County Commissioners, Leavenworth County, Kansas, Governing Body of the City of Leavenworth, Kansas.!
- AREA: All the incorporated and unincorporated areas lying within the jurisdiction, under the Port Authority Act, of the parties to this Agreement including submerged land, and air space contiguous to such area.
- PURPOSE: Establishment of Leavenworth County Port Authority, investigation of the feasibility of a joint port authority for any appropriate northeast Kansas area, promotion of commerce, prosperity, industry, improvement of the health and living conditions of the people of this State, and for the promotion of the general welfare.

A G R E E M E N T

WHEREAS, the above parties to this agreement have by appropriate ordinance or resolution declared there to be a need for the establishing of a Port Authority for Leavenworth County, and the cities therein, for the promotion of the general welfare; and

WHEREAS, authority for the establishing of such a Port Authority has been provided by Chapter 89, 1969 Session Laws of the State of Kansas, the parties hereby agree as follows:

- I. PURPOSE. There is hereby established by the Agreement of the parties a Port Authority pursuant to Chapter 89, Laws 1969. Such Port Authority shall be called the Leavenworth County Port Authority. The Port Authority shall be for the purpose of promoting commerce, prosperity, industry, improvement of the health and living conditions of the people, and for the promotion of the general welfare.
- II. JOINT AUTHORITY. The Port Authority hereby established shall, upon its organization, investigate and determine the advantages and disadvantages of the combining of this Port Authority with other Port Authorities to form a joint Port Authority in any area within the Northeast Kansas Region. The investigation and determination of the Authority shall be reduced to writing and such report when completed shall be furnished to the parties of this Agreement. For the purpose of making such determination, the parties to this Agreement shall respectively contribute to the operating budget of the Port Authority an initial sum of Five Hundred Dollars each. Such additional sums as may be necessary, in the judgment of the parties to this Agreement, shall be provided for this purpose to the Port Authority.

III. JURISDICTION. The jurisdiction of the Leavenworth County Port Authority shall include all of the territory lying within the cities and counties which are parties hereto, all submerged lands, uplands, and air space contiguous to such territory, and any other property outside territory of the parties to this Agreement conveyed to the Port Authority or over which it may obtain control pursuant to Section 6 (a) of Chapter 89, Laws of 1969.

IV. MEMBERSHIP. The Leavenworth County Port Authority shall consist of five members, to be selected jointly by the parties to this Agreement as follows:

Position 1	- - - - -	1 year
Position 2	- - - - -	2 years
Position 3	- - - - -	3 years
Position 4	- - - - -	4 years
Position 5	- - - - -	4 years

The successor to each position shall serve a term of four (IV) years. All members appointed in the above manner shall be considered directors of the Leavenworth County Port Authority. The directors shall serve without compensation, but shall be entitled to receive their necessary and actual expenses. The directors shall organize themselves, maintain regular minutes and records of the Port Authority, which records and minutes shall be open to the public. All directors shall comply strictly with the conflict of interest provisions of Chapter 89, Laws of 1969, and shall be deemed to have an affirmative duty to disclose any potential conflict of interest to the remaining directors and to the parties to this Agreement.

V. POWERS OF AUTHORITY. The Leavenworth County Port Authority shall have all those powers provided by Chapter 89, Laws of 1969, which shall include, but shall not necessarily be limited to, the power to purchase, construct, sell, lease and operate docks, wharves, warehouses, piers and other ports, terminals or other transportation facilities; to borrow money from private financial institutions, borrow money from private financial institutions, any agency of the State of Kansas or the United States, and to issue evidence of indebtedness therefor, including the encumbering of the assets of the Authority; to apply for and receive monies from the State of Kansas or the United States or any agency or instrumentality thereof, to construct, straighten, deepen or improve any canal, channel, river or stream or other water course; to acquire, own, hold, sell, lease and otherwise operate any real or personal property; to acquire, own, maintain, sell or lease any land within this jurisdiction which the Authority may be deemed desirable for development; to apply to proper United States officials for the right to establish, operate and maintain foreign trade zones; to exercise the right of eminent domain to appropriate any land, rights, rights-of-way, franchises, easements or other property necessary for the construction or efficient operation of any facility of the Port Authority included within its official plan; to maintain such funds as it deems necessary; to direct its agents or employees to make necessary surveys and examination of lands within its jurisdiction; to sell or lease

real or personal property not needed for the operation of the Port Authority, and to grant easements and rights-of-way over property of the Port Authority; and to promote, advertise and publicize the Port and its facilities, and to provide traffic information and other statistics to interested parties.

VI. ISSUANCE OF BONDS. The Port Authority shall, to pay all or any part of the cost of acquiring land or interests therein, constructing, equipping and furnishing buildings, structures and other port and transportation facilities, have the authority to borrow money therefor and to issue negotiable bonds of such Port Authority in such amount as the directors shall deem necessary. To secure the prompt payment of the principal and interest of such bonds, the Port Authority shall be authorized to agree to the use and disposition of the proceeds of the sale of bonds; to agree to the operation of the facilities of the Authority and the collection and disposition of revenues derived therefrom; to agree as to any rights, liabilities, powers and duties arising from the breach of any agreement entered into in authorizing and issuing bonds; to agree to carry insurance upon the buildings and facilities and upon the use and occupancy thereof, as may be deemed necessary in the judgment of the directors; to enter trust agreements with respect to the receipt of income and revenue pledged to the holders of bonds; to fix charges and fees to be imposed in connection with the use of any buildings or other facilities of the Port Authority. Any and all such agreements shall be binding upon the Port Authority, its agents and employees and upon its successors in interest.

VII. DEVELOPMENT PLAN. The Port Authority shall, as soon as practicable, prepare or cause to be prepared a plan for the future development of existing port facilities or other property within the jurisdiction of the Port Authority, including such maps, profiles and other data as necessary to set forth the location and character of the work to be undertaken by the Port Authority.

VIII. SEPARABILITY. If any one or more of the provisions of this agreement, shall be declared void, or if any one or more of the provisions of this agreement shall be superseded by any legislation, the validity of the remainder of this agreement shall not be affected.

IX. EFFECTIVE DATE. This agreement shall become effective upon its adoption by two or more of the parties hereto, by execution of the original agreement or any duplicate original thereof, and upon the filing of same with the County Clerk of Leavenworth County, Kansas.

APPROVED:

John C. Tillotson
John C. Tillotson
Leavenworth County Attorney

Frank R. Jansen
County Clerk of Leavenworth
County, Kansas

Board of County Commissioners
of Leavenworth County, Kansas

[Signature]
[Signature]
[Signature]

Thomas J. Brown, Jr.
Thomas J. Brown, Jr.,
City Attorney
Leavenworth, Kansas

Margaret Strong
City Clerk
City of Leavenworth, Kansas

The Governing Body of the
City of Leavenworth, Kansas
By:

Ray A. Miller
Mayor

Henry Floza

Mani Pahlman

W. J. Johnson
W. J. Johnson

**AMENDED AND RESTATED
LEAVENWORTH COUNTY PORT AUTHORITY AGREEMENT**

THIS AMENDED AND RESTATED LEAVENWORTH COUNTY PORT AUTHORITY AGREEMENT (this "Agreement") is made and entered into as of the last date of approval indicated below, by and between the City of Leavenworth, Kansas ("City"), and the Board of County Commissioners, Leavenworth County, Kansas ("County") (City and County may be referred to herein together as the "Parties").

WHEREAS, pursuant to the provisions of K.S.A. 12-3401 *et seq.* (as amended, the "Port Authority Act"), the City and the County entered into that certain Leavenworth County Port Authority Agreement dated on or about December 29, 1969 (the "Original Agreement") creating a joint port authority (referred to herein as either the "Port Authority" or the "Leavenworth County Port Authority"); and

WHEREAS, the City and County find it to be in the best interests of the citizens of Leavenworth County that the Original Agreement creating the Port Authority be amended and restated to reflect the current operation of the Port Authority, optimize the operation of the Port Authority, and allow for ex-officio participation by the other incorporated cities of Leavenworth County in the planning of economic development projects of the Port Authority; and

WHEREAS, the Parties have taken all required and necessary actions to authorize the entry into this Agreement; and

WHEREAS, this Agreement is for the purpose of amending, restating, and modifying the Original Agreement such that, hereafter, the Original Agreement shall be of no further force or effect, but this Agreement does not, and is not intended to, create a new port authority and is authorized under K.S.A. 12-3402(a); and

WHEREAS the parties deem it to be in the public interest that the cities of Basehor, Lansing and Tonganoxie, Kansas, be provided representation on the board of directors of the Port Authority ("Board of Directors").

IT IS THEREFORE AGREED that the Original Agreement between the City and County be amended and restated in its entirety as follows:

- I. **PURPOSE.** There is hereby established by the Parties a port authority pursuant to the provisions of the Port Authority Act. Such port authority shall be called the Leavenworth County Port Authority ("Port Authority"). The Port Authority shall be for the purpose of promoting commerce, prosperity, industry, improvement of the health and living conditions of the people, for the promotion of the general welfare and the economic development of Leavenworth County, Kansas.
- II. **JOINT AUTHORITY.** The Port Authority hereby established may consider the combining with other port authorities. Prior to any such combining the Port Authority shall present to the Parties a study outlining the merits of such combining. No such combining shall take place without the express approval of the Parties and the entry into an agreement in accord with the provisions of the Port Authority Act.

III. JURISDICTION. The area of jurisdiction of the Port Authority shall include all of the territory of the City and County, or combination thereof, comprising it, together with any other property outside thereof conveyed to it or over which it exercises control pursuant to K.S.A. 12-3406.

IV. BOARD OF DIRECTORS; MEMBERSHIP.

- (a) Subject to the limitations of the Port Authority Act and this Agreement, the property and affairs of the Port Authority shall be managed by the Board of Directors, and the Board of Directors shall have all those powers necessary to supervise, control, direct, and manage the same.
- (b) The Board of Directors of the Port Authority shall consist of seven (7) members/directors. Subject to subsection (c) below, two (2) members shall be appointed by the County, through the County's Board of County Commissioners; two (2) members shall be appointed by the City, through the City's City Commission; and one (1) member shall be appointed by each of the cities of Basehor, Lansing and Tonganoxie, Kansas. Each director shall serve a term of four (4) years and until their successor is appointed. Directors shall serve at the pleasure of the governing body appointing them.
- (c) The initial appointment of members of Board of Directors of the Port Authority shall be as follows: The terms of office of the directors serving at the time of entry by the parties into this Agreement shall expire on _____, 2020. On or before _____ 2020, or as soon thereafter as is practicable, the City shall appoint two (2) directors, one for a term of office of four (4) years and one for a term of office of three (3) years. On or before that same date the County shall appoint two directors, one for a term of office of four (4) years and one for a term of office of three (3) years. The cities of Basehor, Lansing, and Tonganoxie shall each, on or before the same date, appoint one (1) director, each for a term of two (2) years. The term of office for each director thereafter appointed by the City, the County, and the cities of Basehor, Lansing, and Tonganoxie, shall be for four (4) years.
- (d) The directors shall serve without compensation, but shall be entitled to receive their necessary and actual expenses incurred by them as directors. The directors shall organize themselves, maintain regular minutes and records of the Port Authority, which records and minutes shall be open to the public. The directors shall comply with the provisions of the Kansas Open Meetings Act and Kansas Open Records Act. All directors shall comply strictly with the conflict of interest provisions of the Port Authority Act, and shall be deemed to have an affirmative duty to disclose any potential conflict of interest to the remaining directors and to the parties to this Agreement, and shall recuse themselves from participation in the business of the Port Authority in which they have a conflict of interest. "Conflict of interest" shall include, but not be limited to, any transaction, or proposed transaction, involving the Port Authority and any person or business entity in which the director has a substantial interest as defined in K.S.A. 46-229, as amended. Directors shall further

refrain from soliciting or accepting any business, gifts or anything of value which exceeds \$50 from any person or business entity transacting, or proposing to transact, any business with the Port Authority.

- (e) The Board of Directors may, from time to time, appoint honorary Ex-Officio Directors of the Board, which Ex-Officio Directors shall have a voice in all matters but shall not have a vote on any issue.

V. POWERS OF THE PORT AUTHORITY. The Port Authority shall have those powers set forth in the Port Authority Act, as may be amended. The powers of the Port Authority are to be liberally construed so as to allow for the proper exercise of authority in accomplishing the purpose of the Port Authority.

VI. FUNDING OF THE PORT AUTHORITY. The port authority shall have the authority granted to it by the provisions of the Port Authority Act, as may be amended, to acquire funding for the operation of the Port Authority. The Port Authority shall be authorized to accept funding from the federal and state governments and the agencies thereof, the County, the cities of Leavenworth County, any regional governmental agency, private contributors and donations and from the development funds created by any interlocal agreements, including but not limited to those dated October 30, 1989 and November 26, 1989. The County shall provide for the primary funding for the Port Authority and the Port Authority shall apply to the County for such funding as is required to accomplish the purpose of the Port Authority. The Port Authority shall request such funding from the county through the annual budget process of the county.

VII. ISSUANCE OF BONDS. The port authority may exercise the authority granted it under the provisions of the Port Authority Act, as may be amended. As provided for by K.S.A. 12-3415(b) the Port Authority shall not issue bonds without first having received approval, by resolution, of the governing bodies of the Parties.

VIII. DEVELOPMENT PLANS. The Port Authority shall prepare or cause to be prepared plans for the development of the area within its jurisdiction as provided for by K.S.A. 12-3407. Such plans, as adopted by the Board of Directors of the Port Authority, may be modified as provided for by K.S.A. 12-3408.

IX. DISSOLUTION, DISPOSITION OF ASSETS AND LIABILITIES. In the event either of the Parties finds that the dissolution of the Port Authority created under the Original Agreement and this Agreement is in the best interests of the citizens under the jurisdiction of that Party, that Party shall so declare the same and the Parties shall proceed to the orderly dissolution of the Port Authority and dispose of the assets and liabilities of the Port Authority as follows:

1. The assets of the Port Authority shall first be applied to the satisfaction of all liabilities of the Port Authority. In applying the assets of the Port Authority to any liabilities the Parties shall first apply all cash assets, secondly, as necessary, shall proceed to the sale of any unimproved real property of the Port Authority and thirdly, if necessary, the sale of any other remaining assets. The proceeds of such

sales, if necessary, shall be applied to the liabilities of the Port Authority and the remaining funds, if any, shall be disposed of as provided for herein.

- 2. Except as provided for by Subsection 1 of this Section, real property (including all improvements and fixtures thereon, and rights appurtenant thereto) owned by the Port Authority at the time of dissolution shall convey to the municipal government in which the real property is located.
- 3. All such other assets of the Port Authority shall convey to the County, provided that such assets shall be utilized by the County only for the purpose of economic development within the County.

X. SEVERABILITY. If any one or more of the provisions of this Agreement shall be declared void, or if any provision of this Agreement shall be superseded by any legislation, the validity of the remainder of this Agreement shall not be affected.

XI. MISCELLANEOUS. The parties hereby ratify all acts of the Port Authority taken prior to the date of the entry into this Agreement. The Parties agree that all obligations of the Port Authority, whether by contract or by interlocal agreement, existing at the time of the date of the entry into this Agreement, remain in full force and effect unless otherwise modified, amended or discharged by separate agreement.

XII. EFFECTIVE DATE OF AGREEMENT. This Agreement shall become effective, and supersede the terms and conditions of the Original Agreement between the Parties, subject to the terms and conditions set forth herein, upon the adoption of this Agreement by the Parties and upon the filing of the same with the County Clerk of Leavenworth County, Kansas.

APPROVED BY THE CITY THIS _____
DAY OF _____, 20__.

APPROVED BY THE COUNTY THIS _____
15TH DAY OF JANUARY, 2020.

CITY OF LEAVENWORTH, KANSAS

LEAVENWORTH COUNTY, KANSAS

By: _____
Printed Name: _____
MAYOR

By: Doug Smith
Printed Name: Doug Smith
CHAIRPERSON,
BOARD OF COUNTY
COMMISSIONERS

ATTEST:

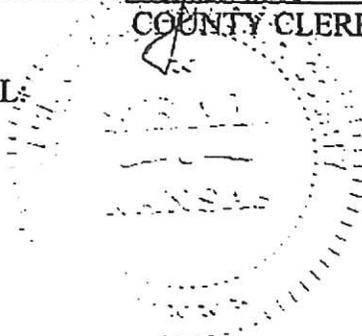
ATTEST:

By: _____
Printed Name: _____
CITY CLERK

By: Janet Klasinski
Printed Name: Janet Klasinski
COUNTY CLERK

SEAL:

SEAL:

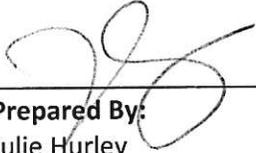


POLICY REPORT
First Consideration Ordinance
2020-01-SUP
869 Sherman Avenue

JANUARY 28, 2020

SUBJECT:

Place on first consideration an ordinance to approve 2020-01-SUP



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

NATURE OF REQUEST

The applicant, Echelon Property Management, is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 869 Sherman Avenue. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit.

The structure had previously functioned as a two-family dwelling before it was damaged by fire on April 1, 2019. Prior to the fire, the structure had been considered an existing legal nonconforming use. Section 1.05.D of the adopted Development Regulations states:

If a structure devoted to a nonconforming use is damaged or destroyed by more than fifty percent (50%) of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations of the zoning district in which it is located.

Per the applicant, the structure sustained damage in excess of 50% of its fair market value. The applicant intends to renovate and restore the structure to its previous use, to include new electrical, plumbing, HVAC, walls, ceilings, doors, windows, fixtures, cabinetry, flooring and appliances in the lower level unit. The upper level unit was not damaged during the fire, and renovation work in that unit will include paint, flooring and appliances. The exterior of the structure will be cleaned and painted, and the driveway will be paved.

COMMISSION FINDINGS

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

Prior to being damaged by fire, the property filled a need in the community by providing a two-family housing option. Restoring the property to its previous use will continue to fill that need.

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Staff does not feel that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it did prior to being damaged by fire, with the benefit of exterior cosmetic improvements and a driveway and parking area that is brought into conformance with current regulations by being paved.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries. The Planning Commission considered this item at their January 6, 2019 meeting and voted 4-0 to recommend approval of the Special Use Permit.

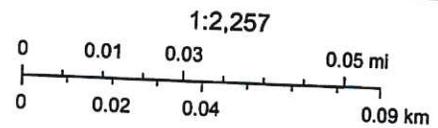
ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit requires to allow a two-family dwelling in the R1-6 zoning district.
- Deny the Special Use Permit request to allow a two-family dwelling in the R1-6 zoning district..

2020-01-SUP 869 Sherman



1/2/2020, 10:11:07 AM



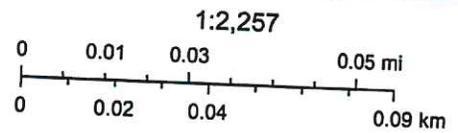
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS
National Weather Service |

2020-01-SUP 869 Sherman



1/2/2020, 10:12:20 AM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS
National Weather Service



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

Case No: 2020-01 SUP

Application No. 6825
Fee (non-refundable) \$350.00
Filing Date 11-18-19
Fee Paid/Received By my
Publication Date 12-13-19
Hearing Date January 6, 2020

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: Duplex in the R1-6 zoning district
in accordance with the attached site plan on the following described property:

Address: 869 Sherman Ave. Leavenworth, KS. 66048
Legal Description: (Attach a full legal description provided by the Register of Deeds Office)
Real Estate PID #:
Zoning: R1-6 Historic District:

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print): Austin Freuchting, manager

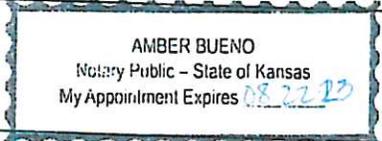
Owner Address: 3706 Jefferson St
Kansas City MO 64114

Contact No. (913) 705-0236 Email: austin.freuchting@gmail.com

Signature of Owner(s): [Signature]

State of Kansas
County of Johnson

(SEAL)



Notary Public: Amber Bueno / Amber Bueno

Signed or attested before me on: 13th of Nov 2019 My appointment expires: 08 22 23

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Applicant(s): Echelon Property Management (Bryan Astor)
Address: 413-356-5751

Contact No. (913) 705-0201 Email: bryan.echelonks@gmail.com

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.
Check list below...

- Non-Refundable Fee of \$350.00 is due at time of application
- Attach list of the owners for property within two hundred (200) feet of the subject property
- Attach full legal description (may be provided by the Register of Deeds Office)
- Site Plan drawn to scale (See General Instructions)
- Supporting documentation (See General Instructions)



November 18, 2019

To whom it may concern,

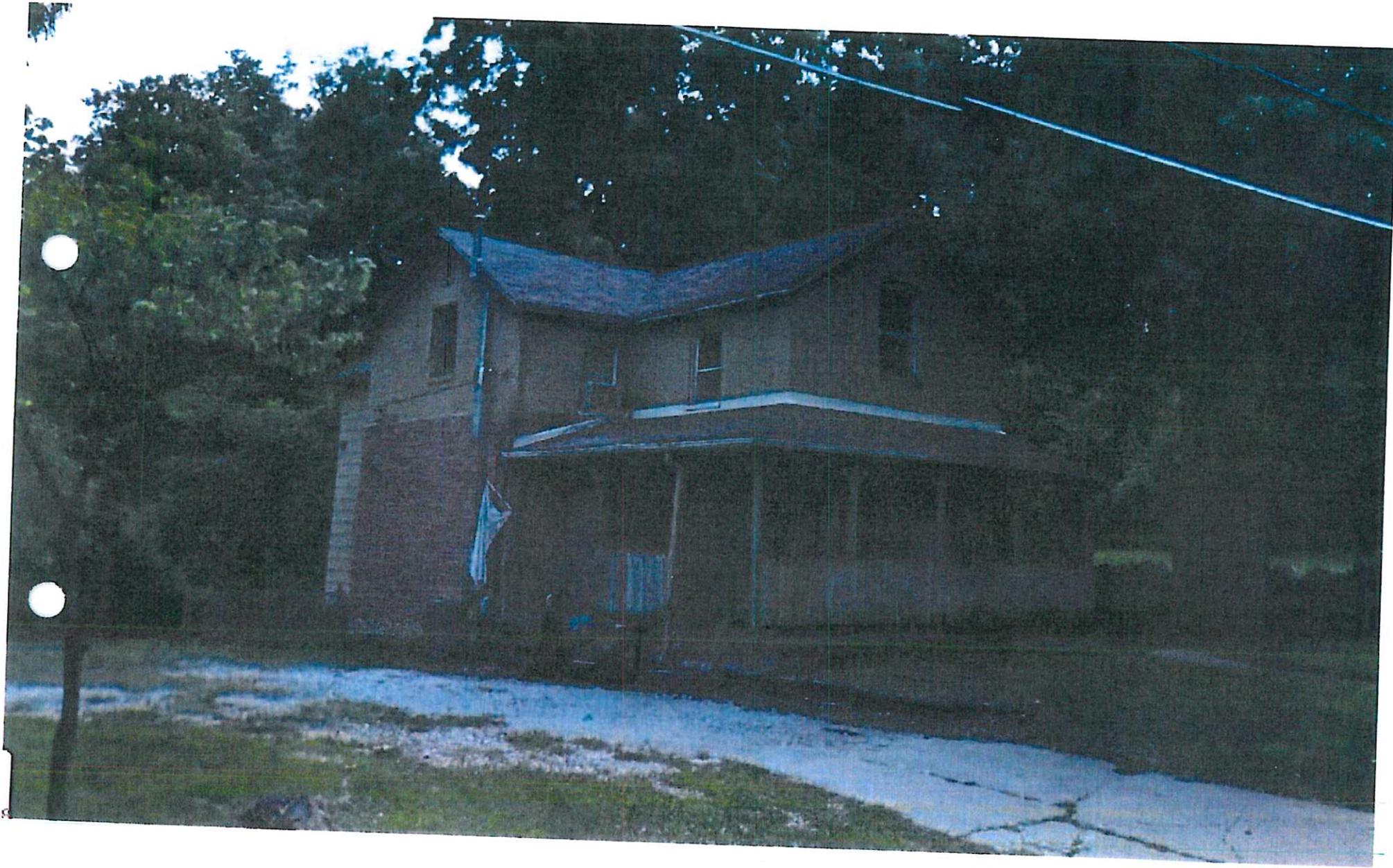
This is a letter of intent for repairs to the duplex located at 869 Sherman Ave. in Leavenworth, Kansas. After the fire on April 1, 2019, we have removed the interior walls on the lower level and removed the front porch roof do to fire damage. We would like to start the renovation process by installing all new electrical, plumbing, hvac, walls, ceiling, a few windows, doors, fixtures, cabinetry, flooring and appliances in the lower level unit. Since the upper unit was not damaged we intend to paint, install new flooring and new appliances. The exterior will be cleaned and painted where needed upon completion of the renovation. The driveway and parking area will also be brought up to code.

If you should have any further questions please feel free to contact me.

Bryan Asher
Service First Remolding
Echelon Property Management
400 Shawnee Street
Leavenworth, Kansas 66048
913.306.5751

Property legal description;

CENTRAL SUBDIVISION, BLOCK 12, W19'LT 13 & ALL LTS 14-15



(Summary Published in the Leavenworth Times on _____, 2020)

ORDINANCE NO. _____

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT TO BE LOCATED AT 869 SHERMAN AVENUE 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 6th day of January, 2020 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 13th day of December 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 a two-family dwelling in a R1-6 zoning district located at 869 Sherman Avenue, 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 a two-family dwelling 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 a two-family dwelling on the following described property:

Tract II – The West 19 feet of Lot 13 and all of Lots 14 and 15, Block 12, Central Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.
More commonly known as 869 Sherman Avenue, Leavenworth, Kansas.

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

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this ___th day of _____ 2020.

Myron J. (Mike) Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk