



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, FEBRUARY 22, 2022 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from February 8, 2022 Regular Meeting **Action:** Motion (pg. 02)
-

NEW BUSINESS:

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

General Items:

2. Acceptance of Land for Public Purposes (2nd Avenue Estates Final Plat) **Action:** Motion (pg. 07)
3. Consider Parking Lot Repair Location for 2022 & 2023 Pavement Management Program **Action:** Motion (pg. 10)

Resolutions:

4. Resolution B-2308 Annual Report for Stormwater 2021 **Action:** Motion (pg. 15)

Bids, Contracts and Agreements:

5. Consider Mow Bids for Parks Department **Action:** Motion (pg. 34)
6. Consider Bids for Riverfront Community Center Cooling Tower Replacement **Action:** Motion (pg. 37)
7. Consider Bids for Cody Park Stream Improvements City Project 2021-972 **Action:** Motion (pg. 39)

First Consideration Ordinance:

- First Consideration of General Obligation Bond Ordinance **Action:** Consensus (pg. 43)
-

Consent Agenda:

Claims for February 5, 2022, through February 18, 2022, in the amount of \$174,699.48; Net amount for Payroll #03 effective February 11, 2022 in the amount of \$329,720.57 (No Police and Fire Pension) **Action:** Motion

Other:

Adjournment **Action:** Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Edd Hingula and Griff Martin.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Ruby Maline, Deputy Finance Director Roberta Beier, Public Works Director Brian Faust, Housing Section 8 Manager Patrick Tooley, Information Systems Manager Carol Charity, IT Specialist I Howard Kings, City Attorney David E. Waters, and City Clerk Sarah Bodensteiner.

Mayor Leonhard asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS AND AWARDS:

Susan B. Anthony Day, February 15th - Mayor Leonhard read the proclamation. The proclamation was accepted by Mary Ann Brown.

Black History Month - Mayor Leonhard read the proclamation. The proclamation was accepted by Joana Scholtz.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the January 25, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration of Municipal Judge Charter Ordinance No. 62 – City Manager Paul Kramer reviewed the Charter Ordinance. There have been no changes since first introduced at the January 25, 2022 meeting.

Mayor Leonhard called the roll and the ordinance passed 5-0.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

Senator Jeff Pittman

- Provided an update on items to be discussed during the legislative session
 - Redistricting
 - Economic Development Incentives
 - APEX Bill
 - Workforce issues - affordable housing initiatives, access to education, transportation options, workforce development programs
 - Budget surplus
 - SPARK money options
 - Impact Aide

- Veteran's Home Initiative
- Correction Industry challenges

Public Hearing:

Public Hearing Waiver of Temporary Liquor License for St. Joseph Church & Immaculate Conception Church

Open Public Hearing:

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

Review of Properties by Staff:

City Clerk Sarah Bodensteiner reviewed the request for the waiver.

- City Code allows for a waiver to permit alcoholic liquor to be sold or served from a location within 300 feet from any church, school, nursing home, library or hospital
- Immaculate Conception Church located at 711 N 5th is having its annual St. Patrick's Corned Beef and Cabbage Dinner on March 13th, and St. Joseph Church located at 306 N. Broadway is having its annual German Fest Dinner and Dance on October 1st, and are requesting a waiver to apply for the temporary liquor licenses for these events
- Letters were sent to all property owners within 300 feet of the locations notifying them of the public hearing

Public Comment:

- Mr. Leo Fink addressed the Commission with the history of the annual events

Close Public Hearing:

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

Commissioner Bauder moved to approve the request to waive the 300 foot requirement from any church, school, nursing home, library or hospital for these events. Commissioner Martin seconded the motion and the motion as unanimously approved. Mayor Leonhard declared the motion carried 5-0.

General Items:

Review Draft of 2021 KDHE Annual Report for Stormwater – Public Works Director Brian Faust reviewed the draft report. The guidelines for the activities to be reported on are set by the revised Stormwater Management Program which was adopted by the City Commission on October 27, 2020 and these guidelines were used in 2021. The report is required to be submitted annually and it is suggested by KDHE and EPA that the report be available for review in a public forum and allow time for public comment. The report will come back to the City Commission for approval at the February 22, 2022 meeting to allow time for public comments. No action is needed by the Commission at this time.

Resolutions:

Resolution B-2304 Section Eight Management Assessment Program (SEMAP) Certification – Housing Section 8 Manager Patrick Tooley presented the 2021 SEMAP for approval by the City Commission.

Commissioner Bauder moved to adopt Resolution B-2304 Section Eight Management Assessment Program. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolution B-2305 Set Limits for General Improvements Bonds – Finance Director Ruby Maline presented for adoption and approval Resolution B-2305 setting the maximum amount for 2022 General Improvement Bonds in the amount of \$2,125,013.00. This amount is set by Charter Ordinance 56.

Commissioner Martin moved to adopt Resolution B-2305 Set Limits for General Improvement Bonds. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolution B-2306 Authorizing Sale of 2022-A Bonds, A2022 Temp Notes – Finance Director Ruby Maline presented Resolution B-2306 authorizing and providing for the public sale of General Obligation Bonds, Series 2022-A, Temporary Notes, Series A2022 and authorizing the call and redemption of the Series A2021 Temporary Notes of the City.

Commissioner Bauder moved to adopt Resolution B-2306 authorizing and providing for the public sale of General Obligation Bonds, Series 2022-A, and Temporary Notes, Series A2022, setting for the details of the sale and authorizing the call and redemption of the Series A2021 Temporary Notes. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolution B-2307 Redemption of Series 2016A TIF Bonds (Second Hotel Project) – City Manager Paul Kramer presented the resolution calling all of the outstanding principal amount of the bonds maturing on and after September 1, 2022, in the principal amount of \$465,000.00 for redemption and payment on March 10, 2022.

Commissioner Hingula moved to approve Resolution B-2307 call for the redemption of the Full Faith and Credit Tax Increment Bonds, Series 2016-A (Second Hotel Project). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Phone System Separation from the County – Assistant City Manager Penny Holler and IT Specialist I Howard Kings presented for consideration the telephone system separation project, which would separate the City's phone system from the County and facilitate the purchase of voice gateways, routers, and licensing.

Ms. Holler:

- The phone system is currently under the county government umbrella, this separation would only impact the city and county office phones.

Mr. Kings:

- In November of 2021 the County approved separation of the phone systems
- By separating our systems, we are updating our systems and ensuring compliance with Kari's Law
- Would not take a significant amount of time to implement
- Would not affect 9-1-1 capabilities

Mayor Leonhard:

- How long does it take to separate and get the city system installed

Commissioner Hingula:

- How do we plan to let people know about the changes/capabilities that are being made available to them
- Will people in the county still have service

Commissioner Hingula moved to approve ISG Technology to separate the City's telephone system and the purchase of voice gateways, routers, and licensing for a total cost of \$116,675.25. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consent Agenda:

Commissioner Martin moved to approve claims for January 15, 2022, through February 4, 2022, in the amount of \$1,997,120.08; Net amount for Payroll #02 effective January 28, 2022 in the amount of \$358,770.17 (Includes Police and Fire Pension in the amount of \$9,038.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Dollar Tree development is public now, it will go in on Eisenhower between Casey's and the carwash, all the needed permits have been issued.
- Daddy and Me Sweetheart Tea was Sunday and sold out; it is a great community event
- Mentioned the upcoming study session topics include: pavement management and bird scooters

Mayor Leonhard:

- Excited about the year and new businesses
- God bless and have a good week

Commissioner Bauder:

- COVID numbers are down which is great news
- Passed the 100 deaths in the community, which is still too many, but we are on the path of recovery

Commissioner Martin:

- Looking forward to a good year for our local economy

Commissioner Hingula:

- Recommended a book to read *Another Country* by James Baldwin during Black History Month

Commissioner Wilson:

- Excited to see new things going in the city and with businesses,
- Happy Black History Month, have a great week

Adjournment:

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

Time Meeting Adjourned 6:54 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
2022-02-SUB**

**2ND AVENUE ESTATES
FINAL PLAT**

FEBRUARY 22, 2022

SUBJECT:

Acceptance of land for public purposes for 2nd Avenue Estates, Final Plat



Prepared By:

Julie Hurley
Director of Planning and
Community Development



Reviewed By:

Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Greenamyre Rentals, Inc., plat prepared by McAfee Henderson Solutions. The applicant is requesting approval of the 2nd Avenue Estates residential development, located at 2604 S. 2nd Avenue. The subject property is 5.05 acres in size, and is occupied by one single family home. The site consists of one existing lot and is zoned PUD, Planned Unit Development. The plat consists of 3 lots and 1 tract, with accompanying Right of Way for Vilas Circle.

The property was rezoned from R1-6, High Density Single Family Residential to PUD in 2003 to accommodate the development of age-restricted townhomes, with a layout largely similar to what is intended to be built at this time. The proposed site plan is included in this packet for informational purposes only, and is not subject to City Commission review and approval. The proposed project is being developed as a Low Income Housing Tax Credit (LIHTC) project, as approved by the State of Kansas.

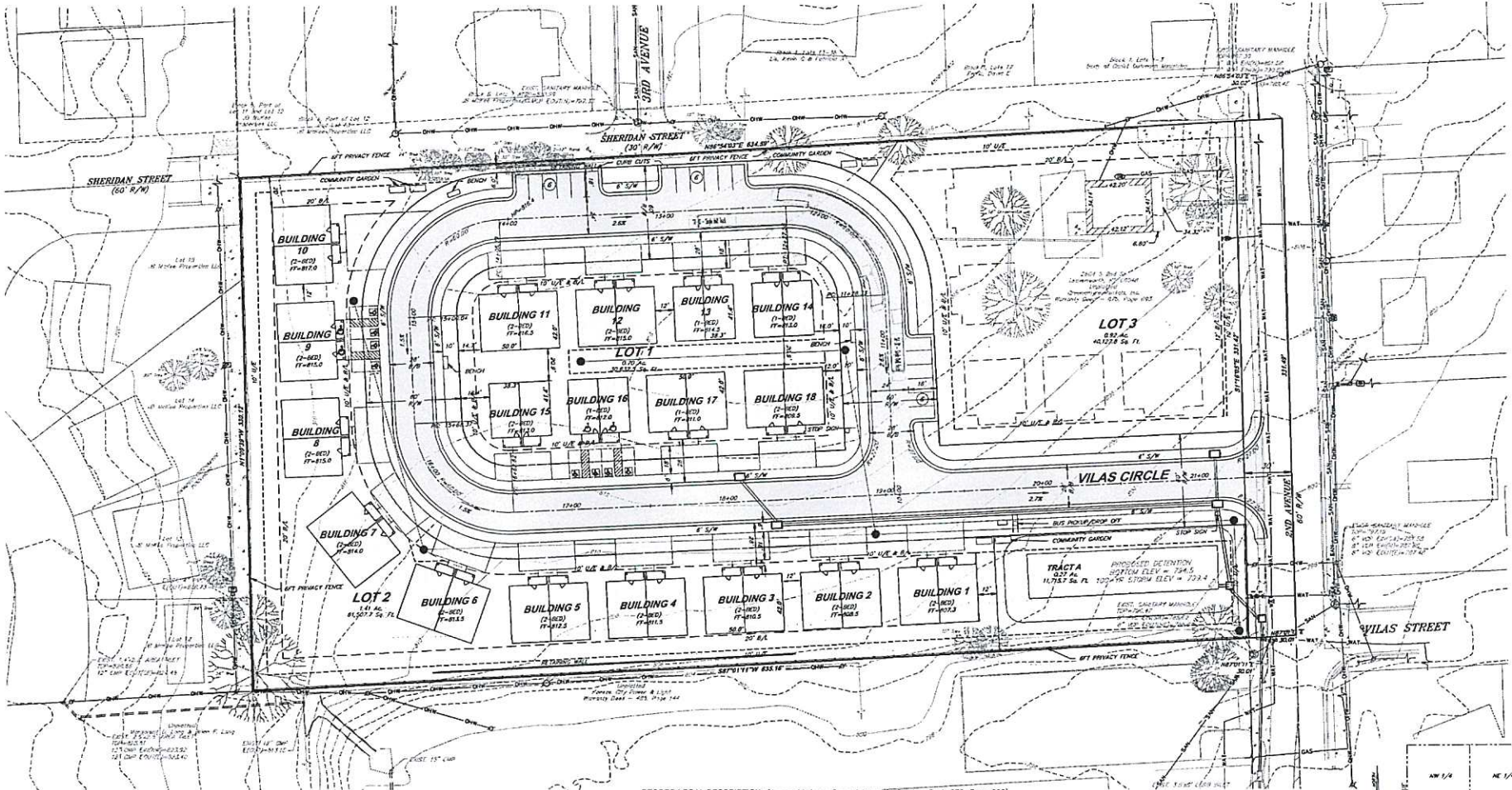
The plat was discussed at the January 13, 2022 Development Review Committee meeting. Items related to stormwater, parking, and circulation were discussed. All items discussed will be addressed prior to issuance of building permits and do not require modification to the plat as submitted. The Planning Commission considered this item at their February 7, 2022 meeting and voted unanimously to approve the plat. The plat is before the City Commission for the purpose of accepting the dedication of land for public purposes in the form of public utility easements and right-of-way that are associated with the plat.

Staff recommends accepting the dedication of land for public purposes for the 2nd Avenue Estates Final Plat.

ACTION/OPTIONS:

Accept the dedication of land for public purposes as part of the Final Plat for 2nd Avenue Estates.

Final Development Plan of
2ND AVENUE ESTATES
 Part of the SW1/4, Section 01, Township 09 South, Range 22 East
 City of Leavenworth, Leavenworth County, Kansas



RECORD LEGAL DESCRIPTION: (As provided per General Warranty Deed - Book 876, Page 633)

A certain tract of land described as follows: Beginning at a stake 20 rods South of the center of the Southwest Quarter of Section 1 in Township 9 of Range 22 East running west 40 rods; thence South 10 rods; thence East 40 rods; thence North 20 rods to the place of beginning, LESS any part thereof taken or used for road, in the City and County of Leavenworth, Kansas.

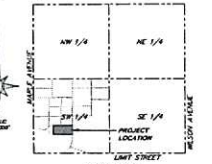
ZONING:
 Gross Area: 3.05 Acres
 Net Area (Less 2nd Ave. Right-of-Way): 4.82 Acres
 Existing Zoning:
 PUD - Planned Unit Development District
 Front Setback= 10 ft
 Rear Setback= 20 ft
 Side Setback= 12 ft

SITE DENSITY:
 18 DUPLEXES
 1 SINGLE FAMILY HOME
 SITE AREA: 3.05 ACRES
 3.8 UNITS PER ACRE



DEVELOPER:
 2ND AVENUE ESTATES, LP
 2500 S 2ND STREET
 LEAVENWORTH, KS 66048

OWNER:
 COLLEEN RENTALS, INC.
 2500 S 2ND STREET
 LEAVENWORTH, KS 66048



VICINITY MAP
 Section 01, T9S, R22E
 Leavenworth County, Kansas
MCAFEE HENDERSON SOLUTIONS, INC.
 Civil Engineering & Land Surveying
 1000 West 10th Street, Suite 101
 Leavenworth, KS 66048
 Phone: 785.842.1234
 Fax: 785.842.1235
 www.mhsolutions.com

Drawing Date: P:\Mathew\Projects\2019-2020\08 - 2500 2nd St Housing\Drawings\19-002-08 Site Dev Planning
 Printed at: Jan 06, 2020 - 12:43pm

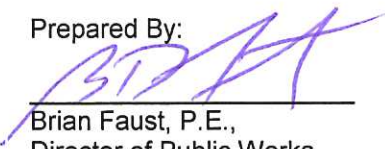
POLICY REPORT PWD NO. 22-15

CONSIDER PARKING LOT REPAIR LOCATION
FOR
INCLUSION IN THE 2022 & 2023 PAVEMENT MANAGEMENT PROGRAM

City Program No. 2020-927

February 22, 2022

Prepared By:


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

Reviewed By:


Paul Kramer,
City Manager

ISSUE:

Consider the parking lots to be repaired in the 2022 and 2023 Pavement Management Program (PMP).

BACKGROUND:

In 2018, the Commission expressed the desire to have one (1) City parking lot a year repaired as part of the annual Pavement Management Program.

For 2022, staff identified three lots in the downtown with a fourth lot at the Public Library that are in need of rehabilitation:

- o City Hall lot on the east side of City Hall (100 N. 5th Street) – heavily used during working hours.
- o NW corner of Delaware and Esplanade Street (100 Delaware Street) – used by both businesses and Community Center.
- o SW corner of Cherokee and 2nd Street (201 Cherokee).
- o Leavenworth Public Library parking lot (417 Spruce Street).

Three of the lots in consideration for the 2022 and 2023 program are constructed of concrete while one is asphalt. Work in the proposed lots will include:

1. Removal and replacement of overgrown trees and landscaping
2. Removal and replacement of failed curb
3. Removal and replacement of broken/settled concrete or asphalt
4. Removal and replacement of failed sidewalk
5. Installation of compliant ADA ramps
6. Installation of eco-friendly stormwater structures where applicable
7. Replacement of striping

With the overall size of the library parking lot, staff may recommend repairing concrete joints and overlaying the existing concrete with asphalt.

A map of each lot is attached to this policy report.

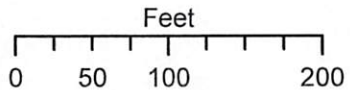
Plans for the repairs will be completed by Alfred Benesch in conjunction with plan preparation for the 2022 Pavement Management Program. Work will be completed by the general contractor who performs the work involved with the Pavement Management Program. To help accelerate the 2023 program, staff requests that the Commission also select a parking lot for next year.

RECOMMENDATION:

Staff is looking for a consensus of the Commission as to which lots they desire to be included in the 2022 and 2023 Pavement Management Program.

ATTACHMENT:

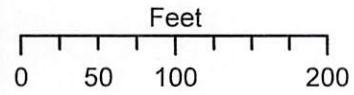
Parking Lot Map



Municipal Parking Lots - City Hall 100 N 5th St



Map Prepared by the
City of Leavenworth GIS Department
February 18, 2022

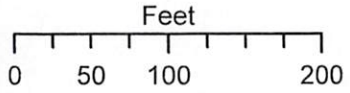


Municipal Parking Lots - Leavenworth Public Library



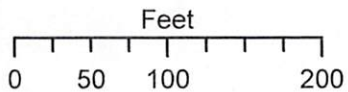
Map Prepared by the
City of Leavenworth GIS Department
February 18, 2022

Municipal Parking Lots - 100 Delaware St



Map Prepared by the
City of Leavenworth GIS Department
February 18, 2022

Municipal Parking Lots - 201 Cherokee St




Map Prepared by the
City of Leavenworth GIS Department
February 18, 2022

POLICY REPORT PWD NO. 22-13

REVIEW FINAL 2021 KDHE ANNUAL REPORT
FOR STORMWATER AND ADOPT RESOLUTION NO. B-xxxx

February 22, 2022

Prepared by:



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

Submitted by:



Paul Kramer,
City Manager

ISSUE:

Adopt a resolution approving the annual KDHE report for 2021 stormwater activities.

BACKGROUND:

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report summarizes actions the City has taken the previous year to protect and enhance stormwater quality.

KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. The draft report was reviewed by the Commission on February 8th, 2022 and is available on the City's website. One email was received regarding stormwater issues along Vilas Street (attached).

The final report includes statements that the City has reduced pollution in accordance with the requirements to the "Maximum Extent Practicable" (MEP). Staff opinion is that the City has met the intent of the regulations to reduce pollution through the Six Minimum Control Measures as described in the report.

There is considerable additional information in the appendices that will be included when the report is submitted.

RECOMMENDATION:

The report is due at KDHE on February 28th via digital delivery. It is recommended the City Commission adopt the resolution supporting the final report at the February 22nd Commission meeting.

ATTACHMENTS:

- Final Draft Report (partial)
 - Executive Summary
 - Comments on Section V of the Permit (Final Report)
 - Section E - Stormwater Management Program Requirements (Six Minimum Control Measures)
 - Links – Final Draft KDHE Report for 2021:
<https://www.leavenworthks.org/publicworks/page/2021-kdhe-annual-stormwater-report>
 - Previous KDHE Annual Reports:
<https://www.leavenworthks.org/publicworks/page/annual-stormwater-reports>

- Email from resident along Vilas Street

RESOLUTION NO. B-2308

A RESOLUTION APPROVING THE 2021 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) ANNUAL REPORT FOR STORMWATER AND AUTHORIZING THE CITY OF LEAVENWORTH, KANSAS, TO SUBMIT THE REPORT TO KDHE.

WHEREAS, the City of Leavenworth, Kansas is regulated by the Kansas Department of Health and Environment (KDHE) and the US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes; and

WHEREAS, the City of Leavenworth, Kansas has prepared the Annual Report for Stormwater as required and reviewed such report at the February 8, 2022 City Commission meeting allowing time for public review and input prior to approval by the Governing Body.

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

Section 1. That the 2021 Annual Report for Stormwater reflects the direction, efforts and accomplishments by City of Leavenworth for calendar year 2021. It shall be an official record of these actions to meet the requirements of Kansas Department of Health and Environment (KDHE) for an Annual Report until or unless changed by official action.

PASSED AND APPROVED this 22nd day of February 2022.

CITY OF LEAVENWORTH, KANSAS

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

(SEAL)

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Executive Summary

SECTION 1: EXECUTIVE SUMMARY

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2021, and examining communications and publications made available to the citizens of Leavenworth.

The COVID-19 Pandemic continued to impact the City of Leavenworth activities through 2021. These impacts included sudden absences of key persons and the inability to fill vacant positions in our Operations Division.

City staff pursue activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

- **Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**
 - Contractor and public compliance with implementation of the Land Disturbance Permit requirements is improved over the initial years and is generally satisfactory.
 - Street sweeping is an effective tool for removing pollutants.
 - Use of "Stormwater Utility" funds to address long-standing small to medium-sized issues has reduced erosion in several locations through the "Orange Fence Repair Projects".

- **Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the library and having informational brochures available on the City's website were probably the least effective tools identified.

- **What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program.

- **What was the most challenging aspect of the program?**

The most challenging was having developers install and maintain construction site

runoff control. To address this issue, the City issued a stop-work order for a residential development due to failure to install required measures. While the issues were immediately corrected, this is an area that requires continual observation to help ensure compliance.

- **Describe any City/County area MS4 clean ups and the participation.**
 - After being unable to conduct a City-Wide Clean Up in 2020 due to COVID-19 restrictions, the City of Leavenworth was again able to sponsor a "City-Wide" clean-up day with about 35-50 groups picking up trash. This event was held on April 10, 2021.
 - Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.
 - The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.

- **Describe the elected officials' participation in the stormwater pollution elimination.**

The City Commission has supported stormwater pollution elimination by creating a "Stormwater Utility" that is funded by a fee on all properties. This fee is used to address longstanding stormwater problems in the community, typically including reduction or elimination of erosion that has been causing failed roadways, culverts and streambanks. The Commission has also supported staff goal to have all public and private projects have some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also direct to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

- **Describe the collaboration with other organizations to eliminate stormwater pollution.**
 - The City coordinated a "City-Wide" clean-up day with about 35-50 groups.
 - Leavenworth County provided one HHW (Household Hazardous Waste) collection service in June 2021.

- **If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.**

There were no known inspections of the MS4 program by KDHE or EPA in 2021.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Comments on Section V of the Permit

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Topics in Part V of Permit

The permittee is well advised to accurately report the conditions and status of their stormwater program and give due consideration to improving or enhancing their program where it is weak, or deficient in any of the core aspects (stormwater management program, six minimum control measures and TMDL best management practices - if applicable - also for Phase I permittees monitoring industrial facilities).

TOPICS REQUIRED TO BE ADDRESSED IN THIS REPORT AS IDENTIFIED IN PART V OF THE PERMIT

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

- 1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.***

City of Leavenworth opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. The global pandemic in 2020 and 2021 restricted the number and size of public meetings. This impacted the Public Education/Outreach as well as the Public Involvement/Participation minimum control measures.

- 2. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.***

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt), grease trap program, land disturbance permit issuance, SSO reporting, BMP operation (particularly detention basins) annual meeting and others. There has been no overall "trend" noticed in this data, but it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result. Participation in individual programs may have been reduced during the year due to COVID.

3. Provide a summary of the stormwater activities that were undertaken during the previous calendar year and the status of these activities.

Key programs associated with stormwater activities, all of these programs were conducted in 2021 as noted. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person
- ✓ City-wide civic effort for "Spring Clean-up"
- ✓ Grease Trap Program inspections and reports
- ✓ BMP annual meeting
- ✓ Street Sweeping Program.
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site.
- ✓ Free Drop-Off Recycling Program
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County)
- ✓ Free drop-off refuse disposal once per month
- ✓ Maintain "Clean-up your Dog Poop" effort at selected City parks
- ✓ Adopt-A-Park Program to help maintain/clean City parks
- ✓ Aggressive response to SSO calls 24/7
- ✓ Sewer line cleaning and TV program
- ✓ Stormwater articles in City newsletters

4. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).

All activities as noted in #3 are expected to be continued in 2022. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2022.

5. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.

There were no changes to the City Limits in 2021.

6. Provide a description of significant changes in any of the BMPs.

There were no significant changes to the BMPs in 2021.

7. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.

There were no ordinance or resolutions updated in 2021 associated with the SMP.

8. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.

There were no other municipalities or consultants involved with implementing the SMP.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Section E

Stormwater Management Requirements

(Six Minimum Control Measures)

Stormwater Management Program (SMP) Requirements (Six Minimum Control Measures)

1. Public Education and Outreach (Table) - Please fill out accordingly

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table.
(List presentations and media)

1. <u>PUBLIC EDUCATION & OUTREACH (ED & O)</u>			2021	
			4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
ED & 0 - 01	Maintain a stormwater webpage for the permittee.	Stormwater webpage - https://www.leavenworthks.org/citymanager/page/stormwater-projects	3	3
ED & 0 - 02	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website.	2	
ED & 0 - 03	Provide either training or educational materials to permittee-identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - https://www.leavenworthks.org/publicworks/page/stormwater-education	2	
ED & 0 - 04	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping – Drains to River"	All new storm structures have the message, "Drains to Stream". City applies the message to older structures; however, did not meet the 10% threshold in 2021.	2	
ED & 0 - 05	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - https://www.leavenworthks.org/publicworks/page/engineering MS4 Permit - https://www.leavenworthks.org/publicworks/page/engineering	1	1
ED & 0 - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	The City utilizes MARC brochures; however, due to COVID restrictions and corresponding limited public meetings the City did not meet the public threshold in 2021.	1	
ED & 0 - 15	Hold a social media campaign addressing various pertinent stormwater public education topics.	Stormwater information has been published through social media, but does not meet the threshold in 2021 to acquire the points.	2	
TOTAL			13	4

SMP Requirements (Six Minimum Control Measures) (Continued)

2. Public Involvement and Participation (Table) - Please fill out accordingly

List all of the public improvement and participation BMPs as identified in the SMP and provide the requested information in the following table.
(List all associated and partnerships)

2. PUBLIC INVOLVEMENT/PARTICIPATION (P I/P)			2021	
			3 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
P I/P - 01	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	City Commission reviewed KDHE annual stormwater report February 8, 2022. The meetings were also broadcast on the City's channel cable TV station and YouTube. City Commission reviewed stormwater projects for CIP in 2021, and approved design and construction of several projects. List and stormwater-related documents are at: https://www.leavenworthks.org/citymanager/page/stormwater-projects	2	2
P I/P - 03	Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Cleanup - April 10, 2021. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center in June.	3	3
P I/P - 05	Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.	3	3
TOTAL			8	8

SMP Requirements (Six Minimum Control Measures) (Continued)

3. Illicit Discharge Detection and Elimination (Table) - Please fill out accordingly

List all of the illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table.

3. ILLICIT DISCHARGE DETECTION & ELIMINATION (I D D & E)			2021	
			5 Points Total	
BMP Summary	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
I D D & E - 04	Implement a program to evaluate MS4 outfalls to identify illicit discharges.	The City's stormwater map identifies MS4 outfalls. If residents identify concerns regarding illicit discharges, they are forwarded to Water Pollution Control for evaluation and possible action. The City does not meet the threshold in 2021 to acquire the point.	1	
I D D & E - 06	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspects open channels and televises pipelines, but does not meet the threshold for 2021 to acquire the points.	3	
I D D & E - 07	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others who have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.	3	3
I D D & E - 10	Inspect 5% of the MS4 system Stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.	Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities. Number inlets cleaned - 871, number inlets vacuumed - 92	3	3
TOTAL			10	6

SMP Requirements (Six Minimum Control Measures) (Continued)

4. Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the Site Stormwater Runoff Control BMPs as identifies in the SMP and provide the requested information in the following table.

4. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL (CSSRC)			2021	
			4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
CSSRC - 01	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any project more than one acre. This includes submittal of a plan identifying all needed erosion control measures.	3	3
CSSRC - 02	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than one acre, or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City follows APWA erosion control BMPs. Not taking points in 2021.	3	
CSSRC - 04	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until water quality is addressed.	3	3
CSSRC - 07	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1	1
TOTAL			10	7

SMP Requirements (Six Minimum Control Measures) (Continued)

5. Post-Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the post-construction site stormwater runoff BMPs as identified in the SMPs and provide the requested information in the following table.

5. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT & REDEVELOPMENT PROJECTS (P-C SM)			2021	
			5 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
P-C SM - 01	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more. (Points shown reflect adopting existing APWA/MARC manuals.)	<p>Link to APWA/MARC manuals posted at City's website: https://www.leavenworthks.org/publicworks/page/public-education-brochures</p> <p>Link to the City of Leavenworth Manual of Infrastructure Standards: https://www.leavenworthks.org/publicworks/page/engineering</p> <p>Note: the permit allows six points for adopting the APWA/MARC manuals. The City is taking five points, per the permit, for subsequent years.</p>	4	5
P-C SM - 03	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally-owned or operated post-construction structural stormwater BMP facilities.	Currently developing a program.	3	
P-C SM - 05	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	<p>Documentation of inspection and communication - 2021 Detention Basic Public Meeting. Attendees were given a packet containing the meeting agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan, and an inspection form.</p> <p>City spent 84hours conducting inspections of selected sites on random, after rainfall, or with depth-recording equipment.</p>	3	3
P-C SM - 06	Develop and implement a program for inspection of known privately-owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.	City continues outreach to detention basin BMP owners. A meeting was held March 14, 2021 with 10 attendees who were given a packet containing the meeting's agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan and an inspection form. This effort will continue and expand. Currently there are 68 BMP sites.	3	3
TOTAL			13	11

SMP Requirements (Six Minimum Control Measures) (Continued)

6. Municipal Pollution Prevention / Housekeeping (Table) - Please fill out accordingly

List all of the municipal pollution prevention / housekeeping BMPs as identified in the SMPs and provide the requested information in the following table.

6. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (PP/GH)			2021	
			5 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
PP/GH - 01	Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.	Parking lot across from City Hall screens runoff. Device was previously installed so using two points per permit.	3	2
PP/GH - 02	Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	While staff does this, not claiming points in 2021.	2	
PP/GH - 05	Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	<ul style="list-style-type: none"> Street sweeping program operations continued throughout the year. City currently has only one sweeper in operation; **the second sweeper became inoperative in mid-June, 2021. Sweeper No. 3332 from Jan-Dec: **Sweeper No. 3333 from Jan-Jun 11: Miles of streets swept - 1,396.2 Miles of streets swept - 723 	3	3
PP/GH - 07	Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	<p>Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities.</p> <p>Number inlets cleaned - 871, number inlets vacuumed - 92</p>	1	1
PP/GH - 08	Develop, implement and keep updated an online storm sewer map accessible to the public.	<p>Map can be viewed at the City's GIS website: http://gis.firstcity.org/</p> <p>Map published previously, so taking two points per permit.</p>	3	2
PP/GH - 12	Install a stormwater treatment system for capture of either trash, sediment, or debris.	City installed a stormwater treatment system in inlets along Thornton Street; not taking points in 2021.	3	
TOTAL			15	8

Email from
Ms. Joyce Bishop

From: Joyce Bishop <joyce@bluemoonhouse.com>
Sent: Wednesday, February 16, 2022 8:44 AM
To: Penny Holler <Penny.Holler@firstcity.org>
Subject: Public Comment on Storm Water Report

I am responding to the article in the February 15th, Leavenworth Times, seeking public comment on the stormwater report due to KDHE by February 28th.

Although the article gave what was the location of the draft report in public works section of the city's website, I was unable to locate the specific report. I was able to review various information and maps located in the section but found no mention of the issues with stormwater run off the citizens in the area of Valhala, Vilas, Holman, between 13th and 14th Streets are experiencing during heavy rains.

Although a storm drain is located just west of 1313 Vilas on the south side of the street, there is an issue of storm water taking the route of our driveway and the area between 1313 Vilas and the house next door on the east. During heavy rains these waters sidestep the storm drain, going down the drive and east yard like a stream, to the back west line, and ending up creating a quagmire for the neighboring houses on Holman and the south side of Vilas west of our home.

I had visited the Public Works department in person and was able to share this situation with three engineers and the department assistant last summer. They said they would visit the area and respond but did not do so. This was in the summer of 2021.

As we discussed the area, it was mentioned possibly the lack of curbs on the south side of Vilas was the cause of the storm water not reaching the drain. These homes had been built in the 1970s prior to curbs being required. It was also prior to all the homes on Valhala being built and probably this very steep street itself which flows nearly straight into the drive at 1313 Vilas.

I had asked what could be done to put in curbs, even suggesting affected property owners sharing in the cost. As I said, no one responded.

This situation effects 4 houses on the south side of Vilas plus at least three homes on the north side of Holman.

Please share my comments with Leavenworth City Commissioners prior to their considering approval of the final version of the report on February 22nd.

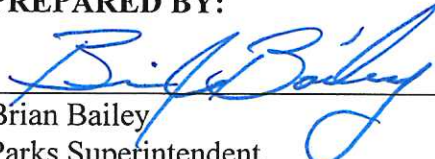
Thank you for your assistance in helping make the City of Leavenworth a great, safe and healthy place to live.

Joyce Bishop
1313 Vilas
Leavenworth, KS. 66048
Joyce@bluemoonhouse.com


POLICY REPORT NO. P&R 04-22
City of Leavenworth, Kansas
Parks & Recreation Department
Parks Mow Contract


February 22, 2022

PREPARED BY:


Brian Bailey
Parks Superintendent

REVIEWED BY:


Steve Grant
Director of Parks and Recreation


Paul Kramer
City Manager

ISSUE:

The issue is to review the bids received for the mowing of various parks and other City owned properties.

BACKGROUND:

The City of Leavenworth Parks Department utilizes contractual mowing to assist with the mowing responsibilities of the department. Many of the areas utilized by this contract are small City owned properties such as intersections and rights-of-way, as well as various parks. In 2018, Superior Lawn bid on the contract with an extremely low bid and have performed the work within this low bid amount since that time including a one year extension. The contract expired at the end of the 2021 mowing season and Superior Lawn chose not to extend the contract for a second year extension. With that in mind, a bid proposal package was developed and we advertised for bids. This new bid contract is for three years. The City will have the option to extend the contract for a two-year period with the option of a 6% price increase for the renewal of the two-year extension with agreement of both parties. This contract is broken down into two separate groups. These groups can be awarded to a single contractor or split between contractors based on bids received with a maximum number of mowing's set at 26 cycles for the season.

On February 2, 2022 at 2:00pm, bids were opened. We received four bids as follows:

Bidder	Address (City/State)	Total Bid / Year
Supreme Green Landworks, LLC	Bonner Springs, Ks	\$95,810.00
Affordable Lawn & Cemetery	Leavenworth, Ks	\$122,850.00
Joey's Lawn Pro	Leavenworth, Ks	\$175,032.00
Alan's Landscaping Inc	Kansas City, Ks	\$182,437.84

RECOMMENDATION:

Staff recommends the low bid of Supreme Green Landworks, LLC in the amount of \$95,810.00 per season for the next 3 seasons.

BUDGET IMPACT:

There is \$52,867 allocated in the 2022 Park Budget for lawn and landscape services and there are sufficient reserves in the Recreation Fund to cover the additional cost of this contract.

ATTACHMENTS:

Supreme Green Landwork, LLC Bid Sheet

**SECTION II
BID AND AWARD**

Contractors may bid on one area, or all areas, or any combination thereof. (Boulevards, Bridges, Right-of-Ways, Parking Lots, Parks and Municipal Buildings)

<u>Item</u>	<u>Work Descriptions</u>	<u>Estimated # of Cycles</u>	<u>Cost per Cycle/Area</u>	<u>Extended Totals</u>
1.	Boulevards, Bridges, Right-Of-Ways, and Parking Lots:			
	Mowing and Trimming	26	\$ <u>1,275</u> /cycle	\$ <u>33,150</u>
2.	Parks & Municipal Buildings:			
	Mowing and Trimming	26	\$ <u>2,410</u> /cycle	\$ <u>62,660</u>

Total One Year Contract Amount \$ 95,810

(x 3 years)

Three year Contract Amount \$ 287,430

Bidder/Contractor has examined and carefully studied the bidding documents and attachments, and acknowledges receipt of the following addenda:

Addendum No: 1 _____

Dated: 1/31/22 _____

POLICY REPORT NO. P&R 05-22
Parks & Recreation Department
Riverfront Community Center Cooling Tower replacement
February 22, 2022

PREPARED BY:


 Steve Grant
 Parks and Recreation Director

REVIEWED BY:


 Paul Kramer
 City Manager

ISSUE:

Review bids received for replacement of cooling towers at the Riverfront Community Center.

BACKGROUND:

The existing cooling towers at the Riverfront Community Center were replaced in 2001. In 2009 upgrades were made to some of the piping, variable speed drives, fan motors and pulley kits. Over the past few years the exterior housing of the towers has shown significant areas of rusting through. Staff have hired local contractors to patch failing areas and make repairs/alterations as needed to keep the towers running. It became quite evident that the towers were in need of replacement and as such, a set of bid specifications were developed and published at local media sites as well as posted at Drexel Technologies. A mandatory pre-bid meeting was held Friday, February 4, 2022, at 10:00 am. Bids were opened on Wednesday, February 16, 2022, at 10:00 am.

Bids were received as follows:

Bidder	Address (City/State)	Base Bid
Engineering Estimate	Leavenworth, KS	\$235,000.00
D'Agostino Mechanical Contractors, Inc.	Kansas City, KS	\$232,500.00
BCI Mechanical Inc.	Gardner, KS	\$134,928.00
Chuck's Plumbing & Heating Inc.	Leavenworth, KS	\$156,038.46
Mr. Breeze Heating & Cooling, LLC	Leavenworth, KS	\$152,200.00
Helm Group, Inc.	Lenexa, KS	\$128,670.00
Anderson Mechanical	Kansas City, MO	\$187,816.00
Martin Mechanical	Kansas City, MO	\$198,472.00

RECOMMENDATION:

Staff recommends the bid from Helm Group, Inc. in the amount of \$128,670.

BUDGET IMPACT:

There is \$126,000 allocated in the 2022 CIP for this project. The balance of \$2,670 over the budgeted amount can be accommodated from anticipated CIP carryover dollars.

ATTACHMENTS:

Helm Group, Inc. Bid Proposal

BID PROPOSAL

(Must either be typewritten or in ink; all others will be rejected)

RIVERFRONT COMMUNITY CENTER COOLING TOWER REPLACEMENT Project No. 2022-RCC-Towers

Base Bid - Lump Sum Price – includes all insurance and bond costs, equipment, materials, appurtenances, and labor for the installation of the items as identified in the "Project Scope".

~~One Hundred Thirty Two Thousand Four~~ ~~Hundred Thirty Six Dollars~~ ~~MP.~~ ~~\$ 128,670.00~~
Lump Sum Price: Six Hundred Twenty-Eight Thousand Six Hundred Seventy Dollars. \$ 132,436.00 MP.

Helm Group Inc.

HEREBY agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of Six Thousand Six Hundred Twenty-Five Dollars \$ 6,625.00 Dollars (Certified check, cashier's check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

Completion time period to be closely coordinated with the Parks and Recreation Department Project Manager or duly authorized representative to take into account scheduled events at the Riverfront Community Center and the need for cooling for these events. It is expected the bulk of the project work to commence following the scheduling of holiday parties generally ending the third week of December. "Notice to Proceed" will be issued at that time with project completion to not exceed 60 days or liquidated damages shall be in accordance with Table 1 in Section 58 of the General Conditions of this document for each calendar day until project completion. Successful bidder may store ordered items required for the project at the project site. Successful bidder to be fully responsible for the security of any items stored at the project site.

Bidder: Helm Group Inc.

FEIN: 36-3677191

Address: 7957 Bond St. Lenexa, Ks 66214

By: Matthew Phillips Title: Account Supervisor

Telephone No: 816-400-6483

Fax No: _____

Email Address: MPhillips@Helmgroup.com

POLICY REPORT PWD NO. 22-14

CONSIDER BIDS FOR THE
CODY PARK STREAM IMPROVEMENTS


City Project 2021-972

February 22, 2022

Prepared by:


Michael Stephan
Project Manager

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE:

Consider bids received for the Cody Park Stream Improvements.

BACKGROUND:

During a routine inspection of the sanitary sewer paralleling the creek at Cody Park, Engineering staff found that the concrete encased sanitary sewer line had been exposed due to erosion of the stream bank. Additional investigation of the area found substantial erosion of the creek bank downstream, primarily next to the Parks' shelter house. This erosion, if allowed to continue, will jeopardize the stability of the sanitary sewer line located in the stream bank and will continue to creep closer to the shelter house.

In October of 2021, the City contracted with Napier Engineering to design a project to stabilize the creek bank and repair the sanitary sewer encasement. Plans and specifications and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies in January 2022. The bid opening was on February 15th, 2022.

Bids received for the project are listed below. The lowest qualified base bid was from Linaweaver Construction in the amount of \$65,450.

Company	City	Total Bid
Linaweaver Construction	Lansing, KS	\$65,450
Lexeco, Inc.	Leavenworth, KS	\$85,498
RNG 10 Capital	Basehor, KS	\$109,134
Engineer's Estimate:		\$63,150

Linaweaver Construction is an established contractor that has done numerous jobs for the City.

BUDGET IMPACT:

The project will be funded with monies from the sewer fund and stormwater fee. The project is anticipated to start in March and will take 30 calendar days to complete. Inspection work will be performed by City.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. While Linaweaver's bid was slightly higher than the engineer's estimate (4%), staff feels that there is no benefit from rebidding the project.

RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received from Linaweaver Construction in the amount of \$65,450 for the Cody Park Stream Improvements.

ATTACHMENTS:

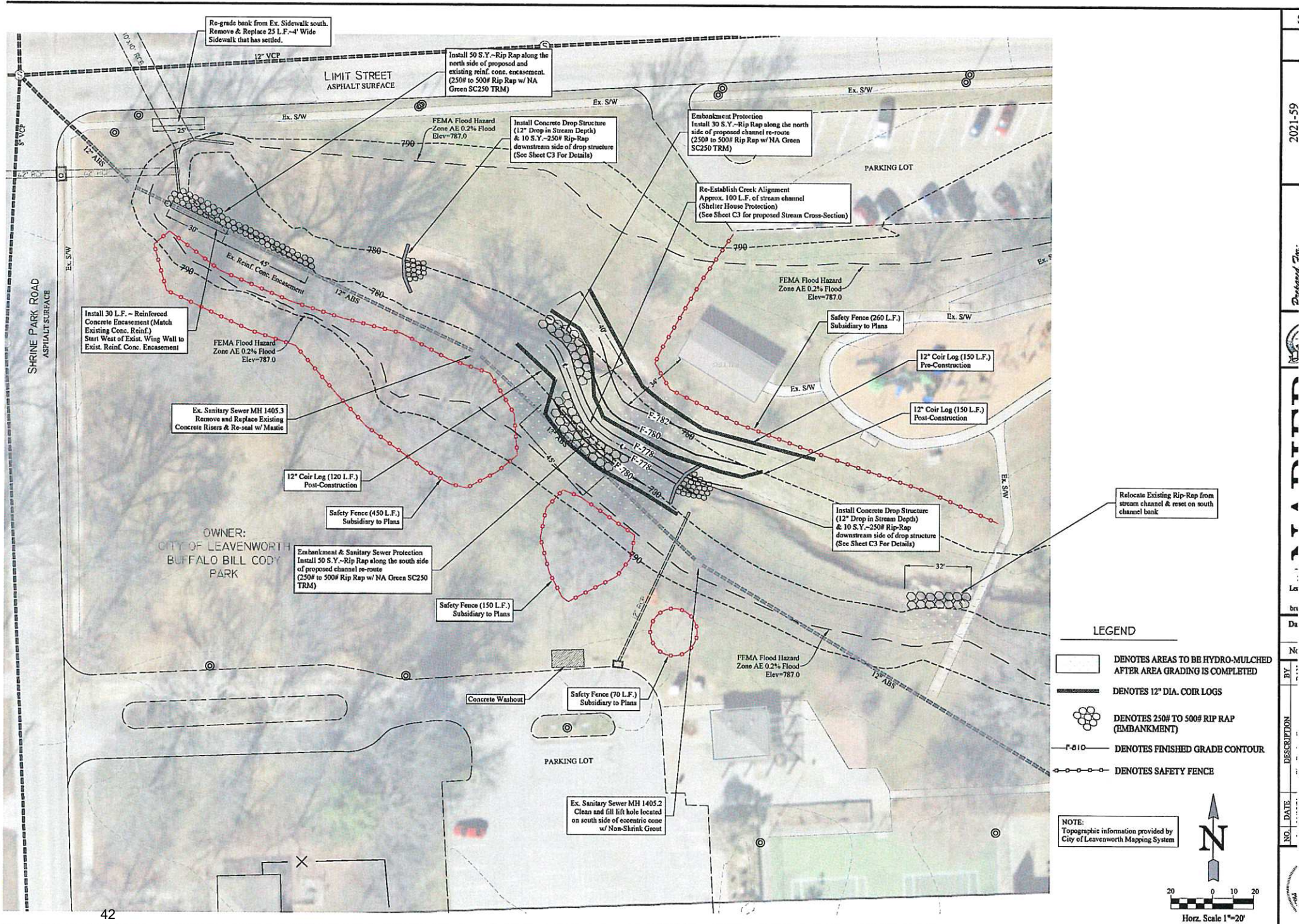
Bid Tabs

Plan Sheet C2



CITY OF LEAVENWORTH
Project No. 2021-972
Cody Park Stream Improvements
February 15, 2022

BASE BID				Engineer's Estimate		LINAWEAVER CONSTRUCTION		LEXECO, Inc.		RNG 10 CAPITAL, LLC	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,500.00	\$10,500.00	\$15,000.00	\$15,000.00	\$9,950.00	\$9,950.00	\$6,250.00	\$6,250.00
2	Demolition, Clearing & Grubbing	LS	1	\$8,000.00	\$8,000.00	\$500.00	\$500.00	\$4,200.00	\$4,200.00	\$3,462.50	\$3,462.50
3	Grading & Excavation	LS	1	\$12,500.00	\$12,500.00	\$3,500.00	\$3,500.00	\$15,180.00	\$15,180.00	\$21,535.00	\$21,535.00
4	Construction Staking	LS	1	\$1,200.00	\$1,200.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$1,875.00	\$1,875.00
5	Concrete Drop Structures	EA	2	\$4,500.00	\$9,000.00	\$5,500.00	\$11,000.00	\$5,950.00	\$11,900.00	\$10,490.70	\$20,981.40
6	4' Wide Concrete Sidewalk	LF	25	\$40.00	\$1,000.00	\$35.00	\$875.00	\$85.50	\$2,137.50	\$160.20	\$4,005.00
7	12" Dia. Coir Logs	LF	420	\$10.00	\$4,200.00	\$15.00	\$6,300.00	\$13.50	\$5,670.00	\$6.20	\$2,604.00
8	250 lb. to 500 lb. Rip Rap	SY	150	\$25.00	\$3,750.00	\$110.00	\$16,500.00	\$125.10	\$18,765.00	\$201.20	\$30,180.00
9	Re-Locate Existing Rip Rap	LS	1	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$480.00	\$480.00	\$790.70	\$790.70
10	NA Green SC250 Turf Reinforcement Mat	SY	130	\$10.00	\$1,300.00	\$15.00	\$1,950.00	\$27.65	\$3,594.50	\$9.00	\$1,170.00
11	Reinforced Concrete Encasement around Sewer Pipe	LF	30	\$100.00	\$3,000.00	\$115.00	\$3,450.00	\$160.50	\$4,815.00	\$378.00	\$11,340.00
12	Hydro-Mulching	SY	550	\$10.00	\$5,500.00	\$2.50	\$1,375.00	\$4.60	\$2,530.00	\$3.00	\$1,650.00
13	Construction Entrance (2" Dia. Min.)	TON	20	\$50.00	\$1,000.00	\$50.00	\$1,000.00	\$56.80	\$1,136.00	\$57.00	\$1,140.00
14	Sanitary Sewer Manhole Repair	LS	1	\$1,200.00	\$1,200.00	\$750.00	\$750.00	\$2,140.00	\$2,140.00	\$2,151.00	\$2,151.00
				TOTAL BASE BID:	\$63,150.00		\$65,450.00		\$85,498.00		\$109,134.60



Re-grade bank from Ex. Sidewalk south. Remove & Replace 25 L.F.-4' Wide Sidewalk that has settled.

Install 50 S.Y.-Rip Rap along the north side of proposed and existing reinf. conc. encasement. (250# to 500# Rip Rap w/ NA Green SC250 TRM)

Install Concrete Drop Structure (12" Drop in Stream Depth) & 10 S.Y.-250# Rip-Rap downstream side of drop structure (See Sheet C3 For Details)

Embankment Protection Install 30 S.Y.-Rip Rap along the north side of proposed channel re-route (250# to 500# Rip Rap w/ NA Green SC250 TRM)

Re-Establish Creek Alignment Approx. 100 L.F. of stream channel (Shelter House Protection) (See Sheet C3 for proposed Stream Cross-Section)

Install 30 L.F.- Reinforced Concrete Encasement (Match Existing Conc. Reinf.) Start West of Exist. Wing Wall to Exist. Reinf. Conc. Encasement

Ex. Sanitary Sewer MH 1405.3 Remove and Replace Existing Concrete Risers & Re-seal w/ Mastic

12" Coir Log (120 L.F.) Post-Construction

Safety Fence (450 L.F.) Subsidiary to Plans

Embankment & Sanitary Sewer Protection Install 50 S.Y.-Rip Rap along the south side of proposed channel re-route (250# to 500# Rip Rap w/ NA Green SC250 TRM)

Safety Fence (150 L.F.) Subsidiary to Plans

Safety Fence (70 L.F.) Subsidiary to Plans

Ex. Sanitary Sewer MH 1405.2 Clean and fill lift hole located on south side of eccentric cone w/ Non-Shrink Grout

FEMA Flood Hazard Zone AE 0.2% Flood Elev=787.0


Install Concrete Drop Structure (12" Drop in Stream Depth) & 10 S.Y.-250# Rip-Rap downstream side of drop structure (See Sheet C3 For Details)

Relocate Existing Rip-Rap from stream channel & reset on south channel bank

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
GENERAL OBLIGATION BONDS, SERIES 2022-A**

February 22, 2022

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider an ordinance authorizing the issuance of \$1,450,000 aggregate principal amount of General Obligation Bonds Series 2022-A.

The bond and note sale will be on Tuesday, March 8, 2022 at 10:00 a.m. C.S.T. The results will be presented to the City Commission the same evening and final numbers will be provided in the ordinance for second consideration and approval.

ACTION REQUIRED:

Consensus to place an ordinance on first consideration for the General Obligation Bonds, Series 2022-A, as presented.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,450,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2022-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

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

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

WHEREAS, the City has, pursuant to Resolution No. B-2276 of the City adopted February 19, 2021, authorized the construction of certain general improvements in the total estimated amount of \$2,038,938 (the “Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$1,400,000 Temporary Notes, Series A2021, dated May 12, 2021, (the “Series A2021 Notes”) pursuant to Resolution No. B-2281 (the “Series A2021 Note Resolution”) adopted April 27, 2021, in accordance with the requirements of Charter Ordinance No. 56 of the City to temporarily finance the costs of the Improvements, which Series A2021 Notes maturing on December 1, 2022, in the amount of \$1,400,000 will be redeemed and paid on June 1, 2022, from proceeds of the Bonds authorized herein and other legally available funds of the City; and

WHEREAS, the Series A2021 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after June 1, 2022, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with and the total cost thereof, including bond issuance costs, is \$1,464,673.45 (the “Project Cost”) to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$1,450,000 with the balance of such Project Cost payable from bond premium, if any; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2022-A, in the aggregate principal amount of One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) for the purpose of

providing funds to permanently finance the costs of the Improvements, including redeeming and paying the Series A2021 Notes in the principal amount of \$1,400,000 together with accrued interest payable thereon on June 1, 2022, and paying the costs of issuing the Bonds; and

WHEREAS, the City has, in accordance with K.S.A. 10-106, published notice (the "Sale Notice") of the City's intent to sell the Bonds; and

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

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

Section 1. That for the purpose of providing funds to permanently finance the costs of the Improvements, including redeeming and paying the Series A2021 Notes in the principal amount of \$1,400,000 together with accrued interest payable thereon on June 1, 2022, and paying the costs of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2022-A, of the City in the aggregate principal amount of One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) (the "Bonds") as provided by Charter Ordinance No. 56 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

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

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

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

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

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

Passed by the Governing Body and approved by the Mayor this 8th day of March, 2022.

CITY OF LEAVENWORTH, KANSAS

Camalla Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

(SEAL)