



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MARCH 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

PROCLAMATIONS:

(pg. 02)

1. Welcome Home Vietnam Veterans Day March 29, 2022
2. Leavenworth Spring Clean Up Day April 2, 2022

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

3. Minutes from March 8, 2022 Regular Meeting

Action: Motion (pg. 04)

Second Consideration Ordinance:

4. Second Consideration Ordinance 8183 Rescind Special Use Permit 539 Nipper Lane

Action: Roll Call Vote (pg. 09)

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.*

Public Hearing:

5. Public Hearing for Unsafe or Dangerous Structure 717 Spruce Street
 - a. Open Public Hearing
 - b. Staff and Public Comments
 - c. Close Public Hearing
 - d. Consider Resolution B-2311

(pg. 11)

Action: Motion

Action: Motion

Action: Motion

General Items:

6. Mayor's Appointment Solid Waste Citizens Task Force
7. Review Unsafe and Dangerous Structure 767 Charles Street
8. Street Closure Request – First City History Festival Special Event

Action: Motion (pg. 17)

Action: Motion (pg. 18)

Action: Motion (pg. 22)

Bids, Contracts and Agreements:

9. Rejection of Bids for Storm Drainage Improvements at 741 Pottawatomie
10. Consider Design Contract for the Traffic Signal Assessment

Action: Motion (pg. 25)

Action: Motion (pg. 29)

First Consideration Ordinance:

11. First Consideration Ordinance Rezoning 1830 South Broadway Street
12. First Consideration Ordinance Revising Standard Traffic Ordinance to Regulate and Allow Electric Scooters

Action: Consensus (pg. 49)

Action: Consensus (pg. 69)

Consent Agenda:

Claims for March 5, 2022, through March 18, 2022, in the amount of \$907,880.76; Net amount for Payroll #05 effective March 11, 2022 in the amount of \$347,264.49 (No Police and Fire Pension)

Action: Motion

Other:

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *Members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and*

WHEREAS, *in 1965, United States Armed Forces ground combat units arrived in Vietnam; and*

WHEREAS, *by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached; and*

WHEREAS, *on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and*

WHEREAS, *more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; and*

WHEREAS, *The Vietnam War was an extremely divisive issue among the people of the United States and was also a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim March 29, 2022 to be:*

Welcome Home Vietnam Veterans Day

I encourage all residents to observe appropriate ceremonies and activities to provide appreciation to the Vietnam War veterans.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the Leavenworth City Commission is committed to working toward making the City of Leavenworth the most attractive, livable, healthy, and vibrant community possible; and*

WHEREAS, *your elected leaders realize it takes the good will and hard work of all citizens to achieve such lofty visions and are therefore encouraging all Leavenworth citizens to assume responsibility in maintaining a clean and attractive neighborhood environment; and*

WHEREAS, *such collaborative efforts can serve to foster a sense of community, invigorate a sense of pride about the community, serve as an opportunity for organizational and leadership skill development, and reinforce the virtue of personal responsibility, while resulting in a more attractive community with a higher quality of life; and*

WHEREAS, *the "Spring Clean-Up" kick-off will be held on Saturday, April 2, 2022 at 8:30 a.m. with a ceremony at Warren Educational Complex.*

NOW, THEREFORE, *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2, 2022 to be:*

Leavenworth Spring Clean-up Day

I urge all of our citizens to work toward protecting our environment and to join in efforts to preserve the attractiveness of our community.

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

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



CITY OF LEAVENWORTH
100 N. 5th Street
Leavenworth, Kansas 66048

City Commission Regular Meeting
Commission Chambers
Tuesday, March 8 2022 6:00 p.m.

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, Commissioners Nancy Bauder, Edd Hingula and Griff Martin. Not Present: Mayor Pro-Tem Jermaine Wilson

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Ruby Maline, Deputy Finance Director Roberta Beier, Information Systems Manager Carol Charity, IT Specialist II Amy Peters, City Attorney David E. Waters, Deputy City Clerk Cary Collins and City Clerk Sarah Bodensteiner.

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

ACKNOWLEDGEMENTS:

New Employee Welcome:

The Mayor read the names of the following newly hired employees.

- Austin McDaniel, Solid Waste Collector
- Terry Bair, Park Technician I
- Noah Lovelady, WPC Operator I
- Justin Burris, Park Technician I
- Michael McMannamy, Solid Waste Collector
- Jessica Sanders, Office Clerk II
- Ashlyn Gardner, Police Officer
- Joyce Howell, PT Court Clerk
- Christopher Herrmann, Streets Equipment Operator I
- Bobby Covey, PT RFCC Custodian
- Jacob Gooch, Solid Waste Laborer
- Robert Large, Zoning & Code Administrator
- Breanna Comer, Kennel Attendant
- Stephen Whiteman, Traffic Control Technician
- Joshua Bush, Streets Equipment Operator I
- Sarah Bodensteiner, City Clerk
- Lesley Brown, Court Clerk
- Holly Cooper, Administrative Clerk – Streets
- Chelsey Gorgoglione, Police Officer

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the February 22, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

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

None

General Items:

Mayor’s Appointments

Mayor Leonhard moved to appoint to the Sidewalk Advisory Board Dustan Thornton to an unexpired term ending March 15, 2023; Reappoint Phil Martin, Dave Stokka, Stephen Tennant, and John Carroll to terms ending March 15, 2025, appoint to the Convention & Tourism Committee Patrice Chisom to an unexpired term ending January 31, 2024, and appoint to the Community Development Advisory Board Tony Majors to an unexpired term ending August 31, 2022. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

2022 General Obligation Bonds and Temporary Notes Proceedings – City Manager Paul Kramer stated that the General Obligation Bonds and Temporary Notes sale was held at 10:00 a.m. on Tuesday, March 8, 2022.

The City’s Financial Advisor, Greg Vahrenberg reviewed the Bond Process for selling of Notes and Bonds:

- Authorizing Resolution (February 8, 2022 meeting)
- Official Statement (financial prospectus)
- Bond and Note Rating from Moody’s
- City received the Aa2 Rating, City has maintained this rating for several years
- Rating methodology and scorecard factors

General Obligation Bonds, Series 2022-A in the amount of \$1,450,000.00, the following bids were received with UMB Bank N.A. being the winning low bid:

- UMB Bank N.A. %1.780968
- Country Club Bank %1.878391
- Commerce Bank %1.954630
- Robert W. Baird & Co., Inc. %1.970457
- Northland Securities, Inc. %2.120933

*The winning bidder, UMB Bank N.A., offered a premium of \$19,347.55. The premium offered reduced the actual bond issuance to \$1,435,000.00

Temporary Notes Series A-2022 in the principal amount of \$2,125,000.00 to temporarily finance the 2022 General Improvements (pavement management and parks projects). The following bids were received with Country Club Bank being the winning low bid:

- Country Club Bank %1.445708
- Commerce Bank %1.546996
- Northland Securities, Inc. %1.625000
- UMB Bank N.A. %1.831545

*The winning bidder, Country Club Bank, offered a premium of \$5,008.95. The purchase price of the Notes will be \$2,125,000.00, plus the premium offered of \$5,008.95

At 6:26 p.m., the commission made the following motions and approvals.

Commissioner Martin moved to accept the proposal from UMB Bank N.A. for General Obligation Bonds, Series 2022-A as presented. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Second Consideration Ordinance 8182 General Obligation Bonds, Series 2022-A.

Mayor Leonhard called the roll and Ordinance 8182 was unanimously approved

Commissioner Hingula moved to adopt Resolution B-2309 Issuance of General Obligation Bonds, Series 2022-A. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Commissioner Bauder moved to accept the proposal from Country Club Bank for Temporary Notes, Series A2022 as presented. Commissioner Martin seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Commissioner Martin moved to adopt Resolution B-2310 Issuance of A2022 Temporary Notes. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Purchase of Additional Information Technology Storage – Information Systems Manager Carol Charity and IT Specialist II Amy Peters presented for consideration the purchase of additional IT Storage. City staff identified in 2020 the City’s IT storage capacity would become insufficient primarily due to growth from large files such as videos from police body cameras and public works sewer lines. To address the need for greater storage, this item was included in the Capital Improvement Plan.

Ms. Peters

- The city currently has 137 terabytes of storage for Police storage
- More than 110 terabytes have been used leaving 27 terabytes available
- To ensure adequate storage and redundant backup space, 84 terabytes at the 2 storage locations is needed
- Staff anticipates that the storage will support City needs for approximately four years

Mayor Leonhard:

- Where are the two storage locations

Ms. Charity:

- We have multiple locations and multiple backup processes

Commissioner Martin:

- Can you discuss the bid process
- Do we have time to not buy the storage now

Ms. Charity:

- This particular company has designed and built the current system and are on the NASPO contract, the City has been using them for a while and they have intimate knowledge of the systems

Mr. Kramer:

- Additional fees and costs are always a concern but the City is demoing some Cloud-based options to eliminate some physical storage
- Upfront cost for a new system, very rough cost of about half a million for the Getac system

Ms. Charity:

- Data would go straight to the Cloud, there would still be fees for backup, but would possibly eliminate hard storage and open up space to store information from other departments
- The purchase is needed at this time due to the unpredictability in terms of amount of storage needed and when the physical storage pieces actually arrive

Ms. Peters

- Demoed with Getac system due to existing relationship with company, as Police cars are equipped with their computers, so the need to buy new computers would not be there, but other companies will be demoed

Commissioner Bauder moved to approve the purchase of 168 terabytes of additional IT Storage from ISG Technology in an amount not to exceed \$95,744.88. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

First Consideration Ordinance:

First Consideration Ordinance to Rescind Special Use Permit 539 Nipper Lane – City Manager Paul Kramer presented for first consideration an Ordinance that would rescind the Special Use Permit for a child care center located at 539 Nipper Lane. On February 28, 2022, staff was notified by the operator of the child care center that the business had closed and they no longer reside in Leavenworth. The Special Use Permit is no longer applicable to the property.

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

Consent Agenda:

Commissioner Martin moved to approve claims for February 19, 2022, through March 4, 2022, in the amount of \$1,948,556.53; Net amount for Payroll #04 effective February 25, 2022 in the amount of \$348,591.39 (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 4-0.

Other:

City Manager Paul Kramer:

- Preparing for the upcoming Winter Storm (pre-treating making own salt brine, call in hot spots)
- Touched on the longer debt - which is typically fire trucks
- How commodities impact the public with inflation and how it's being monitored
 - Using historic data to set price back in May of previous year
 - Reviewed the use and impact of having healthy reserves
 - Work to identify areas that could be impacted (petroleum based)
 - City has about 8.6 million in reserves
- Parks projects looking good and looking to put up signage to let the public know what's coming
- Will provide update on 600 Cherokee at the next work session
- Solid Waste Citizen Task Force applications- good response from the public
- Talking about City trails at the work session
- Full on life guards for pool, but still looking for concession workers
- Baseball and Softball registration is open and the Parks department is actively working to advertise the late registration period

Mayor Leonhard:

- Told everyone to stay warm and safe with the upcoming winter weather

Commissioner Martin:

- Stated that whatever is communicated by the library, they are a separate entity from the City and they do not speak for the City

Commission Hingula:

- Stated he's happy to be here and hopes everyone is happy where they are

Adjournment:

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

Time Meeting Adjourned 6:55 p.m.


Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8183
RESCINDING THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER
AT 539 NIPPER LANE**

MARCH 22, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the March 8, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A
CHILD CARE CENTER AT 539 NIPPER LANE, LEAVENWORTH KANSAS.**

There have been no other changes since first consideration.

Ordinance No. 8183 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8183

(Summary Published in the Leavenworth Times on March 25, 2022)

ORDINANCE NO. 8183

AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT ALLOWING A CHILD CARE CENTER AT 539 NIPPER LANE, LEAVENWORTH KANSAS.

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

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

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

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

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Alice Valverde	539 Nipper Lane	Child Care Center	7498	08/14/2001

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

PASSED AND APPROVED by the City Commission of the City of Leavenworth, Kansas, on this 22nd day of March, 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:


Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT PWD NO. 22-19


PUBLIC HEARING FOR UNSAFE STRUCTURE
717 SPRUCE STREET

March 22, 2022

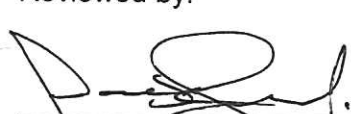
Prepared by:


Harold D. Burdette,
Chief Building Inspector

Reviewed by:


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

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 717 Spruce Street.

BACKGROUND:

On January 25, 2022, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 717 Spruce Street that was damaged by fire. The Commission approved Resolution No. B-2303, setting March 22, 2022 as the date for a public hearing for the purposes of Chapter 20, Article V, of the City Code of Ordinances.

The structure was damaged by fire on November 13, 2021. A building permit was issued on February 9, 2022, and interior demolition has been completed. There is electrical repair work that is yet to be completed and there is no heating system at this time.

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

The City has received proceeds from the insurance company for this property in the amount of \$15,000. The money will be returned to the property owner when repairs have been completed to the point that the City typically releases the funds.

NOTIFICATION PROCEDURES:

On February 3, 2022, a copy of said resolution was mailed by certified, restricted delivery mail to the owner. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Staff recommends that the owner is given 90 days to complete the repairs to the point that the exterior repairs are completed and the interior has been inspected and approved so that the interior finish work can proceed. If the repairs are not completed at that time, then additional time may be given, and the money can be returned at a later date once the repairs have been completed to a point in the repair process that there is no need to consider demolition.

COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2311 giving the owners 90 days to complete the repairs, or another amount of time decided by the Commission.

ATTACHMENTS:

Resolution No. B-2311

Pictures of House

(To Be Published in the Leavenworth Times on March 25, 2022)

RESOLUTION NO. B-2311

A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE LOCATED AT 717 SPRUCE STREET AND HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 25th day of January, 2022 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as “A single-family structure located at **717 Spruce Street**. The property is legally described as: DAVIS, JAMES, ADD, BLOCK 1, W35’ OF N56.7’LT 5 & W35’LT 6 IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2303 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2303 was published in the official City newspaper on February 1, 2022 and February 8, 2022, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on March 22, 2022 the Governing Body heard all evidence submitted by the Chief Building Inspector of the City and heard any evidence submitted by the owner, agents, or lienholders of records.

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

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas on this 22nd day of March 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC City Clerk





MAYOR'S APPOINTMENTS

March 22, 2022

Mayor Leonhard

“Move to

*Appoint to the **Solid Waste Citizens Task Force** Sarah Weygand, Anne Slusher, Gerard Overbey, John Denney Jr., Jeffrey Howards, Christian Howell, and Bryce Miller.*

Requires a second and vote by the Governing Body.

POLICY REPORT

Review Unsafe and Dangerous Structures

March 22, 2022



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



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

On September 14, 2021, the City Commission adopted Resolution B-2292 regarding demolition of 18 structures. At that time, the Commission voted to grant an extension to November 9, 2021 for 8 properties, including 767 Charles Street. At the November 9, 2021 meeting, the City Commission voted to grant an extension to January 11, 2022 for 767 Charles Street. At the January 11, 2022 meeting, the City Commission voted to grant an additional extension to March 22, 2022. The current status of the property is as follows:

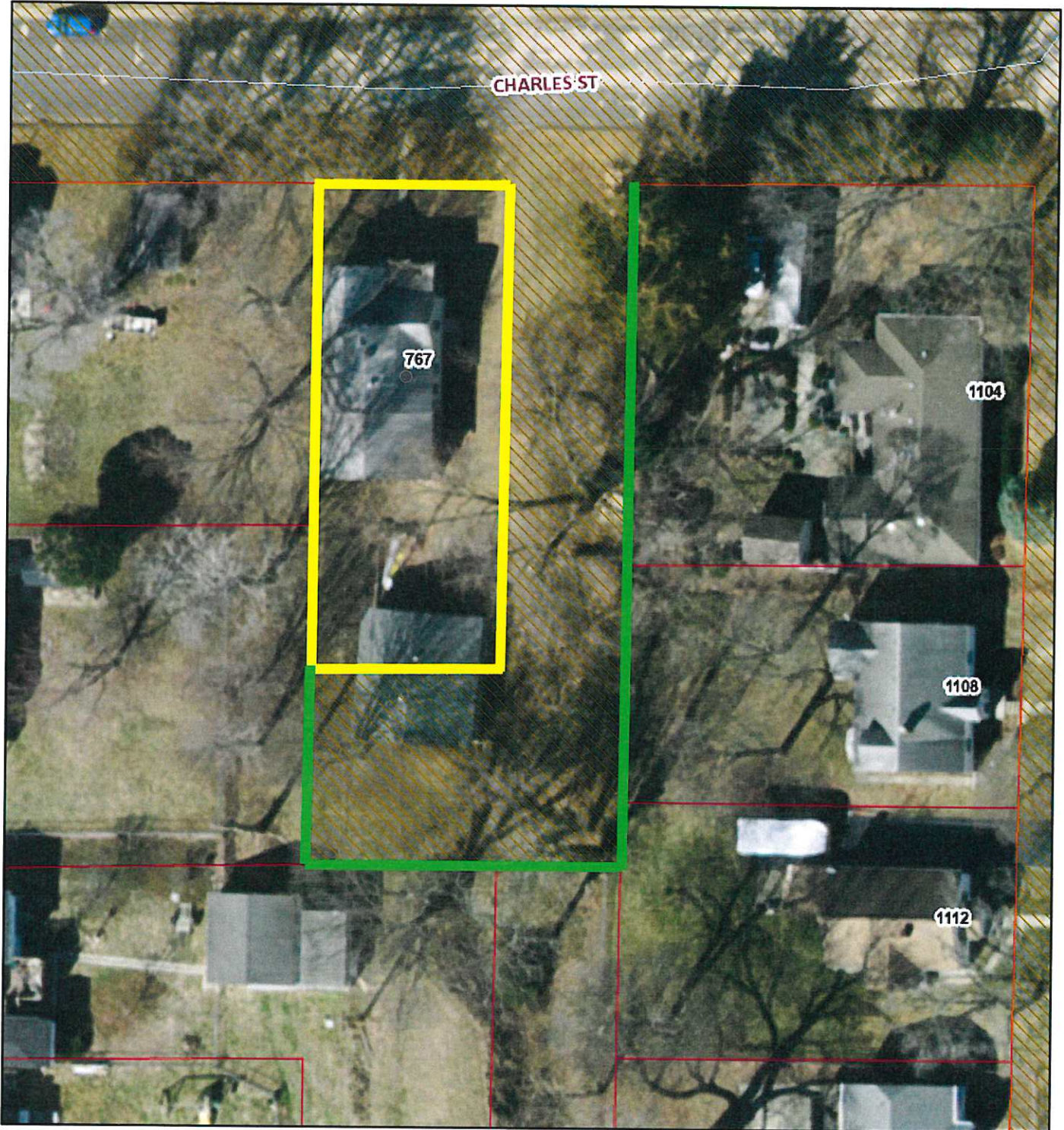
1. **767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Property has been sold to Kevin Lis. Mr. Lis has indicated to staff his intent to apply for the vacation of the City owned ROW behind the property, as a portion of the existing detached garage currently sits within the ROW. Staff has been in contact with a local surveyor who is working on the survey required for the vacation request and expects an application to be made shortly. Mr. Lis has begun work on the property, to include installation of a new roof.

Staff recommends that the property be removed from the demolition list.

RECOMMENDED ACTION

- Motion to remove listed property from demolition list.
- Motion to grant extension to complete repairs to listed property.
- No further action (will allow staff to proceed with demolition process for property).

767 Charles

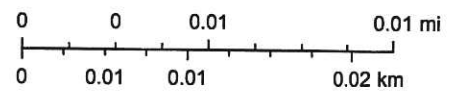


3/17/2022, 10:08:06 AM

1:564

Lines

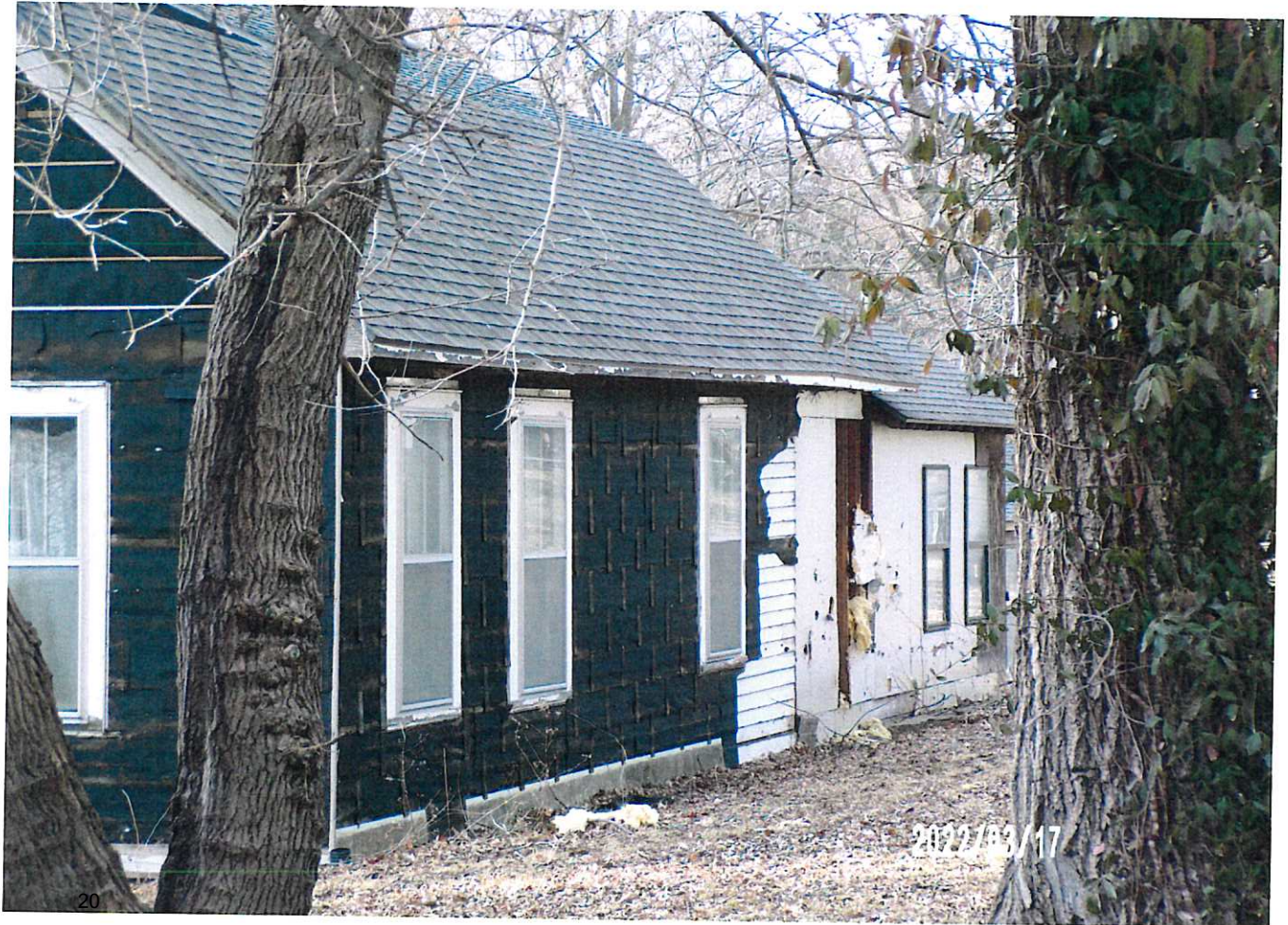
- Override 1
- Override 2
- Parcels_Current
- Address (Points)
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline

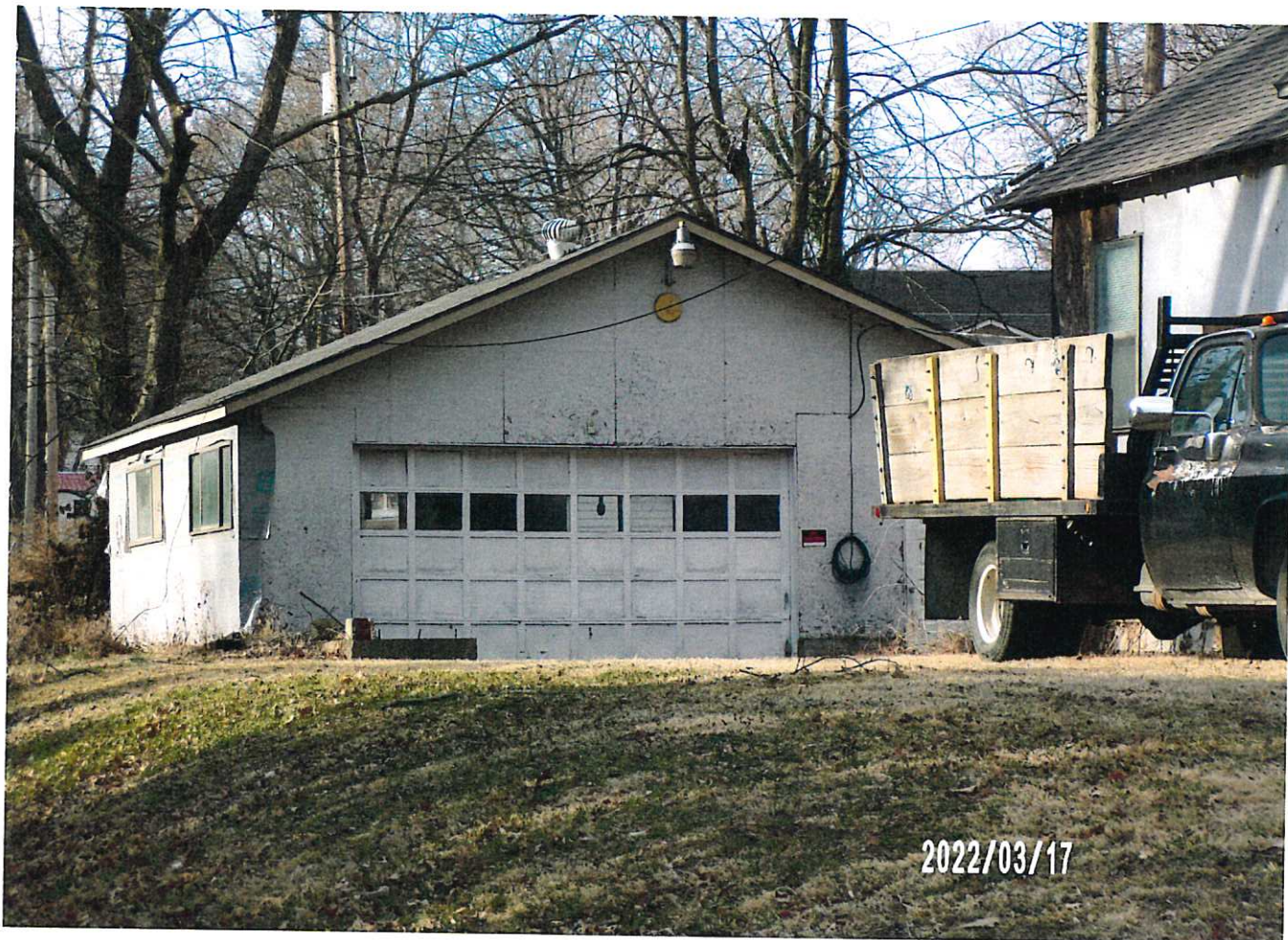


Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Web AppBuilder for ArcGIS

Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA |





**POLICY REPORT
CONSIDER STREET CLOSURE
SPECIAL EVENT – FIRST CITY HISTORY FESTIVAL– SATURDAY, APRIL 30, 2022**

MARCH 22, 2022

Reviewed by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer,
City Manager

ISSUES:

Consider a municipal street closure from 6th Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022 from Noon to 3 p.m. for the First City History Festival outhouse races and other games for participants at the festival.

BACKGROUND:

A Special Event application has been submitted for the History Festival. It is scheduled for Friday, April 29, 2022 and Saturday, April 30, 2022. Shannon Gardner and Ken LaMaster, the event coordinators, request that the street be closed on Saturday, April 30, 2022 from Noon to 3:00 p.m. for the purpose of outhouse races and other games.

ACTIONS:

Approve or deny closing the street from 6th Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022, from Noon to 3:00 p.m.

Attachments:

- Special Event Application
- Street Closure Map (highlighted area indicates the closure area)



Special Event Application

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

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

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

Parade Walk/Race/Run Bike Race Other Festival

EVENT INFORMATION

Name of Event: First City History Festival

Date of Event: Start Date: 4/29/22 End Date: 4/30/22 Time of Event: Start Time: 2p End Time: 10p

Event Location: Haymarket Square

Event Route: (attach map)

Will Event Require Street Closure? If yes, indicate desired closures on route map	<u>yes</u>	Will Event have Food Vendors? If yes, Temporary Food Service Application Required	<u>yes</u>	Estimated Number of people/participants?
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Will Event have amplified sound/music? If yes, Noise Permit Required	<u>yes</u>	Will Event include sale of items? If yes, KS Sales Tax number Required & KS Sales Tax packet	<u>yes</u>	Will Event have Bounce Houses or Rides? If yes, valid permit issued by KS Dept. of Labor Required	<u>No</u>
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APPLICANT INFORMATION

Applicant/Event Coordinator Name: Kenneth LaMaster

Applicant Address: 1118 S. 14th City: Leavenworth State: Ks Zip: 66048

Applicant Phone: 913-704-9331 Email: KennethLaMaster@yahoo.com

SPONSORING ORGANIZATION INFORMATION

Legal Name of Business (include DBA if applicable): First City History Festival

Business Address: 1118 S 14th St City: Leavenworth State: Ks Zip: 66048

Business Phone: 913-704-9331 Email: Firstcityhistory@gmail.com

City Code Sec. 42-246 Liability Insurance requirements: Before a license shall be issued under this article, the applicant for such license shall file with the city clerk a certificate of liability insurance issued by a company authorized to do business in the state providing \$1,000,000.00 per occurrence for bodily injury or property and \$2,000,000.00 aggregate coverage. In the description of operations section shall include the name and date of the activity and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis." The policy shall further include a provision that notice of change or cancellation shall be given to the city. In addition, the applicant shall hold the city harmless for any and all claims that may arise against the city by any person for damages to persons or property caused by the licensee.

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

<u>2/7/22</u> Date	Office Use Only
<u>[Signature]</u> Received By	If Applicable
Route Map	Food Vendor(s) <input type="checkbox"/>
COI <input checked="" type="checkbox"/>	Alcohol <input checked="" type="checkbox"/>
	KDOR Packet <input checked="" type="checkbox"/>
	Park Reservation <input checked="" type="checkbox"/>
	Amusement Ride Cert <input type="checkbox"/>
Approval:	
Fire Chief	Police Chief
	City Manager

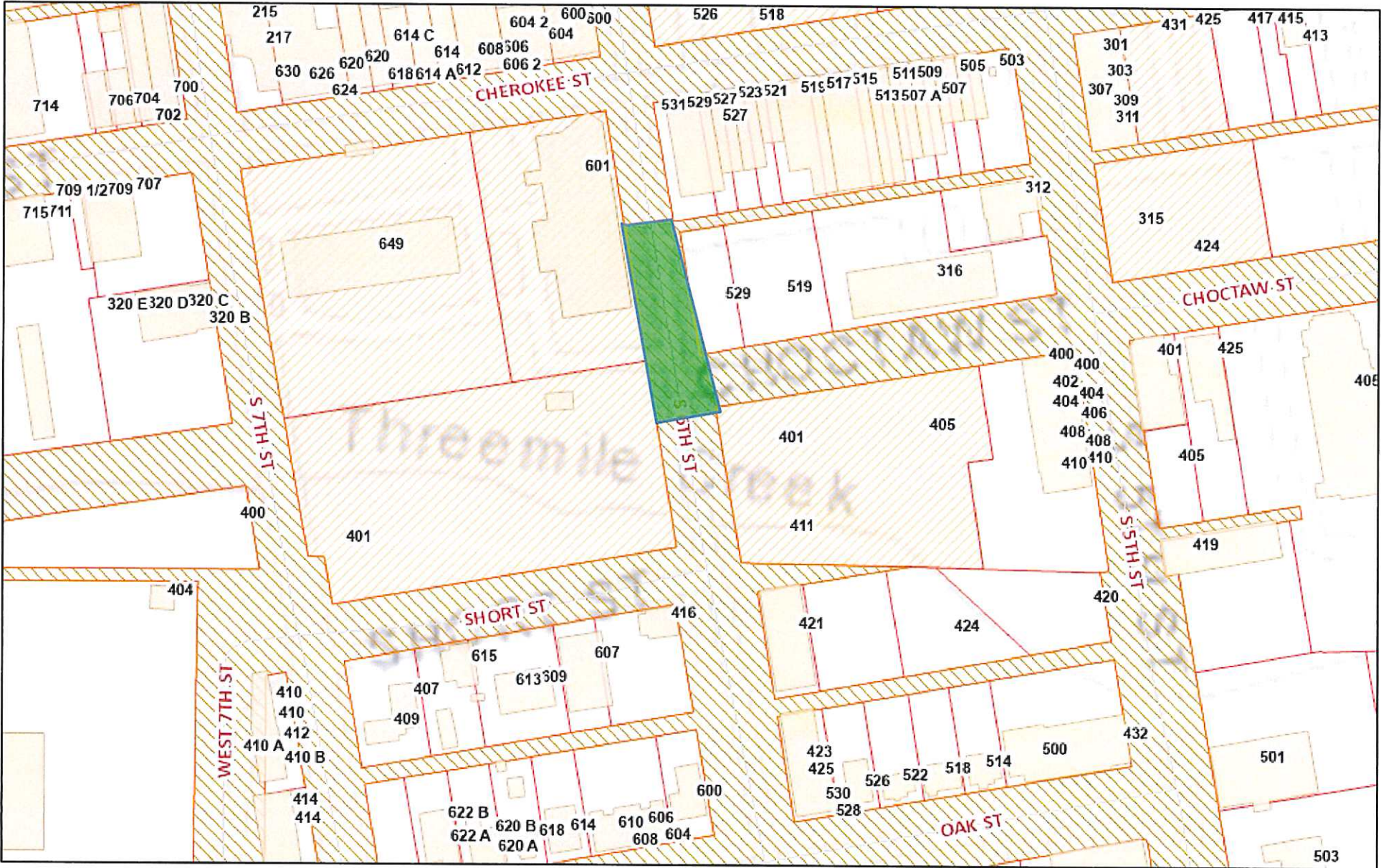
[Signature]
Event Coordinator Signature

2/7/2022
Date

Office of the City Clerk • City of Leavenworth • 913-682-9201 • 100 N. 5th Street • Leavenworth, Kansas 66048

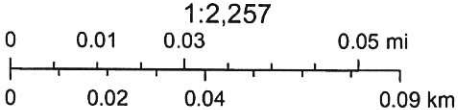
Revised January 2020

ArcGIS Web Map



3/15/2022, 10:48:29 AM

- Override 1
- Buildings
- Lansing City Limits
- Parcels (City Owned)
- Address (Points)
- Ft Leavenworth Military Installation
- Parcels_Current
- Missouri River
- Leavenworth City Limits



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

POLICY REPORT NO. 22-18

REJECTION OF BIDS RECEIVED FOR STORM DRAINAGE IMPROVEMENTS AT 741 POTTAWATOMIE

PROJECT NO. 2021-951

March 22, 2022

Prepared By:

Approved By:



Brian Faust, P.E.,
Public Works Director



Paul Kramer,
City Manager

ISSUE:

Consider rejection of all bids received for storm drainage improvements at 741 Pottawatomie.

BACKGROUND:

The area around 741 Pottawatomie experiences significant flooding during moderate to heavy rain events. The current system of enclosed piping, open ditches and area inlets has degraded to a point where the carrying capacity of the system is not sufficient for the volume of water. As a result, water ponds in the side yard and can get very deep. This creates an unsafe condition for the resident.

In 2021, the City hired Wilson & Company to design improvements at this location. This project is one part for a much larger program that will upsize and replace storm lines that extend to Three-Mile Creek.

The project was advertised locally and at Drexel Technologies through their website. Bids were opened on March 9th with the results listed below.

Company	Bid Total
Linaweaver Construction	\$ 595,604.50
RNG 10 Capital / Utility Solutions	\$ 713,263.20
Kissick Construction	(Incomplete Bid)
Engineer's Estimate	\$ 489,160.00

BUDGET IMPACT:

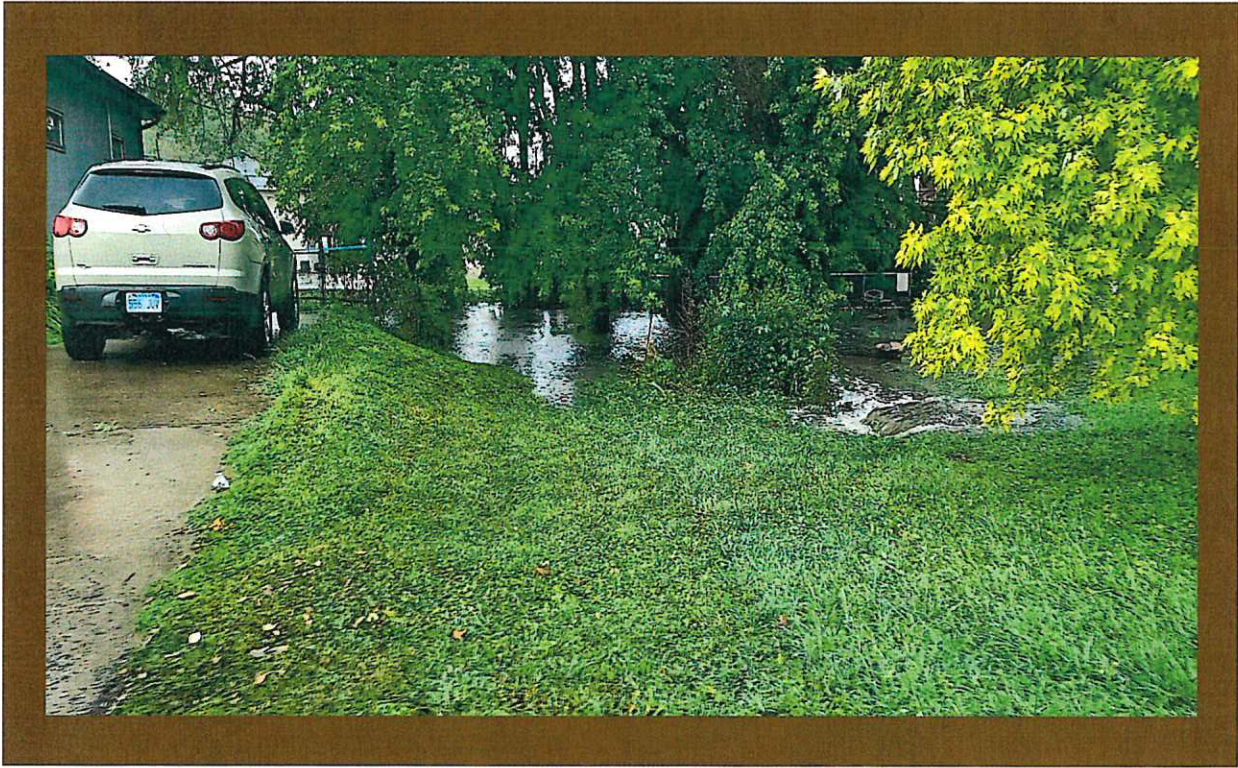
The Engineer's estimate from Wilson was submitted based on the latest information they had available. Despite this, the instability in the market combined with the sheer size of many of the structures on this project, resulted in the engineering estimate being low. While funding in the stormwater fund is available to cover the project, staff feels that the bids should be rejected. Staff is in the process of working with Wilson to modify the design so it can be re-advertised within the next few weeks.

STAFF RECOMMENDATION:

Staff recommends that the City Commission reject all bids for the Storm Drainage Improvements at 741 Pottawatomie and direct staff to re-bid the project.

ATTACHMENT:

- Bid Tabulation
- Schematic of the project





CITY OF LEAVENWORTH
 Project No. 2021-951
 741 Pottawatomie Drainage Improvements
 March 9, 2022

BASE BID											
Item	Description	Unit	Quantity	Engineer's Estimate		Linaweaver Construction		RNG 10 Capital dba/Utility Solutions		Kissick Construction	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$30,000.00	\$30,000.00	\$27,159.00	\$27,159.00		\$0.00
2	Construction Furnished Staking	LS	1	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$2,354.90	\$2,354.90		\$0.00
3	Clearing & Grubbing	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$12,056.70	\$12,056.70		\$0.00
4	Existing Storm Sewer Removal	LS	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$16,288.70	\$16,288.70		\$0.00
5	Tree Removal	EA	12	\$1,000.00	\$12,000.00	\$1,250.00	\$15,000.00	\$718.30	\$8,619.60		\$0.00
6	Asphaltic Concrete, Surface (2")	SY	141	\$15.00	\$2,115.00	\$65.00	\$9,165.00	\$23.70	\$3,341.70		\$0.00
7	Asphaltic Concrete, Base (6")	SY	141	\$35.00	\$4,935.00	\$82.50	\$11,632.50	\$52.80	\$7,444.80		\$0.00
8	Asphaltic Concrete, Surface (4")	SY	134	\$25.00	\$3,350.00	\$73.00	\$9,782.00	\$37.40	\$5,011.60		\$0.00
9	Aggregate Base (6")	SY	296	\$15.00	\$4,440.00	\$10.00	\$2,960.00	\$41.10	\$12,165.60		\$0.00
10	Geogrid Reinforcement for Base	SY	296	\$5.00	\$1,480.00	\$10.00	\$2,960.00	\$18.40	\$5,446.40		\$0.00
11	Concrete Sidewalk (4")	SF	224	\$10.00	\$2,240.00	\$8.00	\$1,792.00	\$39.00	\$8,736.00		\$0.00
12	Slope Protection (Decorative River Rock)	SY	23	\$90.00	\$2,070.00	\$50.00	\$1,150.00	\$300.40	\$6,909.20		\$0.00
13	Curb & Gutter, CG-1	LF	15	\$70.00	\$1,050.00	\$85.00	\$1,275.00	\$92.00	\$1,380.00		\$0.00
14	Flowable Fill	CY	28	\$150.00	\$4,200.00	\$185.00	\$5,180.00	\$456.50	\$12,782.00		\$0.00
15	Connect to Existing Storm Sewer	EA	1	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$7,652.80	\$7,652.80		\$0.00
16	Connect to Existing Storm Inlet	EA	1	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00	\$13,553.00	\$13,553.00		\$0.00
17	10' Standard Manhole	EA	1	\$30,000.00	\$30,000.00	\$38,000.00	\$38,000.00	\$56,449.00	\$56,449.00		\$0.00
18	Setback Curb inlet, Type 2 (7'x4')	EA	2	\$15,000.00	\$30,000.00	\$15,000.00	\$30,000.00	\$19,564.20	\$39,128.40		\$0.00
19	Setback Curb inlet, Type 2 (8'x4')	EA	2	\$30,000.00	\$60,000.00	\$32,750.00	\$65,500.00	\$27,469.90	\$54,939.80		\$0.00
20	Area Inlet, 1 Side Open (8'x5')	EA	2	\$15,000.00	\$30,000.00	\$14,000.00	\$28,000.00	\$19,402.70	\$38,805.40		\$0.00
21	Inlet Concrete Apron w/Toewall	EA	1	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$6,772.20	\$6,772.20		\$0.00
22	Storm Sewer Pipe (60" RCP)	LF	492	\$450.00	\$221,400.00	\$490.00	\$241,080.00	\$664.20	\$326,786.40		\$0.00
23	Sanitary Sewer Pipe (6" SDR-26 PVC)	LF	100	\$50.00	\$5,000.00	\$160.00	\$16,000.00	\$150.80	\$15,080.00		\$0.00
24	Sanitary Sewer Pipe (8" SDR-26 PVC)	LF	50	\$60.00	\$3,000.00	\$160.00	\$8,000.00	\$197.00	\$9,850.00		\$0.00
25	4' Chain Link Fence	LF	336	\$80.00	\$26,880.00	\$48.00	\$16,128.00	\$24.00	\$8,064.00		\$0.00
26	Erosion Control	LS	1	\$4,000.00	\$4,000.00	\$2,500.00	\$2,500.00	\$1,091.00	\$1,091.00		\$0.00
27	Hydroseeding	AC	1	\$1,000.00	\$1,000.00	\$4,500.00	\$4,500.00	\$3,520.00	\$3,520.00		\$0.00
28	Temporary Traffic Control	LS	1	\$1,000.00	\$1,000.00	\$15,000.00	\$15,000.00	\$1,875.00	\$1,875.00		\$0.00
				TOTAL BASE BID:	\$489,160.00		\$595,604.50		\$713,263.20		\$0.00

Kissick Proposal not Read, incomplete.

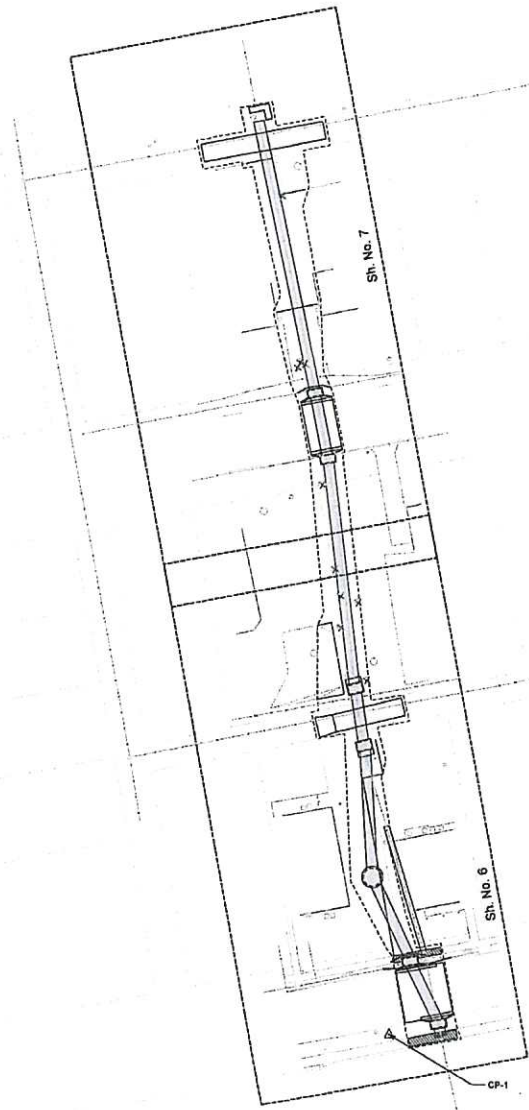
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ELEV. 805.29
SET 5/8" IRON BAR

CP-2
N: 374524.052 E: 2183588.898
ELEV. 816.85
SET 5/8" IRON BAR

KANSAS NORTH STATE PLANE
NAD 1983, GEOID 128

BROADWAY STREET

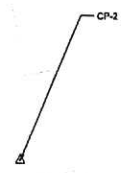


POTTAWATOMIE STREET

OSAGE STREET



7TH STREET



WILSON & COMPANY
INCORPORATED
Wilson & Company, Inc.
Engineers & Surveyors
202 E 15th Street, Suite 200
Topeka, KS 66606-4917
Phone: (785) 747-3100
Fax: (785) 747-3100

CITY PROJECT NO. 2018-095
2ND AND CHESTNUT STONE
ARCH REPLACEMENT
CONTROL POINTS &
GENERAL LAYOUT

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



DATE
11/20/2017
DESIGNED BY
BLIND
DRAWN BY
SLWS
CHECKED BY
CSL

SURVEY BOOK NO.

FILE NAME
Control Points and Reference Ties

SHEET
3 OF 15

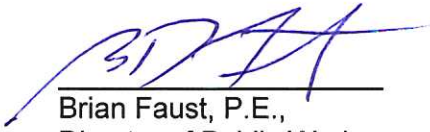
POLICY REPORT PWD NO. 22-17

CONSIDER APPROVAL OF A DESIGN CONTRACT WITH OLSSON, INC.
FOR THE TRAFFIC SIGNAL ASSESSMENT

City Project No. 2021-968

March 22, 2022

Prepared By:



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

Reviewed By:



Paul Kramer,
City Manager

ISSUE:

Consider approval of the contract with Olsson, Inc. for a complete assessment of our traffic signals. The project includes completing a full assessment of the traffic signals, developing a maintenance and replacement plan, developing standards and specifications, and providing direction to address financial and technology considerations moving forward. This project is an important component of the City Commission 'Roadways and Infrastructure' Goal which is to develop a long-range management plan associated with our City streets.

BACKGROUND:

The City of Leavenworth has 43 traffic signals in our system ranging from several decades old to brand new. As signals age, poles can experience cracking (wind loading), rust (both inside and out), and individual components within the controller cabinet can fail and/or become obsolete. The cost to completely replace one signalized intersection can range in the \$250K to \$350K range. It is important to manage this asset like other assets (streets/bridges/buildings/etc.) and that maintenance and replacement of components are done to help ensure it operates efficiently and safely. In addition, changing regulatory requirements (ADA) and advancements in smart technologies like connected vehicles should be planned for.

Moving forward, it is critical to assess our equipment to determine remaining life, replacement costs and the consequence of failure for components within our system along with planning for the future. In addition, KDOT recently completed a TEAP (Traffic Engineering Assistance Program) Study on Spruce between 4th and 5th which identified a need for a complete evaluation of the City's traffic signal system.

POLICY:

The City generally uses the Qualifications Base Selections process to select engineers for project design and evaluations. The City requested proposals from qualified firms that were interested in helping the City complete the following:

Non-Structural Data Collection:

Perform field inventory activities to collect/confirm the following information at the City's signalized intersections:

- Intersection Lane Configurations
- Cabinet Type and Condition
- Controller Type / Firmware Version
- Communications Type
- Type of Detection (Loop, Video, Radar)
- Pull boxes and Conduit
- Signal and Pedestrian Heads
- Battery Backup
- Power Supply
- Streetlight Type
- Pedestrian Button Location
- Accessible Ramp Location, Type, Grade, Detectable Warning

Structural Assessment:

Perform a structural assessment of the pole and foundation of existing traffic signals.

Prioritization and Replacement Plan and Maintenance Schedule:

Develop a replacement and maintenance schedule for the traffic signals system. Initial safety and operational concerns that need to be addressed immediately will be identified, followed by near-term needs, then a replacement and maintenance schedule for the remaining signals including anticipated costs for equipment/components.

Review options to upgrade the signals to be ready for the future technology such as connected and autonomous vehicles, advanced signal timing, communications, etc.

Traffic Signal Standards and Specifications:

Work with the City to update existing traffic signal standard drawings and specifications.

The Request for Qualifications was sent to seven (7) firms and a notice was placed in the Leavenworth Times and on the City's website. The City received three (3) submittals:

- Olsson, Inc.
- Kimley-Horn and Associates, Inc.
- WSP USA, Inc.

The review committee consisted of the following:

- Brian Faust, Director of Public Work
- Michael Stephan, Project Manager
- Derek Burleson, Operations Superintendent
- Becky Beaver, Street Foreman
- Mitch Braget, GIS Technician
- Justin Stewart, Sr. Engineering Technician

The three (3) submittals were evaluated and the top two (2) firms were interviewed. After the interviews, Olsson was identified as the top firm. City staff worked with Olsson to negotiate a detailed project scope of services along with an estimated engineering fee for the work.

BUDGET IMPACT:

Project cost is a not-to-exceed amount of \$93,214. KDOT is looking into what, if any funding, could be allocated to this project. While some KDOT funding is a possibility, outside funding is not anticipated.

RECOMMENDATION:

Staff recommends approval of the Traffic Signal Assessment contract with Olsson for an amount not to exceed \$93,214.

ATTACHMENTS:

- Traffic Signal Assessment Contract – Olsson, Inc.
- Traffic Signal Photographs

**CITY OF LEAVENWORTH
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**

**STANDARD AGREEMENT
FOR
ENGINEERING SERVICES**

THIS AGREEMENT, is between the City of Leavenworth, Kansas (Owner) and Olsson, Inc. (Engineer);

WITNESSETH:

WHEREAS, the Owner wishes to employ the Engineer to perform professional engineering services on PW2021-968 Traffic Signal Light Assessment. These services include providing engineering design and construction documents for the full assessment of existing traffic signals, developing a maintenance and replacement plan, developing standards and specifications, and providing direction to address financial and technology considerations moving forward (the Project); and,

WHEREAS, the Owner requires certain engineering services in connection with the Project (the Services);
and,

WHEREAS, the Engineer is prepared to provide the Services;

NOW THEREFORE, in consideration of the promises contained in this Agreement, the Owner and Engineer.
agree to the following:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be _____

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Kansas and the codes of the City of Leavenworth

ARTICLE 3 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services, in accordance with applicable sections of the City of Leavenworth Design Criteria and Drafting Standards of latest revision.

ARTICLE 4 - COMPENSATION

Owner shall pay Engineer in accordance with the Attachment B, Compensation.

ARTICLE 5 – OWNER’S RESPONSIBILITIES

Owner shall be responsible for all matters described in Attachment C, Owner's Responsibilities.

ARTICLE 6 - SUPPLEMENTAL AGREEMENTS

The provisions set forth in Attachment D, Supplemental Agreements shall be incorporated into this Agreement.

ARTICLE 7 - PROJECT SCHEDULE

The provisions set forth in the Attachment E, Project Schedule shall be incorporated into this Agreement.

ARTICLE 8 - STANDARD OF CARE

Engineer shall exercise the same degree of care, skill, and diligence in the performance of Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances.

ARTICLE 9 - INDEMNIFICATION AND INSURANCE

Engineer hereby agrees to fully indemnify and hold harmless Owner and any of its departments, divisions, agencies, officers, employees and elected officials from all loss, damage, cost, or expenses specifically including attorneys' fees and other expenses of litigation incurred by or on behalf of the Owner and any of its officers, employees or elected officials arising out of Engineer's negligent performance of Services under this Agreement.

Engineer specifically agrees that this duty to indemnify and hold harmless will apply to the following:

- a. Claims, suits, or action of every kind and description when such suits or actions arise from the alleged negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

- b. Injury or damages received or sustained by any party because of the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

Engineer shall purchase and maintain during the life of this Agreement, insurance coverage which will satisfactorily insure him against claims and liabilities which arise because of the execution of this Agreement.

The insurance coverages are as follows:

- (1) Commercial General Liability Insurance, with a limit of \$1,000,000 for each occurrence and \$2,000,000 in the general aggregate.
- (2) Automobile Liability Insurance, with a limit of \$1,000,000 for each accident, combined single limit for bodily injury and property damage.
- (3) Worker's Compensation Insurance and Employer's Liability Insurance, in accordance with statutory requirements, with a limit of \$500,000 for each accident.
- (4) Professional Liability Insurance, with a limit of \$1,000,000 for each claim and aggregate.

Prior to issuance of the Notice to Proceed by Owner, Engineer shall have on file with Owner certificates of insurance acceptable to Owner. Said certificates of insurance shall be filed with Owner in January of each year or may be submitted with each agreement.

Engineer shall also maintain valuable papers insurance to assure the restoration of any plans, drawings, field notes or other similar data relating to the work covered by this agreement, in the event of their loss or destruction, until such time as the work has been delivered to the Owner.

Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project, (2) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project construction schedules, Engineer's opinion of probable construction costs and of construction schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project construction costs will not vary from Engineer's cost estimates or that actual construction schedules will not vary from Engineer's projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Engineer pursuant to the Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer. Any verification or adaptation requested by Owner shall entitle Engineer to compensation at rates to be agreed upon by Owner and Engineer.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by Engineer as part of the Services shall become the sole property of Owner, however, that both Owner and Engineer shall have the unrestricted right to their use. Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of Engineer. Owner shall have the unlimited right to the use of intellectual property developed, utilized, or modified in the performance of the Services at no additional cost to the Owner.

ARTICLE 14 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party. Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all Services performed prior to the date of the termination notice. Upon restart, an adjustment acceptable to Owner and Engineer shall be made to Engineer's compensation.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of the Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonconforming party. For purposes of this Agreement, such circumstances include abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, or other civil disturbances; sabotage, judicial restraint, and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Should such circumstances occur, the nonconforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of the Agreement.

For delays in performance by Engineer, as set forth in Attachment E, Project Schedule, which are caused by circumstances which are within its control, such delays shall be documented on the Engineer's Project Performance Evaluation form. Said form shall be completed at the conclusion of Project and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects.

In the event Engineer is delayed in the performance of Services because of delays caused by Owner, Engineer shall have no claim against Owner for damages or contract adjustment other than an extension of time.

ARTICLE 16 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer: Olsson, Inc.
7301 W. 133rd Street, Suite 200
Overland Park, KS 66213
(913)-381-1170

Owner: City of Leavenworth Engineering Division
100 N. 5th Street
Leavenworth, KS 66048
(913)-684-0375

Nothing contained in the Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 17 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 18 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 19 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. All prior and contemporaneous communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of this Agreement, as set forth in Attachment D, Supplemental Agreements are hereby incorporated into and shall become a part of this Agreement

ARTICLE 20 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party of this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

ARTICLE 21 - ASSIGNMENT

Neither Owner nor Engineer shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Engineer from employing independent consultants, associates, and subcontractors to assist in the performance of the Services; however, other agreements to the contrary notwithstanding, in the event Engineer employs independent consultants, associates, and subcontractors to assist in performance of the Services, Engineer shall be solely responsible for the negligent performance of the independent consultants, associates, and subcontractors so employed.

ARTICLE 22 - THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Engineer.

ARTICLE 23 – RELATIONSHIP OF PARTIES

Nothing contained herein shall be construed to hold or to make the Owner a partner, joint venturer, or associate of Engineer, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

IN WITNESS WHEREOF, Owner and Engineer have executed this Agreement.

CITY OF LEAVENWORTH
Owner

By: Camalla Leonhard

Mayor
Title

Date:

Attest: _____
City Clerk, Sarah Bodensteiner

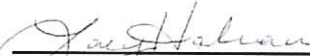
OLSSON, INC
Engineer



By: Kurt Rotering

Traffic/Technology Team Leader
Title


3/9/2022
Date:

Attest: 
Lacy Holman


By: Jeremy Stretz

Senior Engineer
Title

3/9/2022
Date:

Attest: 
Lacy Holman

**ATTACHMENT A
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Olsson, Inc.
Project Number & Name: PW2021-968 Traffic Signal Light Assessment

SCOPE OF SERVICES

PROJECT DESCRIPTION

The purpose of this project is to provide a full picture of the City of Leavenworth's traffic signal system to ensure it continues to operate efficiently and safely. The project includes completing a full assessment of the traffic signals, developing a maintenance and replacement plan, developing standards and specifications, and will provide direction to address financial and technology considerations moving forward. This project will review 38 of the existing 43 signals spread throughout the city of varying age, complexity, and component type. It is anticipated 5 signals will not be part of the on-site data collection due to recent or upcoming projects to replace the signals (4th and Shawnee, 4th and Delaware, 4th and Cherokee, 2nd and Thornton, and 20th and Eisenhower). All signals WILL be included in the ultimate inventory and plan. The city desires to have a full picture of what is currently in the field to identify immediate signal improvement needs, as well as to develop a replacement and upgrade schedule. This will help the city identify a yearly budget for traffic signal needs. Olsson will also review the existing city traffic signal specifications and recommend changes. Additionally, Olsson will assist the city in determining existing funding sources from the Kansas Department of Transportation (KDOT), Mid-America Regional Council (MARC), and other available sources.

The following tasks are included in the scope of services for this project.

TASK 1. Project Management

a. Project Management

Project management and technical oversight of Olsson will be provided throughout the duration of the contract. This task includes necessary modifications to the project work plan and schedule based on discussion with City staff and on-going project needs. Olsson project manager will serve as point of contact, maintain project schedule and budget, and be responsible for coordinating work. Olsson project manager will maintain frequent and effective communication with the City of Leavenworth project manager. Monthly progress reports and invoices will be prepared documenting project progress, issues encountered, corrective strategies and planned work for the next month.

b. Quality Assurance / Quality Control (QA/QC)

Quality control will be conducted throughout the project and prior to submittal of all project deliverables. An internal Quality Control Plan (QCP) will be prepared by Olsson to guide the quality control process for Olsson throughout the duration of the project.

TASK 2. Meetings / Initial Data Collection*a. Kick-Off Meeting (1)*

Once notice to proceed has been received, Olsson will schedule, coordinate and attend an in-person kick-off meeting with City staff. At this meeting Olsson will collect all existing traffic signal information and interview existing staff to obtain historical knowledge. The data collection checklist will also be discussed and finalized.

b. Progress Meetings – (Assume 5 meetings) (Virtual) (30 min each)

Olsson will participate in monthly progress meetings. The project manager will coordinate with the city to schedule these meetings. These meetings are anticipated to be 30 minutes each. Olsson will also coordinate the development and distribution of meeting agendas prior to all progress/review meetings. Olsson will prepare and distribute meeting minutes within seven (7) days of the meeting.

TASK 3. On-Site Data Collection*a. App Development*

Olsson will customize the ArcGIS Field Maps mobile app for this project to automatically populate GIS with information and pictures collected in the field. The approved checklist will be in the app to ensure that all information is collected at every intersection.

Olsson will coordinate with City GIS staff to ensure the output files will easily integrate with the City's ESRI software.

b. Non-Structural Data Collection

Olsson will review existing data provided by the city prior to in-field data collection. Having this background knowledge prior to the field work will assist with understanding what is in the field and to avoid any surprises.

Olsson will perform field inventory activities to collect/confirm the following information at 38 signalized intersections:

- a. Intersection lane configurations
- b. Cabinet Type and Condition
- c. Controller Type / Firmware Version
- d. Communications Type
- e. Type of Detection (Loop, Video, Radar)
- f. Pullboxes and Conduit
- g. Signal and Pedestrian Heads
- h. Battery Backup
- i. Power Supply
- j. Streetlight type
- k. Pedestrian Button location
- l. Accessible ramp location, type, grade, detectable warning

All data will be collected utilizing the customized ArcGIS Field Maps mobile app.

c. *Structural Assessment*

Olsson will perform a structural assessment of the bases and foundations of the traffic signals at 38 signalized intersections. Olsson will utilize a 2-person team and has budgeted for an average of 3 hours per intersection to complete the structural assessment.

To review the base plate of each signal pole an initial visual inspection will be performed on the base plate weld joining the vertical pole and the anchor rod/nut assembly joining the base plate. The torque of the anchor bolted connections will be tested if original drawings are available to understand the specified torque.

Ultrasonic thickness testing for corrosion will be completed on the vertical pole near the bottom as near as practical within 1 to 2 inches of the base plate. The thickness will be tested at approximately the 3, 6, 9, and 12 o'clock positions.

Depending on the coating on the existing poles, either Enhanced Magnetic Particle Inspection or a liquid penetrant test will be used on either the vertical pole and if the CWI/NDT Level II, Team Leader/Professional Engineer deems it is necessary.

CONSULTANT will provide all testing equipment and safety equipment needed to complete any testing. If lane closures are needed to complete inspection, Olsson will contract with a third part traffic control firm (not anticipated).

Data from the assessment will be utilized to help determine remaining life of the structural elements. If the structure of any traffic signal is viewed as a safety concern the city will be notified immediately.

TASK 4. Prioritization Plan and Replacement Cycle

a. *Data Compilation*

Olsson will review all data collected from the kick-off meeting, non-structural data collection, and structural assessment. A spreadsheet will be developed to complete the prioritization, cost estimating, and replacement scheduling. Data from the GIS app will be exported to a spreadsheet.

b. *Prioritization and Replacement Plan and Maintenance Schedule*

Olsson will develop a replacement and maintenance schedule for the traffic signals system. Initial safety and operational concerns that need to be addressed immediately will be identified, followed by near-term needs, then a replacement and maintenance schedule for the remaining signals will be included.

Olsson will review options to upgrade the signals to be ready for the future technology such as connected and autonomous vehicles, advanced signal timing, communications, etc.

Olsson will include anticipated costs for all equipment and components included in the replacement plan based on recent bid tabs.

c. *Documentation*

Olsson will prepare a report summarizing the findings and recommendations. A draft report will be prepared for review by city staff. Based on comments received, Olsson will prepare a final version. If desired, recommendations can be included in a PowerPoint presentation for City Council.

TASK 5. Traffic Signal Standards and Specifications Update

a. Draft Development

Olsson will work with the city to update existing traffic signal standard drawings and specifications. Olsson will review the existing documents, develop recommendations and ideas, then meet with the city in person to make decisions on technology, standards, and desires. Olsson will update the existing AutoCAD standard drawings and specifications and submit PDFs of the draft documents.

b. Final Submittal

Olsson will address any comments and resubmit final standard drawings in both PDF and .dwg format. and specifications in both PDF and .doc formats.

Documentation

All submissions and work product shall be submitted in electronic format suitable for archiving by the City of Leavenworth. Submissions shall include, but are not limited to meeting minutes, database and spreadsheet files created for this project, GIS files, reports, etc. CONSULTANT will not copyright any work product and work will remain property of the City of Leavenworth.

Exclusions

The following items listed are excluded from this contract:

- Traffic counts
- Signal timing
- Traffic capacity &/or safety analysis
- Signal warrant studies
- Street lighting photometrics
- Design plans of any sort; including but not limited to, traffic signals, communications, geometrics, pedestrian ramps, etc.

**ATTACHMENT B
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Olsson, Inc.
Project Number & Name: PW2021-968 Traffic Signal Light Assessment

COMPENSATION

For the services covered by this Agreement, the Owner agrees to pay the Engineer as follows:

- A. For the Basic Services described in Attachment A, on a time-and-expense basis not to exceed \$93,214.00. Payments shall be made monthly in amounts which are consistent with the amount of engineering services provided, as determined by the Engineer.
- B. Compensation for Supplemental Services shall be made as defined below, when authorized in writing by the Owner. The maximum limit for each item of additional service shall be established individually and specifically agreed to by the Owner as stated below, unless the service is included in a subsequent agreement.

Hourly rates for each classification as defined by the Engineer's rate schedule, see Attachment F. Hourly charge rates are subject to adjustment annually on January 1. Overtime, when authorized by the Owner, will be billed at 1.0 times the rates listed (non-engineer time only).

Reimbursable charges will be considered the amount of actual costs of expenses or charges, including such items as staking materials, equipment rental, equipment hourly charges, mileage, toll telephone calls, reproduction and similar project related expenses.

- D. The entire amount of each statement shall be due and payable upon receipt by the Owner.
- E. It is understood and agreed:
 - 1. That the Engineer shall start the performance of Services within 10 days of receipt of a notice to proceed and shall complete the work in accordance with the contract times set forth in Attachment E, Project Schedule.
 - 2. That the Engineer shall keep records on the basis of generally accepted accounting practice of costs and expenses which records shall be available for inspection at all reasonable times.

**ATTACHMENT C
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Olsson, Inc.
Project Number & Name: PW2021-968 Traffic Signal Light Assessment

OWNER'S RESPONSIBILITIES

The Owner will furnish, as required by the work and not at the expense of the Engineer, the following items:

1. Make available to the Engineer all records, reports, maps, and other data pertinent to provision of the services required under this contract. Including but not limited to:
 - a. GIS information related to the signal system
 - b. Data for existing traffic signal inventory
 - c. All available information on the traffic signals, including maintenance logs, complaints, as-builts, etc.
 - d. Staff to be in the field or on-call during on-site assessments
 - e. Traffic signal standards in .dwg format
 - f. Traffic signal specifications in .doc format
2. Examine all plans, specifications and other documents submitted by the Engineer and render decisions promptly to prevent delay to the Engineer.
3. Designate one City of Leavenworth employee as the Owner representative with respect to all services to be rendered under this agreement. This individual shall have the authority to transmit instructions, receive information and to interpret and define the Owner's policies and decisions pertinent to the Engineer's services.
4. Issue notices to proceed to the Engineer for each phase of the design services.

Contract No. _____
Project No. PW2021-968

**ATTACHMENT D
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Olsson, Inc.
Project Number & Name: PW2021-968 Traffic Signal Light Assessment

SUPPLEMENTAL AGREEMENTS

NO SUPPLEMENTAL AGREEMENT IS NECESSARY AT THIS TIME.

**ATTACHMENT E
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: Olsson, Inc.
Project Number & Name: PW2021-968 Traffic Signal Light Assessment

PROJECT SCHEDULE

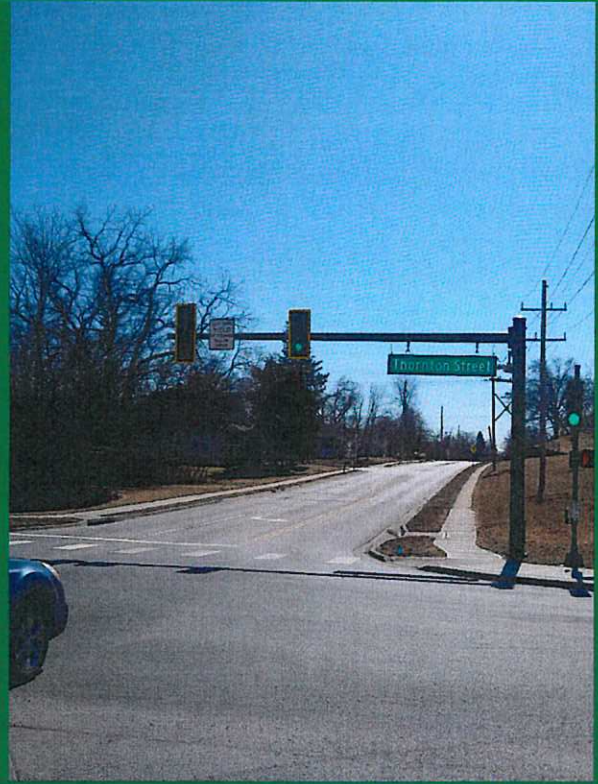
Owner and Engineer recognize that time is of the essence of the Agreement and that Owner will suffer financial loss if the work is not completed within the times stipulated herein, plus any extensions thereof. Accordingly, Engineer has established time intervals, in calendar days, for submittals at various stages of the project as detailed below. As each actual submittal date occurs, Engineer shall meet with Owner to discuss the progress of the work and the actual submittal date shall be documented. If project is behind schedule, the reason shall be recorded. Engineer shall not be responsible for the time required by Owner's representative to review Engineer's submittal. When review is complete, Owner shall, in writing, authorize Engineer to proceed to the next submittal date. After final submittal date, Engineer and Owner shall meet to evaluate Engineer's performance with regard to design schedule. An Engineer's Project Performance Evaluation form shall be completed and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects. Past performance shall be accounted for on the evaluation sheet used to rank consultants during the interview process.

1. Schedule: The following represents an anticipated list of major project schedule milestones:
 - a. Kick-Off Meeting – March 2022
 - b. On-Site Data Collection – April/May 2022
 - c. Prioritization Plan and Replacement Cycle – June/July 2022
 - d. Draft Report – July 30th, 2022
 - e. Final Report – August 30th, 2022
 - f. Standards and Specification Update – October 2022

Old Traffic Signal



New Traffic Signal



Old Traffic Signal



Welded Repair to Reinforce Pole



**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2022-04-REZ
1830 SOUTH BROADWAY STREET**

MARCH 22, 2022

SUBJECT:

A request to rezone the property located at 1830 South Broadway Street, from R1-6, High Density Single Family Residential District, to R-MX, Residential Mixed Use District.


Prepared By:
Julie Hurley
Director of Planning and
Community Development


Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The applicant and owner, Baljit Baidwan, is requesting a rezoning of the property located at 1830 South Broadway Street from R1-6, High Density Single Family Residential District, to R-MX, Residential Mixed Use District. The subject property is 9.32 acres in size and is occupied by a single building, which is occupied by the Council on Aging. A Special Use Permit for a "convalescent nursing or rest home" was approved for the property in 1985. The Council on Aging currently operates as a legal nonconforming use, as it is not operating per the approved Special Use Permit. The Council on Aging is anticipated to vacate the building and relocate to the former Cushing Memorial Hospital by the end of 2022.

The rezoning is being requested to allow the property owner to renovate the building to allow for a mix of office and multifamily residential uses. The owner has not indicated any specific plans in terms of mix of uses, number of residential units, or square footage of office space. The owner has indicated that he has no plans at this time to expand the existing structure or construct additional buildings on the property.

The Planning Commission considered this item at their March 7, 2022 meeting and voted 4-0 to recommend approval of the Rezoning request. During the meeting a total of 6 neighbors spoke in opposition to or voicing concerns about the proposed Rezoning.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is the site of the Council on Aging facility. The surrounding and adjacent properties are single-family homes, and Saint Casimir church located at the southeast corner of Pennsylvania St and S Broadway Street. The subject property's access entrance is located along Garland Street, the parcel abuts Pennsylvania Street, South Broadway St, and Rees St. Garland Street is classified as a local street and designed

to handle a low volume of traffic. Based on 2019 Pavement Condition Index (PCI) the current condition of Garland is classified as very poor.

- b) The zoning and use of properties nearby;
All adjacent properties are zoned R1-6 (High Density Single Family Residential District), and uses are single-family residential.
- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property was built in 1960. There have been improvements on the property in 1960, 1970, 1975, and 1980. The building is currently used as an office space and community center for senior citizens for the Council on Aging.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning has potential to impact the surrounding properties by increasing the vehicular and foot traffic flow in the area. The subject building has been used for office space and community center for senior citizens prior to the current owner.
- e) The length of time the subject property has remained vacant as zoned;
The existing building has not been vacated by Council on Aging. Council on Aging is still holding programs and events at this location.
- f) The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning could have a potential positive effect on public health, safety and welfare by allowing for the reuse of an existing building that is about to become vacant, and by providing for a mix of residential, office and commercial uses.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The area is identified as Public/Semi-Public on the Future Land Use map. While the proposed rezoning to R-MX is not specifically a public or semi-public use, the designation of Public/Semi-Public does take into account the potential for a more intense use of the property than what currently exists. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors

REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the rezoning request of 1830 S. Broadway from R1-6 to R-MX.
- Deny the rezoning request of 1830 S. Broadway from R1-6 to R-MX.
- Return the rezoning request to the Planning Commission for further consideration.

(Summary Published in the Leavenworth Times on April _____, 2022)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1830 S. BROADWAY STREET FROM HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R1-6) TO RESIDENTIAL MIXED USE (RMX).

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 7th day of March 2022 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 10th day of February 2022 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 1830 S. Broadway Street, Leavenworth Kansas from High Density Single-Family Residential District (R1-6) to Residential Mixed Use (RMX); and

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

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

Section 1: That the following described property, to-wit, is hereby rezoned from High Density Single-Family Residential District (R1-6) to Residential Mixed Use (RMX).

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH PM, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89° 40' 31" WEST, ALL BEARINGS ARE FROM GPS OBSERVATION A DISTANCE OF 927.33 FEET, THENCE SOUTH 01° 02' 02" WEST A DISTANCE OF 885.60 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY OF PENNSYLVANIA AVENUE AND ALSO BEGINNING THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED IN DEED BOOK

982, PAGE 704; THENCE SOUTH 01° 02' 02" WEST FOR A DISTANCE OF 270.70 FEET ALONG THE WEST LINE OF SAID TRACT, DEED BOOK 982, PAGE 704, AND ALONG THE WEST LINE OF A TRACT OF LAND RECORDED IN DEED BOOK 716, PAGE 706 TO THE SOUTHWEST CORNER OF SAID TRACT BOOK 716, PAGE 706; THENCE NORTH 89° 42' 58" EAST FOR A DISTANCE OF 139.88 FEET ALONG THE SOUTH LINE OF SAID TRACT, DEED BOOK 716, PAGE 706 TO THE WESTERLY RIGHT OF WAY OF SOUTH BROADWAY, THENCE SOUTH 01° 02' 02" WEST FOR A DISTANCE OF 548.00 FEET ALONG SAID WESTERLY RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF REES STREET; THENCE SOUTH 89° 33' 52" WEST FOR A DISTANCE OF 544.01 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY OF GARLAND STREET, ALSO BEING THE EAST LINE OF S.H. HOLMES PLEASANT VIEW SUBDIVISION; THENCE NORTH 01° 32' 06" EAST FOR A DISTANCE OF 819.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE, THENCE NORTH 89° 42' 58" EAST FOR A DISTANCE OF 396.92 FEET ALONG SAID SOUTH RIGHT OF WAY LINE, TO THE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

And **more commonly referred to as 1830 S. Broadway Street**, Leavenworth, Kansas

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

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

PASSED and APPROVED by the Governing Body on the ____ day of April 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2022-04 REZ

Application #	<u>10703</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>1-21-22</u>
Received By	<u>Pl. online</u>
Hearing Date	<u>3-7-22</u>
Publication Date	<u>2-8-22</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	<u>1830 S Broadway St LV KS</u>		
Rezoning:	Present classification of:	<u>SF R1-C</u>	district to: <u>Multi-family^{EMF}</u>
Legal Description:	<u>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</u>		
Real Estate PID #:	<u>101-02-D-10-14-004-000</u>	Historic District:	

I/We, Baljit Baidwan being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	<u>Baljit Baidwan</u>		
Address:	<u>14413 Leeds St Overland Park, KS 66223</u>		
Contact No.	<u>615-218-8423</u>	Email Address:	<u>Baidwan.Baljit@gmail.com</u>
Signature of Owner(s):	<u>Baidwan</u>		

State of Missouri)
County of Jackson)



Signed or attested before me on 1/21/22 by Baljit Baidwan
(date) (name(s) of person(s))

Notary Public: Tamarah Kirsch My Appointment Expires: 10/22/24

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

This is a large lot commercial in nature surrounded by mostly single family homes

Briefly describe the intended use and character of the property:

Convert the existing building into apartments.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

It is a large building with a large lot & many rooms that are suited for multi-family use

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

Currently used as council on aging building large number of vehicles come in & out and it will be similar traffic with M/F.

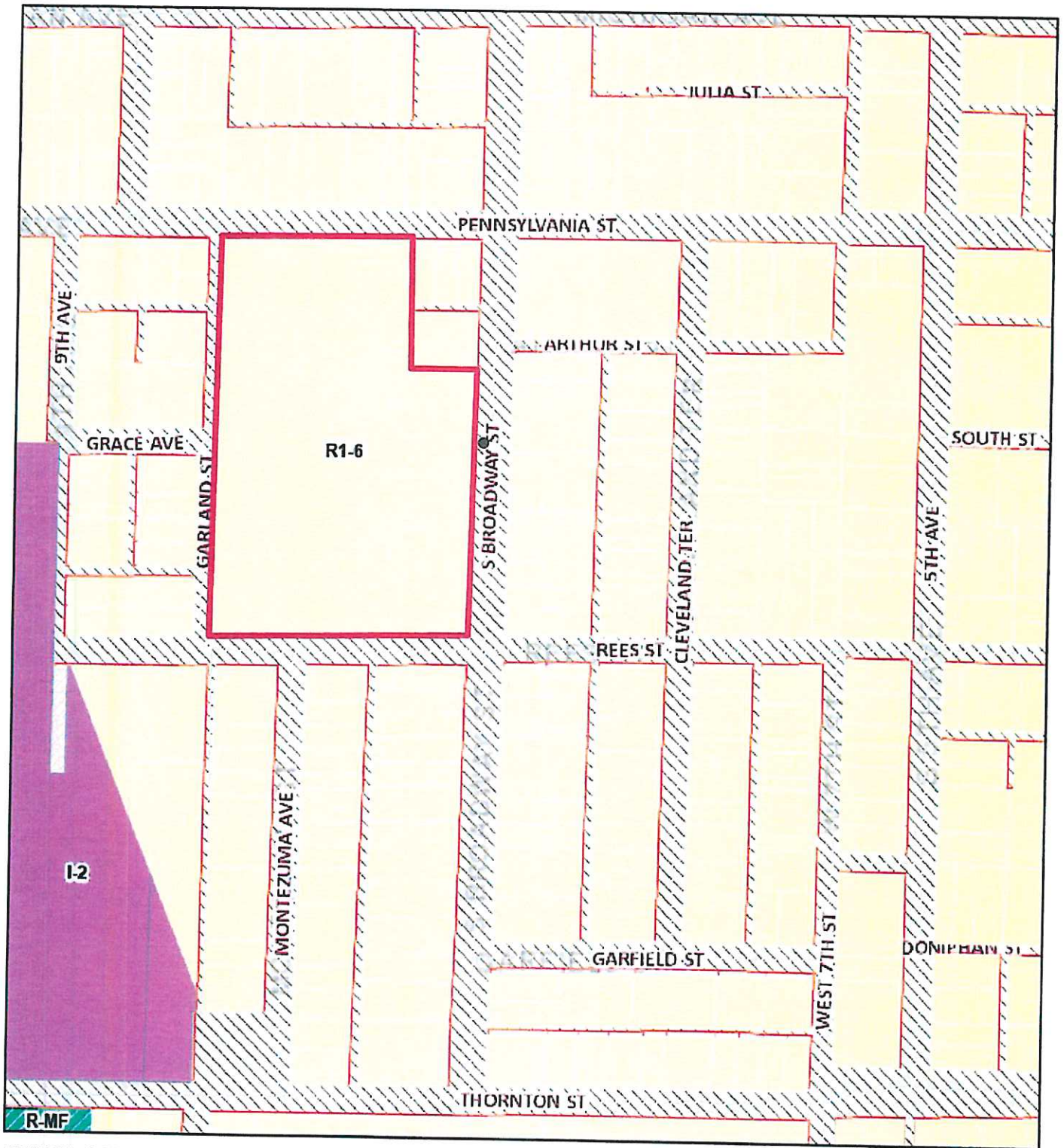
Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

Currently used a COA. since 2010

Check List:

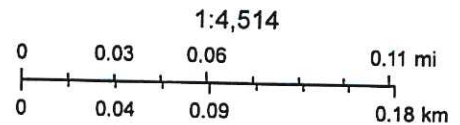
- Non-refundable fee of \$350.00 is due at time of application
- Certified list of the property owners within two hundred (200) feet of the subject property
- Full legal description obtained through the Register of Deeds Office
- Site plan drawn to scale (see General Instructions)
- Supporting documentation (see General Instructions)

1830 S Broadway St Zoning Map



3/2/2022, 9:00:33 AM

- | | |
|----------------------|--------------------------------------|
| Override 1 | Parcels_Current |
| Zoning_CURRENT I-2 | Missouri River |
| R-MF | Lansing City Limits |
| R1-6 | Ft Leavenworth Military Installation |
| Parcels (City Owned) | Leavenworth City Limits |
| | City Right-of-Way |
| | RoadCenterline |



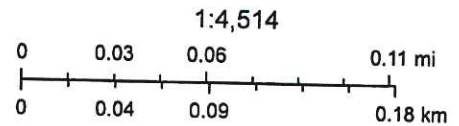
Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

1830 S Broadway St Aerial Map



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- Override 1
- Parcels (City Owned)
- Parcels_Current
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



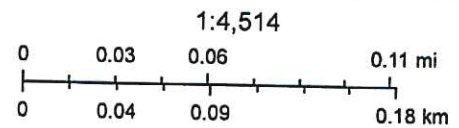
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1830 S Broadway St 2030 Future Land Use Map



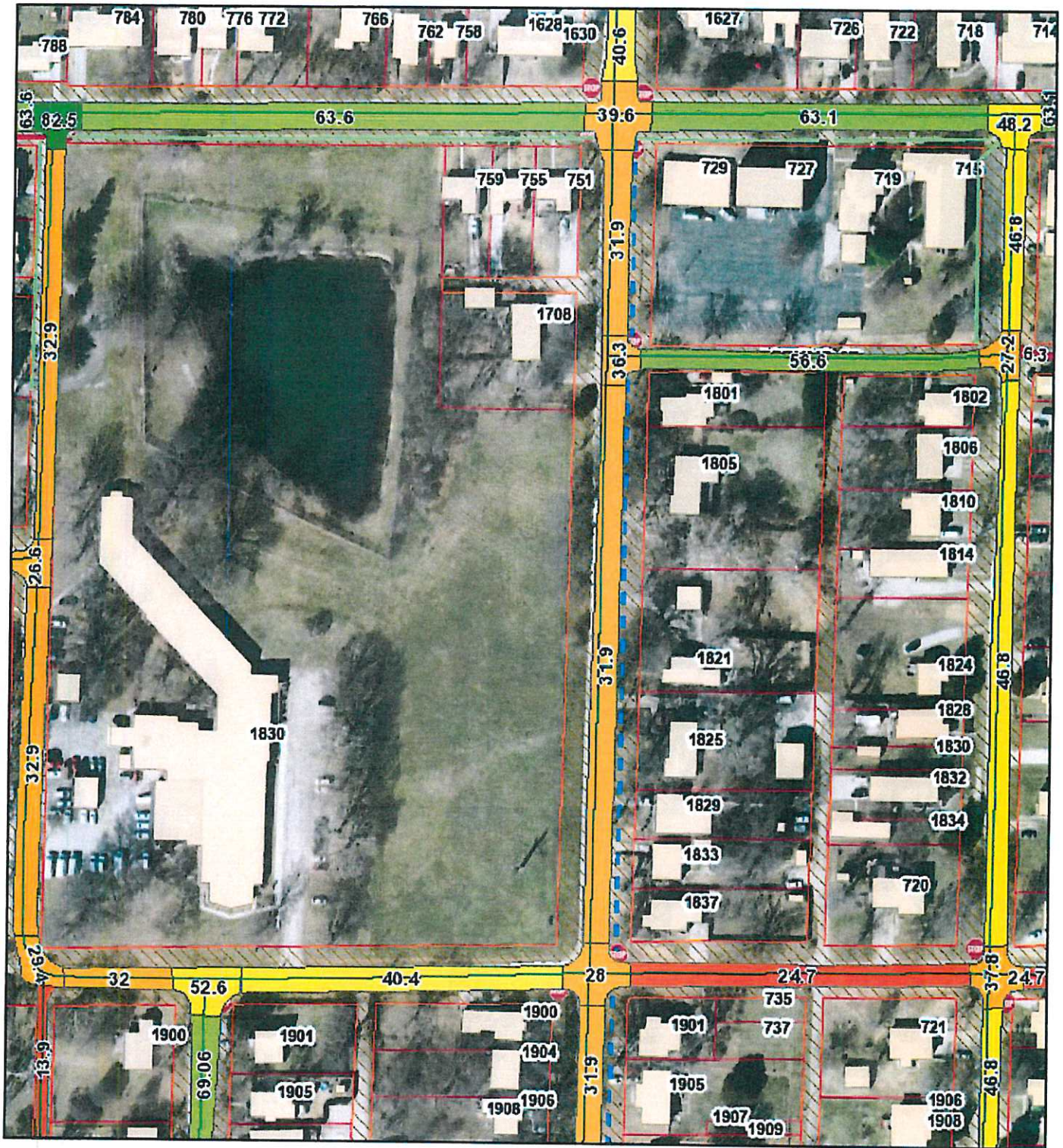
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- Override 1
- Parcels_Current
- Future Land Use (Comp Plan 2030)
- Conservation/Open Space
- Multi-Family
- Public/Semi-Public
- Single-Family
- Parcels (City Owned)
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



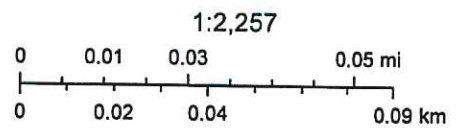
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1830 S Broadway PCI 2019



3/2/2022, 9:45:59 AM

- | | | |
|--------------|---------------------------|------------------|
| PCI_2019 | Failed | TL |
| Excellent | Local | Y |
| Satisfactory | Arterial | Snow (Culdesacs) |
| Fair | Collector | • Cul-de-sac |
| Poor | Traffic Control (Devices) | • Dead End |
| Very Poor | SS | ○ Through Access |
| Serious | | |



Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

ORDINANCE NO. 6771

AN ORDINANCE ALLOWING SPECIAL USES TO BE LOCATED AT SEVERAL LOCATIONS IN THE CITY OF LEAVENWORTH, KANSAS, TO ENABLE EXISTING USES TO CONTINUE WITHOUT PENALTY UNDER THE PROVISIONS OF THE 1985 ZONING ORDINANCE.

WHEREAS, under the Zoning Ordinance of the City of Leavenworth, Kansas, 1985, the Governing Body of the City of Leavenworth, Kansas, was given the power to locate special uses in each zoning district by ordinance; 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 April 1, 1985, in the Leavenworth City Hall, Leavenworth, Kansas, the official date set out as was published in the Leavenworth Times newspaper; and

WHEREAS, before a motion made, duly seconded, and passed, the Governing Body resolved to permit as a special use, the following described uses on the properties hereinafter described in accordance with the provisions of the 1985 Zoning Ordinance of the City of Leavenworth, Kansas.

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

Section 1. That a special use permit be issued to permit the operation of an auto salvage or junk yard within and upon all lots of Blocks Two (2) and Nine (9) and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Twenty-two (22), Block Three (3), and Lot One (1), Block Eight (8), of South Side Park addition subject to the general requirements of the I-1 and I-2 Industrial District regulations.

Section 2. That a special use permit be issued to permit location of duplexes within all platted lots (Lots One [1], Two [2], Three [3], Four [4], Five [5], and Six [6]) Hesseflow Subdivision, and the remaining portion of Block One (1), Pleasant Ridge Subdivision and also Block Two (2), Pleasant Ridge Subdivision subject to the requirements of the R1-9 Zoning District regulations.

Section 3. That a special use permit be issued to permit location of duplexes within and upon Lots Four (4) and Five (5), Strange Subdivision, without further special conditions aside from the requirements of the R1-9 Zoning District regulations.

Section 4. That a special use permit be issued to permit location of an off-street parking lot within two hundred feet (200') of a business as provided in Section 21.401 of the 1985 Zoning Ordinance within or upon Lot Six (6), Block Eighteen (18), Clark & Rees Addition subject to the general requirements of Article Four (4).

Section 5. That a special use permit be issued to permit location of a retail liquor store within and upon Lots Fourteen (14), Fifteen (15), and Sixteen (16), Block Ninety-three (93), Day and Macaulay Subdivision subject to the requirements of the Office Business District regulations.

Section 6. That a special use permit be issued to permit location of a funeral home within or upon Lots Seven (7) West one-half (W $\frac{1}{2}$) and Lot Eight (8), Block Fifty-seven (57), Leavenworth City Proper, subject to the requirements of the R1-6 District regulations.

Section 7. That a special use permit be issued to permit location of a social service center within or upon Lots Two (2) and Three (3), North thirty-eight feet (N 38'), Block B, Latta's Subdivision subject to the requirements of the R1-9 District regulations.

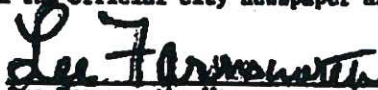
Section 8. That a special use permit be issued to permit location of a fraternal association within or upon Lots Fifteen (15) and Sixteen (16), Block Fifty-nine (59), Leavenworth City Proper, subject to the requirements of the R1-6 District regulations.

Section 9. That a special use permit be issued to permit location of a convalescent nursing or rest home facility within or upon a tract of land platted as Leavenworth County Hospital (A tract bounded on the North by Pennsylvania Avenue, on the East by Broadway, beginning S of the line of Pennsylvania Avenue 140' W of the W line of Broadway by N 394', by S 447', by E 334' by W 140' and N 270' (L12070), and a tract lying north of Lots One (1), Two (2), and Three (3), Femms Broadway Subdivision and west of Broadway), subject to the requirements of the R1-6 District regulations.

Section 10. That a special use permit be issued to permit location of a country club within or upon a tract of land platted as Shrine Park (58.22 AC in NE^{1/4}, Section 11, Township 9, Range 22), subject to the R1-9 District regulations.

Section 11. That a special use permit be issued to permit location of a fraternal association within or upon Blocks Seven (7) and Eight (8), 4.486 AC EA, and Blocks Nine (9) and Ten (10), 4.596 AC EA, and Block Eleven (11), all North of Choctaw, Russell's, subject to the R1-9 District regulations.

Section 12. That this ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper as provided by law.


Lee Farnsworth, Mayor

ATTEST:


Marguerite B. Stricker, City Clerk

Passed and Approved: 4/23/85

Published: April 1, 1985

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, March 7, 2022
6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower
Sherry Hines Whitson
Bill Waugh
Joe Burks

Commissioners Absent

James Diggs
Chris Murphy
Donald Homan

City Staff Present

Julie Hurley
Michelle Baragary
Jackie Porter

Chairman Wiedower called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: February 7, 2022

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: February 7, 2022. Commissioner Burks moved to approve the minutes as presented, seconded by Commissioner Whitson and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-04 REZ – 1830 S. BROADWAY

Conduct a public hearing for Case No. 2022-04 REZ – 1830 S. Broadway. The applicant/owner is requesting a rezoning of the property located at 1830 S. Broadway from R1-6, High Density Single Family Residential District, to RMX, Residential Mixed Use District.

Chairman Wiedower called for the staff report.

City Planner Jackie Porter stated the applicant and owner, Baljit Baidwan, is requesting a rezoning of the property located at 1830 S. Broadway Street from R1-6, High Density Single Family Residential District, to RMX, Residential Mixed Use District. The subject property is 9.32 acres in size and is occupied by a single building. The existing structure is occupied by the Council on Aging. A

Special Use Permit for a “convalescent nursing or rest home” was approved for the property in 1985. The Council on Aging operates as a legal non-conforming use of an office building and community center for senior citizens programs and events. The Council on Aging is anticipated to vacate the building and relocate to the former Cushing Memorial Hospital by the end of 2022.

The rezoning is being requested by the property owner to allow the zoning to accurately represent the intended use of property. The current owner intends to renovate the building to allow for office space and multifamily residential uses. The owner has not indicated any specific plans in terms of mix of uses, number of residential units, or square footage of office space. The owner has indicated that he has no plans at this time to expand the existing structure or construct additional buildings on the property.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is the site of the Council on Aging facility. The surrounding and adjacent properties are single-family homes, and Saint Casimir Church located at the southeast corner of Pennsylvania Street and S. Broadway Street. The subject property’s access entrance is located along Garland Street, the parcel abuts Pennsylvania Street, South Broadway Street, and Rees Street. Garland Street is classified as a local street and designed to handle a low volume of traffic. Based on 2019 Pavement Condition Index (PCI), the current condition of Garland Street is classified as very poor.

- b) The zoning and use of properties nearby;

All adjacent properties are zoned R1-6 (High Density Single Family Residential District), and uses are single-family residential.

- c) The suitability of the subject property for the uses to which it has been restricted;

The subject property was built in 1960. There have been improvements on the property in 1960, 1970, 1975 and 1980. The building is currently used as an office space and community center for senior citizens for the Council on Aging.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning has potential to impact the surrounding properties by increasing the vehicular and foot traffic flow in the area. The subject building has been used for office space and community center for senior citizens prior to the current owner.

- e) The length of time the subject property has remained vacant as zoned;

The existing building has not been vacated by Council on Aging. Council on Aging is still holding programs and events at this location.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning could have a potential positive effect on public health, safety and welfare by allowing for the reuse of an existing building that is about to become vacant, and by providing for a mix of residential, office and commercial uses.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as Public/Semi-Public on the Future Land Use map. While the proposed rezoning to RMX is not specifically a public or semi-public use, the designation of Public/Semi-Public does take into account the potential for a more intense use of the property than what currently exists. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

No other factors.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-6 to RMX to the City Commission
- Recommend denial of the rezoning request from R1-6 to RMX to the City Commission
- Table the issue for additional information/consideration.

Chairman Burke called for questions for staff.

Regarding the intended use, Commissioner Burks asked if they are to go back to 1985 and try to understand what the intended use of this property was for.

Planning Director Julie Hurley responded that as long as the City has had zoning, this property has been zoned R1-6. A Special Use Permit (SUP) was issued in 1985 for a nursing home. Our records do not indicate when the nursing home stopped operating at this location and switched over to the Council on Aging just being the office use. Technically the property is a non-conforming use because the current use does not meet the SUP for a convalescent nursing home. The non-conforming use is allowed to continue unless the use changes. With the Council on Aging leaving, any use on this property would have to be in conformance with the zoning; and in order to do anything other than single-family residential on this particular property, there needs to be a different special use permit issued or a rezoning.

Chairman Wiedower stated to the audience, they will be provided an opportunity to speak on the issue at hand. When at the podium, must state your name and address for the record. Do not address questions to the property owner. All questions shall be directed to the commission.

Chairman Wiedower asked the property to speak about his plans for the subject property.

Baljit Baidwan, applicant and owner of the subject property, stated he purchased the property in July 2021. Wants the best use that will allow him to use the current structure on the property without tearing the building down. The building is over 20,000 sqft. Would use some space for office space and convert the rest of the building into multi-family units.

Chairman Wiedower asked Mr. Baidwan where he lives and if he has other properties that he has converted to apartments.

Mr. Baidwan responded he lives in Overland Park, Kansas. He owns two properties in Leavenworth, one is multi-family located on Ottawa and the other building is downtown. He also owns properties outside of Leavenworth.

Chairman Wiedower asked in addition to the proposed office space, how many apartments does the applicant intend to have.

Mr. Baidwan stated the number is not definite but if he goes with a 600-700 sqft one-bedroom apartment it would be about 30 units.

Chairman Wiedower asked if there will be any changes to the available parking at the subject property.

Mr. Baidwan responded City staff will dictate how many parking stalls will be required when he submits his final plan to the City. Believes there is enough parking for the south side of the building but will require parking for the north side of the building. The property is large enough to create another parking lot. People will not be parking on the street.

Other than renovations to the building, Chairman Wiedower asked the property owner what his plans are to keep the property looking professional, i.e. landscaping.

Mr. Baidwan stated his immediate plan for this summer is to renovate the north side of the building into 10 apartments and add a parking lot. The south portion of the building will be renovated after the Council on Aging vacates the property.

With no further questions from the commissioners, Chairman Wiedower opened the public hearing. Those wishing to speak need to stated their name and address for the record.

Betty Smith, 1708 Garland, stated her concerns are with the overgrown bushes and algae in the pond.

Terry Hundley, 1816 Garland, is concerned because there is no drainage or curb on Garland. Additional concern is that Garland is not wide enough for the increased traffic apartments would bring to the area. Concerned with construction equipment driving down Garland.

Chairman Wiedower asked if the applicant would be required to do something about the drainage or curbs.

Ms. Hurley responded with the information we have now, that's correct; and there are no plans to make any improvements to Garland at this time.

Chairman Wiedower asked the applicant if he has considered the traffic impact.

Mr. Baidwan stated it is unlikely traffic will increase from the amount of traffic the Council on Aging currently has.

Commissioner Whitson asked the property owner if he has any concern with additional traffic since, according to the PCI, the conditions on Garland and Rees Streets are poor.

Mr. Baidwan responded he does not know how the City maintains their streets but hopes it is part of the City's ongoing street maintenance/repair. Mr. Baidwan further stated the Council on Aging has enough traffic that he does not expect traffic to increase from what it currently is. Furthermore, not every vehicle will only use the Garland entrance; there is also an entrance on Rees Street.

Commissioner Whitson and Burks asked what the property owner would do with the property and building if the rezoning did not pass.

Mr. Baidwan responded he does not know what he would do if the rezoning did not pass. He is trying to keep the building from being torn down by renovating the structure and at the same time putting the building to the best possible use.

Chairman Wiedower stated his opinion as a commissioner is there is nothing worse than a vacant building; and we all know too well what happens to vacant buildings in the City.

Suzanne Morris, 1708 S. Broadway, stated her first concern is with the quality of applicants who will live in the building because she heard it will be lower income housing apartments. Her second concern is if the pond is drained, it would be drained next to her house.

Ms. Hurley stated income level of multi-family housing is not applicable to a specific use and is not something that can be considered when looking at a rezoning request.

Chairman Wiedower asked the property owner what his price range is to rent an apartment in this building and what are his plans for the pond.

Mr. Baidwan responded rent will be based on a rental market study. He has no history on the pond and does not know if the pond is there for drainage purposes. He would like to keep the pond and is willing to clean it up.

Ron Norman, 1829 S. Broadway, stated he was in the subject building a couple years ago and the north end is in horrendous shape. He has concerns with asbestos, pipes that are missing, ceilings falling in, etc. Also has concerns with increased traffic on Garland and Rees Streets.

Chairman Wiedower asked staff if permits are required for renovations to the building, which would include building inspections to make sure it meets building codes.

Ms. Hurley responded in the affirmative. The City operates under the 2018 IBC. Any work would have to obtain permits and meet the 2018 IBC.

Chairman Wiedower asked the property owner if there will be some sort of recreation area for people living in the apartment complex.

Mr. Baidwan responded he plans to keep the pond and clean it up for people to hang out around.

Judy Johnson, 1816 Garland, stated her concerns are with traffic and parking. Ms. Johnson further asked if the building will be expanded in size.

Mr. Baidwan responded that he is not expanding the building. He further stated, as depicted in the current GIS pictures, there are 20-30 vehicles parked in the west parking lot in front of the building. The traffic for the apartment complex is not going to be concentrated in that one area but rather be spread out using the existing east parking lot and the new parking lot, which will be located to the north.

Ms. Hurley stated even if Mr. Baidwan has no intent of expanding the building or constructing additional buildings, if this property is rezoned to RMX that would allow for the potential for that to happen. RMX allows for a mix of uses from residential, office and commercial that are intended to be appropriate for neighborhood settings. Therefore, if this property is rezoned to RMX there is potential to allow Mr. Baidwan, or a different property owner if Mr. Baidwan sells the property, to expand the current building, construct additional buildings or to replat the property and subdivide it into additional lots.

Chairman Wiedower asked staff if Mr. Baidwan decides to expand the building in the future, would that require him to come back before this board.

Ms. Hurley responded in the negative. Once the property is rezoned to RMX, the property owner would need to meet the requirements of that zoning district, which is a staff level approval, and would need to get building permits. However, if the property were to be subdivided at some point in the future, that would require a plat, which would come before this board.

Ms. Porter further stated when the owner starts renovations on the building and construction of the parking lot, this also will go through staff review, which will include engineering for drainage and for traffic impact on the streets.

Kathy Price, 1825 S. Broadway, asked how a determination is made on approving a zoning request when the plans are so vague. Concern with upkeep of the property, such as overgrown grass. When the building was a nursing home, there were always issues with the sewer. Would sewer problems be an issue for the City to handle or the property owner. Ms. Price also asked if the property owner has an interest in the community and what size are the other apartment complexes he owns.

Chairman Wiedower stated the role of this board is to either recommend approval or denial to the City Commission or table the issue for additional information/consideration. Final approval lies with the City Commission. There is also a protest period for anyone who wishes to protest the Planning Commission's recommendation. Chairman Wiedower further stated, this board cannot make a determination based on where the property owner lives or how many other properties the owner owns. However, the Mr. Baidwan did state he lives in Overland Park and owns several other

properties in this area. Should an issue arise, the owner could be in Leavenworth within an hour, if need be.

Chairman Wiedower asked Mr. Baidwan to address Ms. Price's other concerns about property maintenance and sewer issues.

Mr. Baidwan stated his intent is to keep the property well maintained and looking nice. He does have a contractor who maintains the property. Mr. Baidwan further states he does not know of any sewer problems. However, if there is a problem on the property, he will deal with it. If there is a sewer problem on the City's side, then the City will deal with it.

Chairman Wiedower asked if there will be a property manager onsite.

Mr. Baidwan responded in the affirmative.

Mr. Hundley stated when the Davis's owned this property, they had the pond locked up for liability purposes so no one would drown in the pond. Mr. Hundley asked if the current property owner knows what the insurance is going to cost to have the pond on this property.

Mr. Baidwan stated he has insurance and the insurance company has not said anything about the pond being a problem. He intends to keep it locked until the apartment complex is ready, at which time he will reconnect with his insurance company.

Ms. Price stated her concern with the pond is people going to the pond at night to party. Asked if the onsite manager will be a resident at the apartment complex.

Mr. Baidwan responded in the affirmative. He further stated he has a resident manager at his apartment complex in St. Joe and it works out well as the manager is there to deal with any issues.

With no one else wishing to speak, Chairman Wiedower closed the public hearing and called for discussion among the commissioners.

Commissioner Whitson stated she does have some concern in regards to what may happen in the future if the zoning request is approved. However, we cannot control the future nor do we know what type of changes may occur in that community. Other concerns are the traffic and sewer issue.

Ms. Hurley stated the current zoning for the subject property is R1-6, High Density Single Family Residential District. The only thing the property could be used for once it is vacated by the Council of Aging would be single-family residential. Therefore, as it stands, this property could be replatted into a single-family subdivision with lots the same size as what is surrounding it; and you're potentially looking at more than the 25 or 30 lots that could fit on this roughly 10 acre parcel. Additionally, a replat would not require a public hearing.

Commissioner Burks stated they cannot work off assumptions or what-ifs. Never met an investor who did not want a profit and does not believe Mr. Baidwan would step into this with any thought of anything less than profit. Commissioner Burks further stated he appreciates everyone's concerns but this is a rezone request and this board only has a responsibility to talk about rezoning and provide our recommendation to the City Commission.

Commissioner Waugh stated he appreciates everyone's concerns but he is in agreement with Commissioner Burks; we cannot make decisions based on assumptions. He believes the development of this particular property will be a challenge going forward regardless of how it is zoned and will be dealt with through the mechanisms the City already has in place.

Commissioner Burks further stated if nothing happens to the building and it becomes vacant, he fears a negative impact on the community. A vacant building of this nature will attract criminal activity, drugs, etc.

Chairman Wiedower also stated he does not want to see this building vacant as it will attract homeless people, drugs and partying into this neighborhood. He reiterated this board's role is to recommend approval or denial to the City Commission for the rezoning request only.

With no further questions/discussion, Chairman Wiedower called for a motion. Commissioner Whitson moved to recommend for approval to the City Commission the rezoning request from R1-6 to RMX for Case No. 2022-04 REZ – 1830 S. Broadway based upon all information presented, seconded by Commissioner Waugh and passed by a roll call vote 4-0.

Ms. Hurley stated this rezoning request goes to the City Commission on March 22, 2022. Tomorrow does being the 14-day protest period.

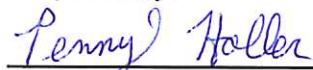
With no other business, Chairman Wiedower adjourned the meeting at 7:09 p.m.

Minutes taken by Administrative Assistant Michelle Baragary.

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
REVISING STANDARD TRAFFIC ORDINANCE AMENDMENT TO REGULATE AND ALLOW
ELECTRIC SCOOTERS**

MARCH 22, 2022

Prepared by:



Penny Holler
Assistant City Manager

Reviewed by:



Paul Kramer
City Manager

ISSUE:

City ordinances do not allow the use of electric-assisted scooters on City streets. Bird Scooters, an electric scooter sharing company, has requested a 12-month pilot project that would require electric scooters to be ridden on City streets in the same manner as bicycles. Before the City can pursue the pilot project, the current ordinance would need to be amended.

The City had previously adopted the Kansas Standard Traffic Ordinance (STO) with two amendments. One of those amendments, under STO Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles, prohibited electric scooters on a street, highway, public parking lot, or public parks area. The proposed change maintains restrictions on electric scooter use on public sidewalks, paths, or trails within the City. It also adds new sections that define and regulate both electric scooters and electric scooter sharing companies.

REVIEW OF CHANGES:

Section 44-1 (c) – amendment to prohibit electric-assisted scooters on any public sidewalks, paths, or trails; requires electric-assisted scooter use to comply with all other City ordinances.

Section 44-230 – defines electric-assisted scooter and shared electric-assisted scooter company.

Section 44-231 – adds a reference to the Standard Traffic Ordinance.

Section 44-232 – adds the prohibition against parking shared electric-assisted scooters on public property including sidewalks, streets, and parking lots in a manner that blocks pedestrian travel, public parking, or creates a traffic hazard.

Section 44-233 – requires a written agreement to operate a shared electric-assisted scooter company.

Section 44-234 – establishes penalties of not more than \$500 for each offense associated with electric-assisted scooter misuse; allows costs to be assessed for removal of electric-assisted scooters from City streets, sidewalks, rights-of-way, or city property.

ACTION REQUIRED:

Consensus to place an ordinance on first consideration as presented.

ATTACHMENTS:

- First Consideration draft ordinance

(Summary Published in the Leavenworth Times on _____, 2022)

ORDINANCE NO. _____

AN ORDINANCE REGARDING THE OPERATION OF ELECTRIC-ASSISTED SCOOTERS WITHIN THE CITY OF LEAVENWORTH, KANSAS, AMENDING SECTION 44-1 OF CHAPTER 44 (TRAFFIC AND VEHICLES) OF THE LEAVENWORTH CODE OF ORDINANCES, AND ADDING ADDITIONAL PROVISIONS THERETO.

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

Section 1. That Section 44-1 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 44-1. - Standard traffic ordinance adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 48th Edition (2021), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed.
- (b) *Marked copies on file.* One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____" with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. _____, and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) *Amendments.* The Standard Traffic Ordinance adopted in this section is adopted subject to the following local amendments:
 - (1) Section 114.5 (Unlawful Operation of a Work-Site Utility Vehicle) is hereby amended by adding a new subsection (e) thereto, as follows:
 - (e) As provided by subsection (a)(2), it shall be unlawful to operate a worksite utility vehicle except for public safety and city maintenance staff within the corporate limits of the city.
 - (2) Section 135.1 (Electric-Assisted Scooters, Traffic Law Application) is hereby amended by adding a new subsection (e) thereto, as follows:

(e) As provided in subsection (c) above, it shall be unlawful to operate electric-assisted scooters on any public sidewalks, paths, or trails within the City. The operation of an electric-assisted scooter shall at all times be in compliance with the provisions of Article VII of Chapter 44 of the Leavenworth Code of Ordinances.

(d) *Omitting.* Section 69(d) of the Standard Traffic Ordinance relating to city permits for soliciting of contributions is hereby declared to be omitted and deleted.

Section 2. A new Article VII in Chapter 44 of the City of Leavenworth Code of Ordinances is hereby established to read as follows:

ARTICLE VII. SPECIAL RULES RELATED TO ELECTRIC-ASSISTED SCOOTERS

Sec. 44-230. Definitions.

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

Digital network shall mean any online enabled application, software, website or system offered or utilized by a shared electric-assisted scooter company that enables the use or operation of electric-assisted scooters.

Electric-assisted scooter shall mean every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding, as set forth in K.S.A. 8-1498, as amended.

Shared electric-assisted scooter shall mean electric-assisted scooters which are part of a fleet of such electric-assisted scooters that use a digital network to connect such shared electric-assisted scooters to riders and operators.

Shared electric-assisted scooter company shall mean a corporation, partnership, sole proprietorship, person, or other entity operating in Kansas that uses a digital network to connect shared electric-assisted scooter riders or operators to shared electric-assisted scooters for transportation.

Sec. 44-231. Reference to Standard Traffic Ordinance.

The provisions of Section 135.1 of the Standard Traffic Ordinance, as adopted and modified by Section 44-1 of the Leavenworth Code of Ordinances, and regarding electric-assisted scooters, is incorporated herein by this reference.

Sec. 44-232. Prohibited Parking of Shared Electric-Assisted Scooters.

It is unlawful for any person to park or leave an electric-assisted scooter or shared electric-assisted scooter on public property, including but not limited to sidewalks, streets, roads, trails, paths, bicycle lanes, or parking lots where such shared electric-assisted scooter blocks pedestrian travel, public parking, or presents a traffic hazard. It is further unlawful to park or leave an electric-assisted

scooter or shared electric-assisted scooter against or attached to any public utility pole, traffic sign, or traffic signal.

Sec. 44-233. Operation of Shared Electric-Assisted Scooter Company.

It is unlawful for any shared electric-assisted scooter company, or person on behalf of the company, to deploy, maintain, or allow to be operated, any shared electric-assisted scooters owned or operated by the company, on any city streets, sidewalks, right-of-way, or city property within the city without a valid written agreement approved by the city.

Sec. 44-234. Penalties.

Violation of Sections 44-232 through 44-233, inclusive, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense, with each day the violation continues constituting a separate offense. In addition to any penalties associated with violating this article, the shared electric-assisted scooter company, and/or any person violating this article, shall be assessed the costs associated with removal of the company's shared electric-assisted scooters from city streets, sidewalks, rights-of-way, or city property.

Section 3. Sections 44-220 through 44-229 of Chapter 44 of the Leavenworth Code of Ordinances are hereby designated as "Reserved".

Section 4. Section 44-1 of the Leavenworth Code of Ordinances, as previously adopted and in existence as of and prior to the adoption of this ordinance, is hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on the _____ day of _____, 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk