



**City of Leavenworth**  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, MAY 10, 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

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**PROCLAMATIONS:**

1. Proclamations (pg. 02)
  - a. Historic Preservation Month
  - b. Leavenworth Public Works Week May 15-21
  - c. National Police Week May 15-21

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from April 26, 2022 Regular Meeting **Action:** Motion (pg. 05)

**Second Consideration Ordinance:**

3. Second Consideration Ordinance No. 8186 Rezoning 604 Pottawatomie from Neighborhood Business District to Light Industrial District  
**Action:** Roll Call Vote (pg. 13)

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**NEW BUSINESS:**

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

**General Items:**

4. Mayor's Appointment **Action:** Motion (pg. 16)
5. Establish the Leavenworth Transit Advisory Committee **Action:** Motion (pg. 17)

**Resolutions:**

6. Resolution B-2313 Approving a Loan from Kansas Public Water Supply Loan Fund for Leavenworth Waterworks  
**Action:** Motion (pg. 18)

**Bids, Contracts and Agreements:**

7. Consider Bids Received for the Trash Bag Contract **Action:** Motion (pg. 21)
8. Consider Award for Rebid of the 741 Pottawatomie Drainage Project **Action:** Motion (pg. 24)

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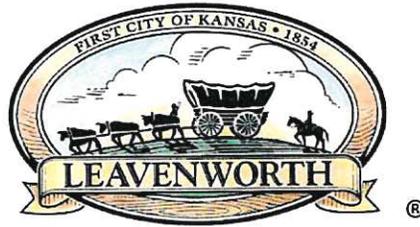
**Consent Agenda:**

Claims for April 23, 2022, through May 6, 2022, in the amount of \$1,212,972.72; Net amount for Payroll #09 effective May 6, 2022 in the amount of \$325,306.11 (No Police & Fire Pension) **Action:** Motion

**Other:**

**Adjournment** **Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and*

**WHEREAS,** *historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and*

**WHEREAS,** *it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as people; and*

**WHEREAS,** *"This Place Matters" is a national campaign cosponsored by the Leavenworth Preservation Commission, Preservation Alliance of Leavenworth, Leavenworth Main Street, and the National Trust for Historic Preservation.*

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

## Leavenworth Historic Preservation Month

*and call upon the people of Leavenworth, the First City of Kansas, to join their fellow citizens across the United States in recognizing and participating in this special observance.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this tenth day of May 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,** *public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Leavenworth and,*

**WHEREAS,** *these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

**WHEREAS,** *it is in the public interest for the citizens, civic leaders and children in Leavenworth to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,*

**WHEREAS,** *the efficiency of the qualified and dedicated personnel who staff the Leavenworth Public Works Department is materially influenced by the people's attitude and understanding of the work they perform; and*

**WHEREAS,** *the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association.*

**NOW, THEREFORE,** *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim May 15-21, 2022 to be:*

## Leavenworth Public Works Week

*and I urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our community's health, safety, and quality of life.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this tenth day of May 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,** *there are approximately 900,000 law enforcement officers serving in communities across the United States, including 60 sworn members of the City of Leavenworth Police Department; and*
- WHEREAS,** *the Congress of the United States of America has designated the calendar week each year during which May 15<sup>th</sup> occurs as "National Police Week" and May 15<sup>th</sup> of each year to be "Peace Officers' Memorial Day"; and*
- WHEREAS,** *the names of those dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial, in Washington, D.C., there are more than 22,000 names of fallen heroes engraved on the memorial, of which 609 officers who were killed in 2021; and*
- WHEREAS,** *the members of the City of Leavenworth Police Department play an essential role in safeguarding the rights and freedoms of the City of Leavenworth, Kansas; and*
- WHEREAS,** *the citizens of Leavenworth and our leaders pledge to stand with the families of the fallen officers, the officers protecting our community, and the officers throughout the United States; and to honor their loss as they protect their communities; and*
- WHEREAS,** *all officers of the Leavenworth Police Department are encouraged to turn on their red and blue lights for 1 minute every day at 11:00 A. M. from May 15<sup>th</sup> through May 21<sup>st</sup> 2022.*

**NOW, THEREFORE,** *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim May 15-21, 2022 to be:*

## National Police Week

*and call upon all citizens to observe appropriate ceremonies commemorating law enforcement officers, past and present, for faithfully preserving the rights and security of everyone in our community.*

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

\_\_\_\_\_  
*Camalla M. Leonhard, Mayor*

ATTEST:

\_\_\_\_\_  
*Sarah Bodensteiner, CMC, City Clerk*



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

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning and Community Development Director Julie Hurley, Parks and Recreation Superintendent Brian Bailey, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**PRESENTATIONS AND PROCLAMATIONS:**

**Mayor's Award** – Mayor Leonhard presented the Mayor's Award for Community Service to the Leavenworth High School National Honor Society for their assistance during the City of Leavenworth Easter Egg Hunt.

**National Drinking Water Week** – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022, as National Drinking Water Week. The proclamation was accepted by Joel Mahnken.

**National Small Business Week** – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022 as Small Business Week. The proclamation was accepted by Wendy Scheidt.

**National Travel and Tourism Week** – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022 as National Travel and Tourism Week. The proclamation was accepted by CVB Director Kristi Lee.

**Arbor Day** – Mayor Leonhard read the proclamation proclaiming April 29, 2022 as Arbor Day. The proclamation was accepted by Parks and Recreation Superintendent Brian Bailey.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Bauder moved to accept the minutes from the April 12, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8185 Ordinance to Vacate a Portion of Right-of-Way at 1507 Shawnee Street** – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 12, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8185 was unanimously approved.

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

Samuel Moore 420 S. Esplanade Leavenworth:

- Local Toastmaster Empowered to Speak club presented a Certificate of Appreciation to Nancy Bauder for presenting to, and supporting their organization

**General Items:**

**Mayor's Appointments:**

Mayor Leonhard moved to appoint to the Building Code Board of Appeals Patrick Peterson to a term ending May 1, 2027; reappoint to the Electrical Board of Appeals Lance Laven to a term ending May 1, 2027; reappoint to the Library Board Pauline Graeber to a term ending April 30, 2026; Reappoint to the Mechanical Board of Appeals Joseph Brightwell to a term ending May 1, 2027; appoint to the Plumbing Board of Appeals Steve Morris to a term ending May 1, 2027. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Street Closure Request – Juneteenth Parade, June 18, 2022** – City Clerk Sarah Bodensteiner presented for consideration closure of Delaware Street from Broadway to 2<sup>nd</sup> Street and 2<sup>nd</sup> Street to Dougherty Park on Saturday, June 18, 2022 from 9:00 a.m. to Noon for a Juneteenth Parade.

Ms. Joana Scholtz:

- Provided a brief history of Juneteenth
- Parade will be limited to 50 floats
- Estimated time about 2 to 2.5 hours for parade
- Parade ends at Dougherty Park for a festival
- Hopes attendees will also shop in the businesses while attending the parade
- Introduced other members of the parade/event committee in attendance

Commissioner Wilson moved to approve the street closure request to close Delaware Street from Broadway to 2<sup>nd</sup> Street and 2<sup>nd</sup> Street to Dougherty Park on Saturday, June 18, 2022 from 9:00 a.m. to Noon for a Juneteenth Parade. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Request to Abate Assessment/Nuisance Fees 212 Olive** – City Manager Paul Kramer introduced this item. The subject property has been a problem for at least a decade, the City has assessed over \$11,000.00 in fees for junk and vegetation clean-ups. This property will be on an upcoming sheriff's sale, and Mr. Wiley has approached the City and presented his plan to purchase the property and clean up the property to alleviate the visual eye sore. An item of note is that should the Commission decide to reduce or waive any fees, that it be contingent upon Mr. Wiley purchasing the property. The City does retain the right to refile the assessments should no action be taken on the property.

Commissioner Bauder:

- Asked how the process would work as the City has not abated fees prior to a sale

Attorney Waters:

- Suggested the City might be able to condition the abatement or follow the process used for demolitions

Bruce Wiley 800 S 2<sup>nd</sup> Street:

- The house was in a fire recently and is currently boarded up
- Plan to attend tax sale and bid on property to clean it up
- Value of property is not there as property is in such poor condition
- Asking that all liens be forgiven if he or any successful bidder cleans the property up in a set amount of time set by the commission

Commissioner Hingula:

- Asked what is your timeframe to clean it up

Mr. Wiley:

- 3 months and looking to spend around \$7,000 to \$8,000 in costs
- I don't have use for the lot, but want to clean up the neighborhood

Commissioner Martin:

- Supportive of waiving in full with stipulations to ensure the City is protected

Commissioner Hingula:

- Have we not been able to locate the property owner

Mr. Wiley:

- He lives across town in a facility

Mr. Kramer:

- The City has had dealings for a decade and been in and out of court, but it's in a Sheriff's sale now

Commissioner Bauder moved to waive the special assessment and nuisance fees in full, contingent upon Mr. Wiley being the successful purchaser of the property, and the City of Leavenworth reserves the right to re-assess the penalties in the future as determined by the Governing Body. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Acceptance of Infrastructure Improvements for Branches III Subdivision** – Public Works Director Brian Faust introduced Earl Wilkinson, the new Deputy Director of Public Works and the item for the Commission to consider acceptance of public improvements related to the Branches III Subdivision. The final plat was approved by the City Commission in 2021, street, storm and sanitary sewers have been constructed and inspected. All improvements have been installed per City specifications. Inspection fees have been paid, and all testing has passed City inspections, and as such, staff recommends acceptance of the infrastructure improvements.

Commissioner Martin moved to accept the public improvements for the Branches III Subdivision. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Bids, Contracts and Agreements:**

**2022 OJP Byrne Grant** – Police Chief Patrick Kitchens requested the City Commission authorize the Police Department to solicit discretionary funds from the Byrne Discretionary Community Project Grants from the U.S. Department of Justice Office of Justice Programs in the amount of \$20,000 for the acquisition of 20 TASERS. Senator Moran’s office reached out last summer inquiring about needs through grant dollars to assist and support Police Departments. The Police Department identified a small gap in TASER funding. On April 11, 2022, the department was notified we are eligible to solicit monies for the purchase of new TASERS.

Commissioner Bauder:

- Are the new ones any different than the current ones
- Are they designed in a way to not conflict with other service weapons

Chief Kitchens:

- Slight reduction in amperage and voltage
- Look and design is different from a firearm, they are bright yellow, lighter, smaller, and feel different

Commissioner Hingula:

- Is there any additional training needed
- Do they operate the same

Chief Kitchens:

- Officers are required to be trained and just recently went through recertification
- They operate the same as the current TASERS

Commissioner Hingula moved to authorize the Police Department to solicit discretionary funds from the Byrne Discretionary Community Project Grants from the U.S. Department of Justice Office of Justice Programs in the amount of \$20,000 for the acquisition of 20 new TASERS. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of the Municipal Service Center and Cody Park Parking Lot Project** – Public Works Director Brian Faust presented for consideration award of the Municipal Service Center and Cody Park Parking Lot Projects. Engineering staff did review the condition of both lots, both have been deteriorating for many years. Staff developed plans in house. Bids opened on April 20, only 1 bid was received. Staff contacted other contractors who picked up plans but did not submit a bid. One contractor thought there would be more concrete on the job, one was concerned about the volatility of asphalt, and two couldn’t meet the bidding requirements. The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineers estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. While Little Joe’s bid was slightly higher than the engineer estimate, staff feels that there is no benefit from rebidding the project.

Commissioner Hingula:

- Wished a local contractor would have submitted a bid

Commissioner Wilson moved to accept the bid received from Little Joe's Asphalt in an amount not to exceed \$136,980.00 for the Municipal Service Center and Cody Park Parking Lot Project. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Memorandum of Understanding for Countywide Transportation Study** – City Manager Paul Kramer introduced the Countywide Transportation Study Memorandum of Understanding. The Kansas Department of Transportation and the Mid-America Regional Council have stressed the importance of a countywide transportation plan to stakeholders in Leavenworth County for years. The creation of a plan is a requirement for project funding, support and eventual construction. KDOT and MARC have continually advocated for a countywide approach of collaboration among cities and the county. In late 2020, led by the Leavenworth County Port Authority and supported by Leavenworth County and the cities of Leavenworth, Lansing, Basehor and Tonganoxie, started to draft an RFP that would create a plan that met KDOT and MARC requirements. The resulting plan would also serve to equally evaluate all transportation options, as well as serving as a planning document for pursuing improvements.

Mr. Kramer:

- This study has nothing to do with the City's transit program
- Highlighted the Memorandum of Understanding:
  - Monthly steering committee meetings
  - Robust public engagement process
  - 2 sets of 6 Stakeholder meetings
  - 2 additional Public meetings
  - All projects will be scored/evaluated evenly, no project has a leg up on another
  - Comprehensive review of all projects
  - Prioritization tool that will show which projects rise to the top
  - Project team will develop a webpage for the public to learn more about the process and the scoring/weighting system
  - Goal is a transparent and open process
  - Draft report will circulate for all entities to review before a final report is presented
  - Schedule is 12 months
  - Cost: preliminarily agreed to 30% not to exceed \$90,000
  - Funds would be from the Federal Funds Exchange Dollars, which are monies that we set aside for transportation related projects

Commissioner Bauder:

- The reason this is needed is because access to our area is getting more difficult
- K-7 was once a straight shot but now has stop lights all over

Commissioner Hingula:

- Have we received any money from KDOT

Mr. Kramer:

- KDOT's portion would go to the contract not to the City directly

Mr. Greg Kaaz, Past Chairman for the Leavenworth Port Authority:

- This is a regional project
- Helps determine where is the County going in the next 10, 20, 30 years that we could start to plan for: purchase right-of-way, plan utilities; those things go a long way for thinking and planning long term

Commissioner Hingula:

- When the study is complete will there be a published study available to the public

Mr. Kramer:

- Yes, absolutely

Commissioner Bauder moved to approve the Memorandum of Understanding for the Countywide Transportation Study. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

#### **First Consideration Ordinance:**

**First Consideration Ordinance Rezoning 604 Pottawatomie from NBD to I-1** – Planning and Community Development Director Julie Hurley reviewed the rezoning request at 604 Pottawatomie from NBD Neighborhood Business District to I-1 Light Industrial. Currently, the property houses June's Northland, but she is retiring and looking to sell the building. Light Industrial Zoning is a low intense use zoning district. Applicant is looking to do high-tech medical manufacturing operations in the building.

Commissioner Hingula:

- Commended Ms. Hurley and the Planning Commission for their thorough review of rezoning requests

Keith Baird Chief Operation Person for Stripes Global:

- It is a veteran owned company
- Seek to supply needed pharmaceuticals to the VA in prepackaged form
- Design, develop, and manufacture light medical devices
- Truck traffic would include UPS and FedEx type trucks, we don't envision large tractor trailers

Commissioner Martin:

- What is the timeframe to get going
- Are there any other hubs

Mr. Baird:

- We are looking to take possession around July 1, then some light renovation, anticipate 3 months
- One other location, the company is based in Seattle, and is looking to expand

Mr. Kramer:

- Can you talk about your recruitment process

Mr. Baird:

- Job fairs on Post, using 3<sup>rd</sup> party recruiting efforts, would draw from any HUB zones in the area

Attorney Waters:

- Mentioned the Golden Rules when evaluating a rezone request and that the decision this evening is based on those

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

**Leavenworth Land Bank: Leavenworth Land Bank Matters:**

Commissioner Hingula moved to recess as the Leavenworth City Commission and convene as the Leavenworth Land Bank Board of Trustees. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Appointment of Officers** – Planning and Community Development Director Julie Hurley stated appointment of officers is required per the Ordinance that was approved for the establishment of the Land Bank.

Commissioner Bauder moved to appoint as Officers of the Leavenworth Land Bank Board of Trustees the Mayor as the Chairperson, Mayor Pro-Tem as Vice-Chairperson, Immediate Past Mayor as Secretary, and Financial Claims Reviewer as the Treasurer. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Proposals for 600 Cherokee Redevelopment** – Planning and Community Development Director Julie Hurley stated the Commission heard proposals about the redevelopment of 600 Cherokee. The property was transferred to the Land Bank so the consideration is done by this body.

Commissioner Hingula:

- Visited the location in Holton
- It's a very family orientated space
- In addition to their own ales, they also offer local wines
- Bean bag game was being played
- Art gallery proposal has been withdrawn

Commissioner Martin:

- Asked Mr. Kramer to review the process of how the City acquired the property

Mr. Kramer:

- Presented last summer on economic development and presented 13 different tools in the tool bag
- Some things aren't feasible for the private market
- 600 Cherokee has been vacant for more than a dozen years
- Dozens of developers have gone through the building and looked at their costs of rehabbing it
- Purchase price remained unchanged throughout all that time
- City stepped in and purchased the building with countywide sales tax dollars

- Goal was to remove the initial hurdle to get the building redeveloped
- It is in the Historic District and will need to go through the Preservation Commission

Commissioner Bauder moved to direct staff to enter into contract negotiations and draft a development agreement with the selected proposal from Willcott Brewing Company. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Executive Session** – Mayor Leonhard moved to recess into executive session to discuss attorney-client matters related to the transfer of 600 Cherokee pursuant to the consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2. The open meeting to resume in the City Commission Chambers at 7:40p.m. City Manager Paul Kramer and City Attorney David E. Waters are requested to be present during the Executive Session. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

The Leavenworth Land Bank Board of Trustees returned to open session at 7:40 p.m.

Commissioner Martin moved to adjourn as the Leavenworth Land Bank Board of Trustees and reconvene as the Leavenworth City Commission. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consent Agenda:**

Commissioner Martin moved to approve claims for April 9, 2022 through April 22, 2022, in the amount of \$548,697.35; Net amount for Payroll #08 effective April 22, 2022 in the amount of \$362,847.29 (Includes Police and Fire Pension in the amount of \$9,038.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Other:**

Commissioner Hingula:

- Noted the end of Ramadan is coming up

Commissioner Wilson:

- God bless and have a great week

Commissioner Martin:

- God bless and enjoy the warm weather

**Adjournment:**

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

Time Meeting Adjourned 7:42 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8186  
REZONING 604 POTTAWATOMIE FROM NEIGHBORHOOD BUSINESS DISTRICT TO LIGHT  
INDUSTRIAL DISTRICT**

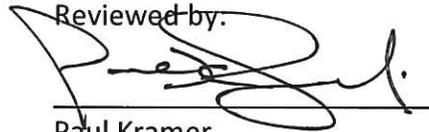
**MAY 10, 2022**

Prepared by:



\_\_\_\_\_  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



\_\_\_\_\_  
Paul Kramer  
City Manager

**BACKGROUND:**

At the April 26, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS,  
APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF  
LEAVENWORTH, KANSAS BY REZONING 604 POTTAWATOMIE FROM  
NEIGHBORHOOD BUSINESS DISTRICT (NBD) TO LIGHT INDUSTRIAL  
DISTRICT (I-1).**

There have been no other changes since first consideration.

Ordinance No. 8186 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8186

*(Summary Published in the Leavenworth Times on May 13, 2022)*

**ORDINANCE NO. 8186**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 604 POTTAWATOMIE FROM NEIGHBORHOOD BUSINESS DISTRICT (NBD) TO LIGHT INDUSTRIAL DISTRICT (I-1).**

**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 4th day of April 2022 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 10<sup>th</sup> day of March 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 604 Pottawatomie, Leavenworth Kansas from Neighborhood Business District (NBD) to Light Industrial District (I-1); 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 Neighborhood Business District (NBD) to Light Industrial District (I-1).

LOTS 1 THROUGH 16, BLOCK 80, LEAVENWORTH CITY PROPER, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS

And **more commonly referred to as 604 Pottawatomie**, 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 10th day of May 2022.

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Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

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Sarah Bodensteiner, CMC, City Clerk

**MAYOR'S APPOINTMENTS**

**May 10, 2022**

**Mayor Leonhard**

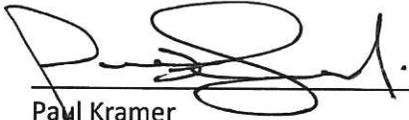
*"Move to*

*Reappoint to the **Board of Zoning Appeals** Mike Bogner to a term ending May 1, 2025*

**Requires a second and vote by the Governing Body.**

**Policy Report**  
Transit advisory committee  
May 10, 2022

Prepared by:



Paul Kramer  
City Manager

**Issue:**

Establish the Leavenworth Transit Advisory Committee.

**Background:**

At the March 15, 2022 City Commission Study Session, the Commission provided consensus to establish the Leavenworth Transit Advisory Committee (LTAC) with the primary purpose of advising the City Commission on general matters related to the new on-demand transit program in the City.

The LTAC will operate on an initial two-year term and will be evaluated by the Commission prior to the expiration of the committee on May, 10, 2024.

In order to ensure full and adequate representation on the board, members shall be appointed by the Mayor and approved by the City Commission. The seven (7) member voting body will be comprised of:

- (1) Member associated with the Leavenworth Guidance Center;
- (1) Member associated with United Way of Leavenworth County;
- (1) Member associated with Welcome Central or the Interfaith Community Shelter of Hope
- (1) Member associated with either Kansas City Kansas Community College or University of Saint Mary
- (3) Members at large at the discretion of the Mayor and approval of the City Commission.

The mission of the group will be to report on, update and make recommendations to the City Commission on all items related to the transit program, including, but not limited to use, performance, personnel, budget and routes.

The LTAC will be staffed by City staff and will develop a schedule to best function as the transit advisory board to the City Commission.

**Action:**

Approval of the creation of the Leavenworth Transit Advisory Committee.

**POLICY REPORT  
RESOLUTION B-2313  
APPROVING A LOAN FROM KANSAS PUBLIC WATER SUPPLY LOAN FUND  
ADMINISTERED BY KDHE TO LEAVENWORTH WATERWORKS**

MAY 10, 2022

  
\_\_\_\_\_  
Sarah Bodensteiner, CMC  
City Clerk

  
\_\_\_\_\_  
Paul Kramer  
City Manager

**ISSUE:**

Consider Resolution B-2313.

**BACKGROUND:**

The Resolution before the City Commission was requested by Leavenworth Waterworks in order to proceed with their Kansas Public Water Supply Loan Fund (KPWSLF) loan to finance the construction of a water storage tank. The Leavenworth Waterworks Board applied to Kansas Department of Health and Environment (KDHE) for a loan in an aggregate amount not to exceed \$5,800,000 to finance the project. The process requires that the City, as "owner" of the System approve the action by the Waterworks Board.

No City funds are being pledged or committed and the loan is the sole responsibility of Leavenworth Waterworks.

Joel Mahnken, General Manager Leavenworth Waterworks, will be present to answer any questions.

**ACTION:**

Approve Resolution B-2313

**ATTACHMENTS:**

- Resolution B-2313

## RESOLUTION NO. B-2313

**A RESOLUTION APPROVING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND ADMINISTERED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO THE LEAVENWORTH WATERWORKS BOARD; APPROVING THE FORM OF THE LOAN AGREEMENT, AND CONSENTING, WITH CERTAIN LIMITATIONS, TO CERTAIN COVENANTS AND PROVISIONS THEREOF.**

**WHEREAS**, the City of Leavenworth, Kansas (the "City") is a municipal corporation duly organized under the laws of the State of Kansas (the "State") as a city of the first class; and

**WHEREAS**, the City owns a public water supply and distribution system (the "System"), which is statutorily managed, operated, maintained and controlled by the Leavenworth Waterworks Board (the "Waterworks Board"); and

**WHEREAS**, the members of the Waterworks Board (the "Waterworks Board Governing Body") have heretofore determined it to be in the best needs of the customers of the System to undertake certain modifications and improvements to the System, described generally as follows (the "Project"):

Construction of A New 4 MG Ground water Storage Tank, 5,200 LF of 16-inch Transmission Main and New Telemetry Controls and Water Quality Monitoring Devices.

**WHEREAS**, pursuant to K.S.A. 65-163c *et seq.* (the "Act"), the Kansas Department of Health and Environment ("KDHE") administers the Kansas Public Water Supply Loan Fund (the "Fund") from which loans are made to certain qualified Municipalities (as said term is defined in the Act) to finance modification and improvements to public water supply systems; and

**WHEREAS**, the Waterworks Board has heretofore made an application to KDHE for a loan in an aggregate amount not to exceed \$5,800,000 (the "Loan") to finance the Project; and

**WHEREAS**, the Waterworks Board Governing Body has heretofore conducted a public hearing on the advisability of proceeding with the completion of the application for the Loan and has authorized the appropriate officials of the Waterworks Board to accomplish the completion process; and

**WHEREAS**, the City owns the System, meets the definition of "municipality" in the Act, and desires to approve the action heretofore taken by the Waterworks Board to obtain the Loan to finance the Project and to consent to the covenants and agreements contained in the Loan Agreement insofar as they are capable of being performed only by the City as owner of the System;

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

**Section 1. Approval of Loan.** The action heretofore taken by the Waterworks Board to apply for and obtain approval of the Loan from KDHE under the Act in order to provide financing for the Project is hereby approved by the City as owner of the System.

**Section 2. Approval of Form of Loan Agreement; Limitation on City Liability.** The form of the Loan Agreement between KDHE and the Waterworks Board as heretofore exhibited to the City's governing body is hereby approved, and the City hereby consents to, and agrees to be bound by, the terms and provisions thereof solely as respects the System and the revenues generated from ownership and operation of the System. Neither the taxing power nor any of the general assets or revenues of the City is pledged or committed in any way to the performance of the covenants and agreements contained in the Loan Agreement.

**Section 3. Further Proceedings.** The Mayor, City Clerk and other officers and representatives of the City are hereby authorized and directed to sign such consents and take such action as may be necessary to implement this Resolution.

**Section 4. Further Authority.** This Resolution shall be in full force and effect from and after its adoption by a majority of the governing body of the City.

**ADOPTED** by the Governing Body of the City of Leavenworth, Kansas on 10<sup>th</sup> day of May, 2022.

**CITY OF LEAVENWORTH, KANSAS**

By: \_\_\_\_\_  
Camalla M. Leonhard, Mayor

(SEAL)

ATTEST:

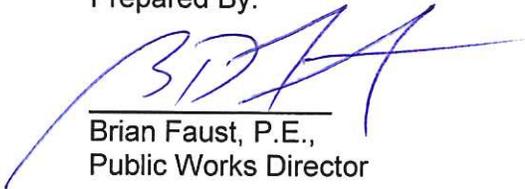
\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT NO. 22-23

CONSIDERATION OF BIDS RECEIVED FOR TRASH BAGS

May 10, 2022

Prepared By:



Brian Faust, P.E.,  
Public Works Director

Approved By:



Paul Kramer,  
City Manager

**ISSUE:**

Consider bids received for the purchase of plastic trash bags for Fall 2022/Spring 2023.

**BACKGROUND:**

The Solid Waste Division purchases 1,150,000 plastic refuse bags (23,000 rolls) each year for distribution to refuse customers in the Spring and Fall. Bags are also provided for Spring Clean-Up, new customers, sold in the City Clerk's office and at the MSC and for other departmental use. An average number of rolls used per year (for all uses) is 22,500.

The project was advertised on the city's website and 10 manufacturers were notified of the bid by email. Bids were received on April 22<sup>nd</sup>. One qualified bid was submitted by Central Poly Bag Company:

Company	Bid Total
Central Poly Bag Company	\$ 287,000.00

**BUDGET IMPACT:**

The budgeted amount for 2022 is \$130,000. The cost for 2022 nearly doubled from last year's amount (from the same supplier). The number of bags and number of rolls did not change. The city would need to pull \$157,000 from reserves to fund the full purchase of trash bags.

Previous Low Bids:

Year	Company	Total Cost
2021	Central Poly	\$144,900
2020	Jadcore, Inc.	\$115,000
2019	Jadcore, Inc.	\$117,300
2018	Jadcore, Inc.	\$127,880
2017	Jadcore, Inc.	\$123,050
2016	Jadcore, Inc.	\$116,610
2015	Jadcore, Inc.	\$106,720
2014	Jadcore, Inc.	\$108,000
2013	Waste Zero	\$100,395
2012	Dyna-Pak Corp	\$102,120

In discussion with Central Poly, some of the reasons listed for the increase were related to staffing shortages and an increase in the petroleum-based resin prices as well as difficulty in obtaining enough resin to produce the needed product. At the current time, the city does not have sufficient supplies on-hand to deliver rolls to residents this fall. Staff feels that rebidding at

this time is not in the best interest of the City as additional price increases are expected. It is unknown if the bidding climate in 90 to 120 days may be more favorable.

**STAFF RECOMMENDATION:**

Options for the Commission to consider:

- 1) Reject the bid received for plastic trash bags and rebid in late 2022 for possible Spring bag delivery. With this option, bags would not be available for the Fall of 2022.
- 2) Accept the bid from Central Poly Bag Company in the amount of \$287,000. This would provide bags for the Fall of 2022 and Spring of 2023.
- 3) Award a contract to Central Poly Bag Company in the amount of \$143,500. This would be for the purchase of ½ the rolls (11,500 rolls). Per Central Poly, they would hold the bid price for ½ the rolls and this would provide enough for fall delivery.

**ATTACHMENT:**

Bid Tab



POLICY REPORT PWD NO. 22-24

CONTRACT AWARD FOR REBID OF THE  
741 POTTAWATOMIE DRAINAGE PROJECT

City Project 2021-951

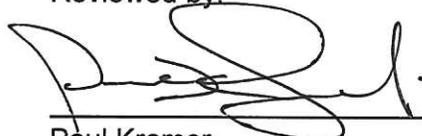
May 10, 2022

Prepared by:

Reviewed by:



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



Paul Kramer,  
City Manager

**ISSUE:**

Consider possible contract award for the rebid of the 741 Pottawatomie Drainage Project.

**BACKGROUND:**

The area around 741 Pottawatomie experiences significant flooding during moderate to heavy rain events and has been labeled as Orange Fence Project No. 4. 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.

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.

Bids for the original project were opened on March 9th. The low bid of \$595,604.50 was significantly higher than the Engineer's Estimate and, based on staff's recommendation, the Commission rejected the bids and directed staff to rebid the project during their March 22, 2022 meeting.

Staff worked with Wilson & Company to incorporate changes to the plans and the project. The rebid was advertised in the Leavenworth Times and at Drexel Technologies with the bids opened on May 4, 2022.

<b>Company</b>	<b>City</b>	<b>Total Bid</b>
Kissick Construction	Kansas City, MO	\$499,665.00
Westland Construction, Inc	Basehor, KS	\$575,088.00
RNG 10 Capital, LLC	Basehor, KS	\$626,864.70
Engineer's Estimate:		\$549,760

Kissick Construction is an established contractor that has worked in Leavenworth. Their last project with the City was the reconstruction of Thornton Street. Inspection work will be performed by City staff.

**BUDGET IMPACT:**

The project will be funded from the Stormwater Fund.

**POLICY:**

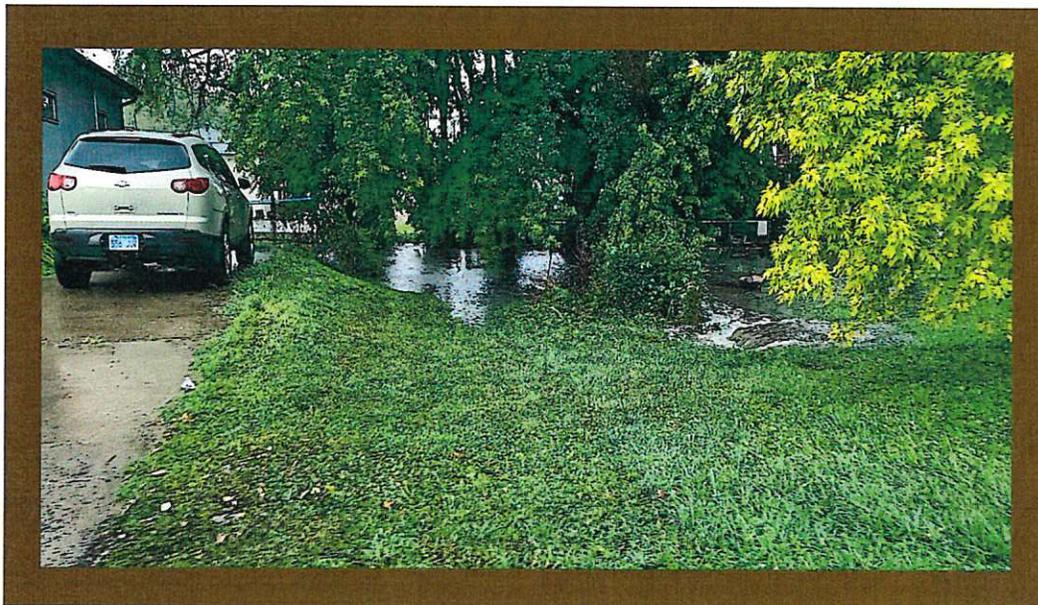
The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City.

**RECOMMENDATION:**

Staff recommends that the City Commission accept the bid received from Kissick Construction in the amount of \$499,665.00 for the rebid of the 741 Pottawatomie Drainage Project.

**ATTACHMENTS:**

Bid Tab





**CITY OF LEAVENWORTH**  
**Project No. 2021-951**  
**Re-Bid 741 Pottawatomie Drainage Improvements**  
**May 4, 2022**

BASE BID											
Item	Description	Unit	Quantity	Engineer's Estimate		Kissick Construction		Westland Construction, Inc.		RNG 10 Capital, LLC	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$14,150.00	\$14,150.00	\$30,000.00	\$30,000.00	\$7,699.00	\$7,699.00
2	Construction Furnished Staking	LS	1	\$2,500.00	\$2,500.00	\$1,852.00	\$1,852.00	\$2,500.00	\$2,500.00	\$1,925.00	\$1,925.00
3	Clearing & Grubbing	LS	1	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$2,000.00	\$2,000.00	\$6,397.20	\$6,397.20
4	Existing Storm Sewer Removal	LS	1	\$15,000.00	\$15,000.00	\$14,100.00	\$14,100.00	\$5,000.00	\$5,000.00	\$11,090.10	\$11,090.10
5	Tree Removal	EA	12	\$1,000.00	\$12,000.00	\$1,460.00	\$17,520.00	\$300.00	\$3,600.00	\$480.20	\$5,762.40
6	Concrete Pavement (6" Uniform)(AE)(Plain)	SY	164	\$80.00	\$13,120.00	\$111.00	\$18,204.00	\$135.00	\$22,140.00	\$110.00	\$18,040.00
7	Aggregate Base (6")(AB-3)	SY	200	\$10.00	\$2,000.00	\$18.00	\$3,600.00	\$22.00	\$4,400.00	\$28.60	\$5,720.00
8	Geogrid Reinforcement for Base	SY	200	\$10.00	\$2,000.00	\$7.00	\$1,400.00	\$20.00	\$4,000.00	\$11.10	\$2,220.00
9	Aggregate Surface (6")(AB-3)	SY	135	\$10.00	\$1,350.00	\$18.00	\$2,430.00	\$22.00	\$2,970.00	\$22.80	\$3,078.00
10	Concrete Sidewalk (4")	SF	270	\$10.00	\$2,700.00	\$11.00	\$2,970.00	\$12.00	\$3,240.00	\$17.00	\$4,590.00
11	Slope Protection (Decorative River Rock)	SY	23	\$100.00	\$2,300.00	\$101.00	\$2,323.00	\$50.00	\$1,150.00	\$247.10	\$5,683.30
12	Curb & Gutter, CG-1	LF	34	\$85.00	\$2,890.00	\$60.00	\$2,040.00	\$70.00	\$2,380.00	\$55.00	\$1,870.00
13	Flowable Fill	CY	28	\$200.00	\$5,600.00	\$140.00	\$3,920.00	\$250.00	\$7,000.00	\$410.10	\$11,482.80
14	Connect to Existing Storm Sewer	EA	1	\$5,000.00	\$5,000.00	\$4,986.00	\$4,986.00	\$3,000.00	\$3,000.00	\$6,679.10	\$6,679.10
15	Connect to Existing Storm Inlet	EA	1	\$4,000.00	\$4,000.00	\$2,675.00	\$2,675.00	\$3,000.00	\$3,000.00	\$6,679.10	\$6,679.10
16	10' Standard Storm Manhole	EA	1	\$40,000.00	\$40,000.00	\$34,997.00	\$34,997.00	\$30,000.00	\$30,000.00	\$54,511.60	\$54,511.60
17	Setback Curb inlet, Type 2 (7'x4')	EA	2	\$15,000.00	\$30,000.00	\$9,415.00	\$18,830.00	\$25,000.00	\$50,000.00	\$19,299.20	\$38,598.40
18	Setback Curb inlet, Type 2 (8'x4')	EA	2	\$30,000.00	\$60,000.00	\$20,330.00	\$40,660.00	\$32,300.00	\$64,600.00	\$27,121.10	\$54,242.20
19	Area Inlet, 1 Side Open (8'x5')	EA	2	\$15,000.00	\$30,000.00	\$8,326.00	\$16,652.00	\$20,700.00	\$41,400.00	\$19,139.40	\$38,278.80
20	Inlet Concrete Apron w/Toewall	EA	1	\$3,000.00	\$3,000.00	\$1,590.00	\$1,590.00	\$3,000.00	\$3,000.00	\$6,767.50	\$6,767.50
21	Storm Sewer Pipe (60" RCP)	LF	492	\$500.00	\$246,000.00	\$480.50	\$236,406.00	\$521.00	\$256,332.00	\$598.60	\$294,511.20
22	Sanitary Sewer Pipe (8" SDR-26 PVC)	LF	150	\$160.00	\$24,000.00	\$151.00	\$22,650.00	\$80.00	\$12,000.00	\$97.00	\$14,550.00
23	4' Chain Link Fence	LF	336	\$50.00	\$16,800.00	\$40.00	\$13,440.00	\$16.00	\$5,376.00	\$24.00	\$8,064.00
24	Erosion Control	LS	1	\$2,500.00	\$2,500.00	\$3,280.00	\$3,280.00	\$5,000.00	\$5,000.00	\$6,600.00	\$6,600.00
25	Hydroseeding	AC	1	\$5,000.00	\$5,000.00	\$4,650.00	\$4,650.00	\$3,000.00	\$3,000.00	\$6,325.00	\$6,325.00
26	Temporary Traffic Control	LS	1	\$2,000.00	\$2,000.00	\$7,340.00	\$7,340.00	\$8,000.00	\$8,000.00	\$5,500.00	\$5,500.00
				<b>TOTAL BASE BID:</b>	<b>\$549,760.00</b>		<b>\$499,665.00</b>		<b>\$575,088.00</b>		<b>\$626,864.70</b>