



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, AUGUST 23, 2022 6:00 P.M.

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

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from August 9, 2022 Regular Meeting **Action:** Motion (pg. 03)

Second Consideration Ordinances:

2. Second Consideration Ordinance 8189 Demolition Special Assessments **Action:** Roll Call Vote (pg. 07)
3. Second Consideration Ordinance 8190 Nuisance Special Assessments **Action:** Roll Call Vote (pg. 10)

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.

Public Hearing:

4. Public Hearing Exceeding of the Revenue Neutral Rate (pg. 17)
a. Open Public Hearing **Action:** Motion
b. Staff Presentation
c. Citizen Comments
d. Close Public Hearing **Action:** Motion
e. Consider Resolution B-2317 – Approval to Exceed Revenue Neutral Rate **Action:** Roll Call Vote (pg. 19)
5. Public Hearing on 2023 Operating and 2023-2027 Capital Budgets **Action:** Motion
a. Open Public Hearing **Action:** Motion
b. Staff Presentation
c. Citizen Comments
d. Close Public Hearing **Action:** Motion
e. Adopt the 2023 Operating and Capital Budgets **Action:** Motion
f. Consider Resolution B-2318 – Approval of 2023 Housing Budget for Planters II **Action:** Motion

General Items:

6. Mayors Appointments **Action:** Motion (pg. 30)
7. Employee Benefit Plan Renewal **Action:** Motion (pg. 31)

Resolutions:

8. Resolution B-2319 Camp Leavenworth Special Event Street Closure Request for Temporary Liquor License **Action:** Motion (pg. 33)

Bids, Contracts and Agreements:

9. Consider Award of Bid for Havens Park Trail Extension Project **Action:** Motion (pg. 36)

First Consideration Ordinances:

10. First Consideration Ordinance Special Use Permit Day Care 3400 Iowa Street

Action: Consensus (pg. 39)

11. First Consideration Ordinance Rezone 2101 & 2013 Vilas Street

Action: Consensus (pg. 55)

Consent Agenda:

Claims for August 6, 2022, through August 19, 2022, in the amount of \$712,030.25; Net amount for Payroll #16 effective August 12, 2022 in the amount of \$353,798.91 (No Police & Fire Pension).

Action: Motion

Other:

Adjournment

Action: Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Camalla Leonhard, 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 Roberta Beier, Deputy Public Works Director Earl Wilkinson, Leavenworth Housing Authority Housing Manager Andrea Cheatom, 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.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Martin moved to accept the minutes from the July 26, 2022 regular meeting. Commissioner Bauder 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)*
Dave Davis 3800 Richmond Drive:

- Recommends the City, in a joint effort, should purchase the Great Life Golf Course located on Eisenhower Road
- Shrine Park Golf Course has closed
- Trails West on Fort Leavenworth used to be public, but now is mostly only available to those with access to the Fort
- Lansing-Leavenworth area is large enough to support a municipal golf course
- Would be beneficial to bringing in new people and families to our community
- Need to preserve green space
- Requests the Mayor or City Manager reach out to Lansing to discuss a joint venture

General Items:

Mayors Appointments – Mayor Leonhard moved to appoint to the Leavenworth Planning Commission Kathy Kem to an unexpired term ending May 1, 2024 and reappoint to the Community Development Advisory Board Tony Majors and Ralph Taylor to terms ending August 31, 2025. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Resolutions:

Resolution B-2316 Designation of Contract Employee Apartment Unit at Planters II – Leavenworth Housing Authority Housing Manager Andrea Cheatom presented for approval a resolution designating

Apartment 100 at Planters II as a contract employee unit. The unit is currently and always has been used as a contract employee unit. The contract employee in this unit monitors activity and answers emergency calls in the Planters II building from 5pm to 8am daily, Monday through Friday, and full-time 24 hours on all weekends and holidays when the Planters II office is closed. The U.S. Department of Housing and Urban Development (HUD) now requires this approval process for this unit.

Commissioner Hingula:

- Asked if the contract with the person is with the City

Ms. Cheatom:

- It's a contract with the Housing Authority that is paid with Federal dollars

Commissioner Hingula moved to adopt Resolution B-2316 designating apartment 100 located at Planters II, 200 Shawnee Street Leavenworth, Kansas, as a housing unit for a contract employee of the Leavenworth Housing Authority. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Five-Mile Creek Bank Stabilization Project – Deputy Public Works Director Earl Wilkinson presented for consideration approval of the low bid received from Linaweaver Construction for the Five-Mile Creek bank stabilization project. The Unified School District 453 and the City of Leavenworth partnered with a consultant to complete a study of Five-Mile Creek from New Lawrence Road to 10th Avenue. This reach of the creek was experiencing bank erosion and bank failures that could encroach on the adjacent park trail, football field, and new sports complex near Richard Warren Middle School. There are a few areas along this reach of Five-Mile Creek where bank stabilization projects are recommended by the study. The proposed project is one of those recommended projects and was selected from that list because it will specifically correct a bank that is failing and putting the trail that runs along the north side of the stream and football field at risk. The City contracted with McAfee Henderson Solutions to design a project to stabilize the creek bank on a bend in Five-Mile Creek. Plans and specifications, and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. The lowest qualified bid was from Linaweaver Construction. The project will be funded with monies from the stormwater fee. The project is anticipated to start in September and will take 30 calendar days to complete. Inspection work will be performed by the City. While Linaweaver's bid was higher than the Engineer's Estimate, staff feels that there is no benefit from rebidding the project.

Commissioner Hingula:

- Asked if the project location is at the bend in the creek near the football field

Mr. Kramer:

- Asked will the project improve the conditions downstream and/or slow the downstream erosion

Mr. Wilkinson:

- It does help the reach below those areas of improvement
- There were other areas in the report we could do, but this area had the highest amount of concern
- Work will be similar to the work conducted at Cody Park

Mr. Kramer:

- Stated there has been orange fencing along that trail due to the amount of erosion

Commissioner Martin moved to accept the low bid received from Linaweaver Construction in an amount not to exceed \$120,549.00 for the Five-Mile Creek Bank Stabilization Project. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance Demolition Special Assessments – City Clerk Sarah Bodensteiner presented for first consideration an ordinance to levy special assessments for unpaid demolition process costs. The City Commission approved the properties for demolition through the public hearing process as set forth in the City Code. The property owners of the subject properties were sent multiple notices and given the opportunity to work with staff to make required improvements. For the properties that moved forward with demolition, the required improvements were not made by the owners, so staff moved forward with the demolition process per the guidelines set forth in the City Code. The City Code also provides for the collection of the costs incurred by the City. Some of these properties did not incur the full demolition costs, as they were able to make the necessary improvements to their property to avoid demolition; however the City did incur costs of title work in those instances. Invoices were sent to the property owners for the costs incurred via Certified Mail and were also mailed past due notices. As of this date, payment for the properties listed on the ordinance have not been received and as such, staff is seeking the approval to place a special assessment on the property to recover the City's costs.

Mayor Leonhard:

- Do you know if all the mailings were received by the property owners

Ms. Bodensteiner:

- If a returned envelope is received, we try to locate an updated address by utilizing the GIS system and we'll resend the letter or notice back out

Commissioner Bauder:

- Asked if the City has a collection agency

Mr. Kramer:

- The City has not gone that route and instead places a special assessment onto the taxes

Commissioner Martin:

- Asked when these properties were demolished

Ms. Bodensteiner:

- Some were completed in 2021 and some were done this spring

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

First Consideration Ordinance Nuisance Special Assessments – City Clerk Sarah Bodensteiner presented for first consideration an ordinance to levy special assessments for unpaid nuisance abatement costs. The City Code provides the tools for the City to abate nuisances such as mowing, tree removal, lot cleanup, and allows for the addition of administrative charges. The City Code also provides for the assessment of the City’s costs of abatement. Property owners are invoiced for the costs incurred to abate the nuisance and are given 30 days to make payment. In many cases, properties have required multiple abatements. Due to the delayed start of nuisance abatements in 2022, no assessments have been made yet for abatement work completed in 2022 and the listed properties are all from 2021 nuisance abatements, and are well over 30 days past due. Staff is seeking approval to place a special assessment on the property to recover the City’s costs.

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

Consent Agenda:

Commissioner Martin moved to approve claims for July 23, 2022 through August 5, 2022, in the amount of \$1,149,002.68; Net amount for Payroll #15 effective July 29, 2022 in the amount of \$378,424.38 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Other:

Commissioner Hingula:

- Have a good week

Commissioner Martin:

- God bless have a good week

Mayor Leonhard:

- This weekend is the last weekend to see Bright Star that has Commissioner Hingula in it
- There are a lot of opportunities for people who want to volunteer at the CAMP Leavenworth event, you can sign up on the CAMP Leavenworth website
- At the University of Saint Mary this weekend is Jazz by the River
- Haymarket Square has a free concert this weekend

Adjournment:

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

Time Meeting Adjourned 6:22 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8189
AN ORDINANCE TO LEVY SPECIAL ASSESSMENT FOR DEMOLITION COSTS AND FEES

AUGUST 23, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the August 9, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

Ordinance No. 8189 is now presented for second consideration and requires a roll call vote.

Payments will continue to be accepted by the City Clerk's office until submitted to the County Clerk and notified by the County Clerk that no more payments can be accepted by the City.

ATTACHMENTS:

- Ordinance No. 8189

(Published in the Leavenworth Times on August 26, 2022)

ORDINANCE NO. 8189

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain unsafe structures have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs to demolish unsafe structures in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against certain lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

Property Owner	Property Address	Legal Address	Demolition Process Costs
ASIX LLC	204 N 17 th St	AMRON ACRES, Lot 3	\$150.00
RYAN & ANDREA BOX	927 Pottawatomie St	Cochran & Mulligan's Sub, S26, T08, R22E, Block 21, Lot 6 – 7	\$150.00
HERBERT L. & DARLENE W. DERRINGER	824 Osage St	Mix's Subdivision, S26, T08, R22E, Block 1, Lot 12-13	\$21,490.00
ALLEN DWYER	733 Pawnee St	Day & Macaulay's Sub, Block 102, Lot 30	\$3,957.00
RICHARD L & MARY J JEFFRIES	910 Sherman Ave	Central Subdivision, S35, T08, R22E, Block 16, Lot 16-17 (SCALED)	\$12,224.59
DOUGLAS LEE NEU	1921 5 th Ave	Rees' Doniphan&Thornton's, Block 19, Lts 10&11 & W1/2 VAC ALLEY ADJ	\$11,201.59
EDWARD C. RANDOLPH	620 Osage St	Leavenworth,PLT Orig, Block 79, Lot 12-13	\$16,850.59
		Total	\$66,023.77

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. 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 this 23rd day of August 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8190
AN ORDINANCE TO LEVY SPECIAL ASSESSMENT FOR
NUISANCE ABATEMENT COSTS AND FEES**

AUGUST 23, 2022



Sarah Bodensteiner, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the August 9, 2022 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

Since first consideration, the following listings have been removed, as payment has been received:

Brungardt, Sandie	619 Kiowa Street	\$275.00
Brungardt, Sandie	621 Kiowa Street	\$175.00
Highfill, George E	1015 Osage Street	\$600.00

The above assessments were removed and Ordinance No. 8190 is now presented for second consideration and requires a roll call vote.

Payments will continue to be accepted by the City Clerk's office until submitted to the County Clerk and notified by the County Clerk that no more payments can be accepted by the City.

ATTACHMENTS:

- Ordinance No. 8190

(Published in the Leavenworth Times on August 26, 2022)

ORDINANCE NO. 8190

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain nuisances have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs of abatement of nuisances in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against several lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. 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 this 23rd day of August 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner CMC, City Clerk

Property Owner	Property Address	Legal	CAMA	Billed Amount
ADVANCED SYSTEMS ADMINISTRATION INC	517 NORTH 2ND STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 28, Lot 30 - 32	0772503103001000	\$ 263.02
AILIN, RACHEL RS	836 MIAMI STREET	MIX'S SUBDIVISION, BLOCK 4, Lot 22 - 24	0772604305014000	\$ 1,367.75
ARROYO, GABRIEL	403 OLIVE STREET	CLARK & REES ADDITION, BLOCK 20, Lot 2	0773602044002000	\$ 1,567.47
BAF 3 LLC	1205 WASHINGTON STREET	WASHINGTON SUBDIVISION, S35, T08, R22E, Lot 1	0773503025005020	\$ 134.34
BALDWIN, ELIZABETH K	1912 MONTEZUMA AVENUE	FENNS BROADWAY SUB, BLOCK 1, Lot 27 - 28	1010201016021000	\$ 475.00
BROWN, FLOSSIE	651 SOUTH STREET	REES' DONIPHANÞTON'S, BLOCK 14, LT 1 & VAC ALLEY ADJ	1010102019001000	\$ 2,113.36
BROWN, FLOSSIE	653 SOUTH STREET	REES' DONIPHANÞTON'S, BLOCK 14, LT2 & VAC ALLEY ADJ	1010102019001010	\$ 2,097.96
BUFORD, STANLEY L	1509 10TH AVENUE	WOLLMAN'S SUB OF W1/2 BLK #4, Lot 1 - 6	1010201006001000	\$ 2,400.00
CARLYSLE, BETTY & BILLY	934 OTTAWA STREET	COCHRAN & MULLIGAN'S SUB, BLOCK 14, LT 39 COCHRAN & MULLIGAN'S SUB & LT 29 EWING,ROELOFSON & CO SUB (SCALED)	0772603105008000	\$ 1,798.58
CARLYSLE, WILLIAM	404 OTTAWA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 55, Lot 3	0772503205021000	\$ 109.90
CHISHTI REAL ESTATE INC	619 OAK STREET	CLARK & REES ADDITION, BLOCK 33, Lot 5	0773602022004000	\$ 1,592.84
COPPER TOP LLC	603 13TH TERRACE	OTTAWA SUBDIVISION, BLOCK 2, Lot 1, (SCALED)	0782704004034000	\$ 126.06
DERRINGER, HERBERT L & DARLENE W	824 OSAGE STREET	MIX'S SUBDIVISION, S26, T08, R22E, BLOCK 1, Lot 12 - 13	0772604302018000	\$ 124.98
DEVELOPMENT INC	735 METROPOLITAN AVENUE	DAY & MACAULAY'S SUB, BLOCK 104, S75'LTS 27 & 28	0772601403004000	\$ 515.08
DODGE, CHARLES K & & JESSIANNA C	636 LIMIT STREET	S01, T09, R22E, ACRES 2.2, PT SW1/4 SW1/4 BEG N R/W LI LIMIT ST 170' E SW COR SW1/4 SW1/4, E223', N360'(S) TO SLY AT&SF R RR/W, NWLY ALG AT&SF RR R/W W 140'(S), W100'(S), S432 TO POB & ABAN RR ROW ADJ (SCALED)	1010103017005000	\$ 184.29
DONALD, PHELPS M & ROSE M	1122 KENTON STREET	STILLING'S, BLKS 1-3, S35, T08, R22E, BLOCK 2, Lot 14 - 15	0773503002008000	\$ 278.24
DONALD, PHELPS M & ROSE M	1118 KENTON STREET	STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18	0773503002009000	\$ 286.18

Property Owner	Property Address	Legal	CAMA	Billed Amount
DSV SPV3 LLC	1028 KENTON STREET	STILLING'S, BLKS 1-3, BLOCK 1, Lot 26 - 29	0773503001013000	\$ 550.77
DUCKWORTH, HARLAN J & HOOTEN, SHARLEE S	1002 CHEROKEE STREET	CENTRAL SUBDIVISION, BLOCK 26, E38'LTS 1-4	0773502009016000	\$ 264.73
ENG, MARTY L & ELIZABETH J	1007 SOUTH 5TH STREET	FACKLERS ADD BLK 26, BLOCK 26, LOT 19 & S8' LOT 20 & W1/2 VAC ALLEY ADJ	0773603012002010	\$ 802.30
FITCH PROPERTIES LLC	1032 6TH AVENUE	DAVIS, JAMES, ADD, BLOCK 7, Lot 2	0773504012008000	\$ 132.43
GENESIS ONE LLC	729 CHESTNUT STREET	LATTA'S ADDITION, BLOCK 27, Lot 3	0773501030002000	\$ 1,058.06
GILSON, JOSHUA R	813 KIOWA STREET	EWING, ROELOFSON & CO., BLOCK 12, Lot 11, (SCALED)	0772604205004000	\$ 1,407.44
GLZ SOLUTIONS LLC	625 KIOWA STREET	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 20	0772604103011000	\$ 110.53
GORDON, BETTY	1529 10TH AVENUE	WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15	1010201006005000	\$ 2,145.14
GOULD, MARION F	521 MARION STREET	BYINGTONS SUB, PT BLK 6,BEG 20' E OF NE COR BLK 6,W335'(S),S135',E330'(S), N135' TO POB,VAC ALLEY INCL (SCALED)	1010103009002000	\$ 350.00
GREEN, MICHAEL J	1314 GRAND AVENUE	STILLING'S BLKS 12-17, BLOCK 13, Lot 38	0773503022010000	\$ 1,088.08
GREENE, JAMES	1015 CHEYENNE STREET	HANNON'S ADDITION, S26, T08, R22E, BLOCK 3, Lot 10 - 11	0772602010002000	\$ 127.11
H&P DEVELOPMENT LLC	1131 METROPOLITAN AVENUE	GIST SURVEY, S26, T08, R22E, PT GIST SURVEY IN NW1/4;BEG SE COR INTER METRO AVE & 12TH ST, E50.1', S154.1', W50', N152' TO POB	0772602004009000	\$ 1,431.43
H&P DEVELOPMENT LLC	1009 KENTON STREET	STILLING'S BLKS 4-8, S35, T08, R22E, BLOCK 6, N125.5' LTS 19 & 20	0773503010004000	\$ 1,043.29
HERNANDEZ, KETZY	50 LOGAN AVENUE	SOUTHSIDE PARK SUB, BLOCK 33, Lot 12	1010104013009000	\$ 1,565.01
HIATT, DONALD L	611 NORTH 8TH STREET	EWING, ROELOFSON & CO., BLOCK 13, LTS 5 & 6 & S28.5'LT 7	0772604208025000	\$ 1,673.85
HILL, KENNETH R	1128 QUINCY STREET	STILLING'S BLKS 7-11, S35, T08, R22E, BLOCK 11, Lot 34 - 35	0773503018016000	\$ 1,650.00
HUDSPETH, CHADWICK G	625 OAK STREET	CLARK & REES ADDITION, BLOCK 33, Lot 7	0773602022006000	\$ 2,088.60
JB MC KEE PROPERTIES LLC	611 MIAMI STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 77, Lot 27 - 28	0772503303003000	\$ 121.41
JONES, HERBERT H & MARY A	501 NORTH 13TH STREET	CENTRAL SUBDIVISION, BLOCK 80, E210'(S) BLK 80 (SCALED)	0772603011005000	\$ 884.99

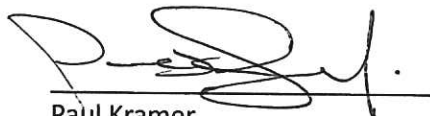
Property Owner	Property Address	Legal	CAMA	Billed Amount
JONES, MICHAEL D	204 NORTH 16TH STREET	HLASNEY REPLAT, BLOCK 1, Lot 4	0782704011009000	\$ 151.72
KENDALL, MATTHEW D	1424 WESTERN STREET	ACKERMAN 2ND REPLAT, BLOCK 2, Lot 2	0783404009024000	\$ 136.22
KING, WILLIAM B	118 SPRUCE STREET	CLARK & REES ADDITION, BLOCK 5, Lot 11	0773601002006000	\$ 524.88
LEWIS, REDIE	306 NORTH 3RD STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, N55'LTS 15 & 16	0772503107014000	\$ 368.32
LEWIS, REDIE	718 DAKOTA STREET	DAY & MACAULAY'S SUB, BLOCK 102, Lot 9	0772601409016000	\$ 374.94
LOPEZ, JULIO C & ANGELA L	809 SENECA STREET	EWING, ROELOFSON & CO., BLOCK 17, Lot 10 - 14	0772604313002000	\$ 250.00
MEDARIS, CATHY ANN	201 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32	0772503107001000	\$ 2,042.36
MORCHY, ALEGRA	514 WALNUT STREET	CLARK & REES ADDITION, BLOCK 25, E5' LT 12 & ALL LT 13 & W30'LT 14	0773602021009000	\$ 1,368.14
MOWERY, MICHAEL J & MARY A	306 LIMIT STREET	SOUTHSIDE PARK SUB, BLOCK 38, LTS 12-16 & S1/2 VAC ALLEY ADJ	1010104017008000	\$ 300.00
MUHAMMAD, RAMON	504 MIAMI STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 67, W19'LT 3	0772503302002000	\$ 1,286.70
MULLINS, BRIAN ALAN	317 POTTAWATOMIE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26	0772503212005000	\$ 1,547.16
NELSON, GARY A & TONIA L	1400 KINGMAN STREET	STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 17, Lot 28	0773503029001000	\$ 124.61
NEU, DOUGLAS LEE	1921 5TH AVENUE	REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	1010102023011000	\$ 549.61
NEW CHRISTY MINSTRELS FOUNDATION	703 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 1-5; BEG SE COR LT 1 W130'(S), N110'(S), E110'(S), S105'(S), TO POB (SCALED)	0772604205022000	\$ 1,394.82
NEW CHRISTY MINSTRELS FOUNDATION	707 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, PT LTS 4-6; BEG NW COR LT 6, E102'(S), S52', SWLY 110'(S), N68' TO POB	0772604205023000	\$ 672.83
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	0772604208001000	\$ 1,612.68

Property Owner	Property Address	Legal	CAMA	Billed Amount
NEXIA HOLDINGS, INC	431 NORTH 12TH STREET	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ	0772603016001000	\$ 1,309.01
OFFICER, ALVIN	1518 3RD AVENUE	REES' DONIPHANÞTON'S, BLOCK 2, Lot 13	1010102004007000	\$ 125.00
OLD CANAL FINANCIAL	323 OSAGE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21	0772503213008000	\$ 2,046.53
OWENS, ROBERT BRAD	1610 5TH AVENUE	REES' DONIPHANÞTON'S, BLOCK 5, Lot 3	1010102007002000	\$ 300.00
OWENS, ROBERT BRADLEY	912 GRAND AVENUE	STILLING'S, BLKS 1-3, BLOCK 2, LTS 19-20 & N75'LTS 21-26	0773503002011000	\$ 563.58
PALLESEN, RANDALL D	119 SENECA STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16	0772503405004000	\$ 2,090.35
PRICE, KENNETH S	501 OLIVE STREET	CLARK & REES ADDITION, BLOCK 28, Lot 1 - 3	0773602043001000	\$ 130.00
R & M INVESTMENT GROUP LLC	500 ELM STREET	FACKLERS ADDITION, BLOCK 28, Lot 13 - 16	0773603026009000	\$ 2,400.00
REHBERG, JOHN R & WILMA K	817 NORTH 16TH STREET	GIST SURVEY, S27, T08, R22E, PT GIST SURVEY IN NE1/4; BEG INTER DAKOTA ST & 16TH ST; S100', W115', N100', E115' TO POB	0782701013001000	\$ 142.39
REID, ALICE C	2320 SOUTH 17TH TERRACE	PEPPER TREE, BLOCK 4, Lot 6	1020304007019000	\$ 135.76
REYNOLDS, DIANA D	1435 CENTRAL AVENUE	INSLEY & SHIRE'S SUB, BLOCK 5, S16'LT 42 & N20'LT 43	0773504030010000	\$ 147.19
ROSS, LEE A	714 KIOWA STREET	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, LT 6 LESS W2'	0772604101005000	\$ 2,047.80
RS RENTAL I LLC	1721 MICHAEL STREET	WALNUT GROVE, Lot 8	0782704008021000	\$ 146.04
SALYERS, VICTORIA A	1117 POTTAWATOMIE STREET	EWING, ROELOFSON & CO., BLOCK 8, Lot 12	0772603015003000	\$ 900.86
SANTEE, DAVID ROY	615 PROSPECT STREET	DAY'S SUBDIVISION, BLOCK 18, W1/2 LT 6 & ALL LT 7	0773603039004000	\$ 2,123.08
SOUTH HILLSIDE DEVELOPMENT LLC	2300 WILSON AVENUE	RUTTER'S REPLAT, S01, T09, R22E, Lot 4	1010104006001130	\$ 1,620.93
STANDIFER, BIANCIA	222 DAKOTA STREET	BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 18	0772502008006000	\$ 539.97
STEPHENSON, FRANK	325 POTTAWATOMIE STREET	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, Lot 20	0772503212009000	\$ 150.00

Property Owner	Property Address	Legal	CAMA	Billed Amount
STEPHENSON, FRANK	790 OSAGE STREET	WESTERN ADDITION, BLOCK 113, Lot 17	0772604301009000	\$ 371.00
THE ZENITH SHOP	829 KICKAPOO STREET	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, LT 19 LESS TR BEG NE COR S63', W8.4', NE63', E1.2' TO POB	0772604208009000	\$ 2,067.18
THOMPSON, JAMES & ELIZABETH	1209 KLEMP STREET	STILLING'S BLKS 12-17, BLOCK 13, Lot 16 - 19	0773503022004000	\$ 141.98
U S A COAST GUARD	100 DAKOTA STREET	S25, T08, R22E, ACRES 3.8, PT NW1/4 LYING E UP RR & S OF K- 92,W OF MO RIVER & N OF S LINE DAKOTA ST EXT (SCALED)	0772502006001000	\$ 950.00
US BANK TRUST NATIONAL ASSOCIATION	807 NORTH 12TH STREET	MORRIS METRO SUB BL 1-4, BLOCK 1, N1/2 LT 4 & ALL LT 5	0772603002018000	\$ 825.00
WACKER, THOMAS E	854 SHERMAN AVENUE	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 13, PT BLK 13;BEG W69' FROM NE COR SE60'(S), SW43', NW75' (S), E28' TO POB (SCALED)	0773501014002000	\$ 2,032.84
WALTERS, KENNETH R JR	1030 POTTAWATOMIE STREET	EWING, ROELOFSON & CO., BLOCK 4, Lot 26 - 28	0772603107011000	\$ 959.74
WALTERS, KENNETH R JR	1028 POTTAWATOMIE STREET	EWING, ROELOFSON & CO., BLOCK 4, LT 29 & W18' LT 30	0772603107012000	\$ 1,432.48
WHITE, STACY M	1229 SPRUCE STREET	NORTON,WILLIAMS&THOMAS ADD, BLOCK 3, Lot 17	0773503005002000	\$ 1,609.58
WILLIAMSON, ANDY T L	616 SPRUCE STREET	CLARK & REES ADDITION, BLOCK 30, Lot 12, (SCALED)	0773602042012000	\$ 786.50
ZAMBRANO, DINO & MARIA P	4008 GARLAND STREET	HOMETOWN VILLAGE PHII, S11, T09, R22E, Lot 18	1011104001058000	\$ 454.93
			Grand Total	\$ 75,184.93

Policy Report
Public Hearing
Exceeding of the Revenue Neutral Rate
August 23, 2022

Prepared by:



Paul Kramer
City Manager

Background:

Kansas Statute establishes notice and public hearing requirements for certain taxing subdivisions seeking to collect property taxes in excess of the subdivision's revenue-neutral rate (RNR). A taxing subdivision is prohibited from levying taxes exceeding its revenue-neutral rate without first approving a resolution or ordinance in accordance with the procedure provided by the bill.

Subject:

As presented during the 2023 budget process, the City of Leavenworth intends to reduce its overall mill levy by one mill, yet will exceed the RNR as is defined in statute. The required resolution is before the public for discussion and the City Commission for consideration.

ATTACHMENTS

- Resolution B-2317

RESOLUTION NO. B-2317

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, APPROVING A TAX RATE OR MILL LEVY RATE IN EXCESS OF THE REVENUE NEUTRAL RATE FOR THE 2023 BUDGET YEAR.

WHEREAS, pursuant to 2021 Kansas Senate Bill No. 13, as amended by 2021 Kansas House Bill 2104, as the same may be codified (the "Act"), the Clerk of Leavenworth County, Kansas, has calculated and notified the City of Leavenworth, Kansas (the "City") that, for the City's 2023 budget year, the City's "revenue neutral rate" (as such term is defined by the Act) is **27.892 mills** (for informational purposes only, one mill is equal to 1/1000th of a Dollar of assessed value);

WHEREAS, the Act further provides that no tax rate in excess of the revenue neutral rate shall be levied by the Governing Body of the City except in accordance with procedures established under the Act;

WHEREAS, the Governing Body of the City, as required by the Act, called for a public hearing considering exceeding the revenue neutral rate, which public hearing was held on August 23, 2022, with an opportunity for all interested persons to be heard regarding the matter of exceeding the revenue neutral rate; and

WHEREAS, in accordance with the provisions of the Act, at such public hearing and after the Governing Body heard from interested taxpayers, the Governing Body voted on and approved this Resolution by majority vote of the Governing Body.

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

Section 1. Approval to Exceed Revenue Neutral Rate; Approved Tax Rate. Pursuant to the Act, the City, by and through its Governing Body, hereby approves exceeding the revenue neutral rate. The City's approved tax/mill levy rate for the 2023 budget year is **30.127 mills**, which amount does not exceed the amount of the proposed tax rate for which notice was given as to the public hearing required under the Act.

Section 2. Effective Date. This resolution shall be effective upon its adoption by the Governing Body of the City of Leavenworth, Kansas.

ADOPTED this 23rd day of August, 2022, by majority vote of the Governing Body.

Camalla M. Leonhard, Mayor

ATTEST:

Sarah Bodensteiner CMC, City Clerk
{Seal}

Policy Report
Public Hearing
2023 Operating and 2023-2027 Capital Budgets
August 23, 2022

Prepared by:



Paul Kramer
City Manager

Issue:

Kansas Statute requires that the City Commission hold a public hearing prior to considering adoption of the 2023 City budget. Along with the consideration and adoption of the 2023 budget, the Commission will consider a resolution to approve the 2023 Housing Budget, and specifically the Planters II operating budget.

Subject:

The 2023 transmittal letter is attached and includes a summary of the 2023 operating and 2023-2027 capital budgets. Both documents have been available in draft form to the public since the middle of July on the City's website and through hard copies available at City Hall and the Leavenworth Public Library.

Action:

The action before the Commission is to consider adoption of the 2023 operating and capital budgets, as well as the resolution related to the Leavenworth Public Housing Authority.

ATTACHMENTS:

- Resolution B-2318
- The 2023 transmittal letter

CERTIFICATE

To the Clerk of Leavenworth County, State of Kansas

We, the undersigned, officers of

City of Leavenworth

- certify that: (1) the hearing mentioned in the attached publication was held;
 (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditures for the various funds for the year 2023; and
 (3) the Amounts(s) of 2022 Ad Valorem Tax are within statutory limitations.

Table of Contents:		Page No.	2023 Adopted Budget		
			Budget Authority for Expenditures	Amount of 2022 Ad Valorem Tax	Final Tax Rate (County Clerk's Use Only)
Allocation of MVT, RVT, 16/20M Veh Tax		2			
Schedule of Transfers		3			
Statement of Indebtedness		4			
Statement of Lease-Purchases		5			
Computation to Determine State Library Grant		7			
Fund	K.S.A.				
General	12-101a	7	28,772,143	4,582,807	
Debt Service	10-113	8	5,427,972	1,877,999	
Library	12-1220	8	1,085,389	956,542	
Library Emp Benefit	12-16,102	9	288,929	262,729	
Police Pension Fund	13-14a01	9	169,640	14,415	
Fire Pension Fund	13-14a02	10	343,601	11,151	
Recreation	12-1927	10	2,829,459	492,006	
Special Highway		11	1,486,014		
CVB		11	1,240,933		
Probation		12	344,844		
Economic Develop		12	1,535,459		
Bus & Tech Park		13	361,831		
CIP Sales Tax		13	3,981,025		
CountyWide Sales Tax		14	5,331,911		
Sewer		14	7,271,617		
Refuse		15	3,872,441		
Storm Water		15	3,213,047		
Auto TIF		16	852,300		
Hotel TIF		16	607,778		
Retail TIF		17	426,100		
911 Fund		17	305,569		
Refuse Restricted		18	0		
Non-Budgeted Funds-A		19			
Non-Budgeted Funds-B		20			
Non-Budgeted Funds-C		21			
Totals		xxxxxx	69,748,002	8,197,649	
Budget Hearing Notice					County Clerk's Use Only
Combined Rate and Budget Hearing Notice	22				
RNR Hearing Notice					
Neighborhood Revitalization					Nov 1, 2022 Total Assessed Valuation

Revenue Neutral Rate 27.892

Assisted by: _____

Address: _____

Email: _____

Attest: _____, 2022

County Clerk

Governing Body

CPA Summary

RESOLUTION B-2318

**A RESOLUTION ESTABLISHING THE 2023 HOUSING BUDGET
AND SPECIFICALLY THE OPERATING BUDGET FOR
PLANTER'S II, LEAVENWORTH, KANSAS**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION, ACTING AS
THE PUBLIC HOUSING AUTHORITY (PHA) FOR LEAVENWORTH, KANSAS, that;**

Section 1. The 2023 Operating Budget for Planter's II is hereby adopted.

Section 2. The Proposed expenditures are necessary in the efficient and economical operation of the Housing agency for the purpose of serving low-income families.

Section 3. The financial plan is reasonable in that: it indicates a source of funding to cover all proposed expenditures and it does not provide for use of federal funds in excess of that payable under the provisions of 24 CFR 890, Subpart A.

Section 4. All proposed rental charges and expenditures will be consistent with the provisions of law and the annual contributions contract.

Section 5. Pursuant to Section 960.209 of the final rule effective May 21, 1984, the PHA is re-examining the incomes of all families living in the project at least once a year.

Section 6. No PHA employee reflected in the proposed operating budget is serving in a variety of positions which will exceed a 100% allocation of his/her time.

Section 7. This resolution also adopts the budget of expenditures and revenue earnings from administrative fees associated with Section 8 - existing housing assistance payments made on behalf of participant - tenants in the certificate, voucher and HOME tenant based assistance programs.

Section 8. This resolution shall be effective January 1, 2023.

PASSED and ADOPTED this 23rd day of August, 2022.

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, City Clerk, CMC



July 8, 2022

Mayor and City Commission
City of Leavenworth
Leavenworth, Kansas

Dear Mayor and Commissioners:

The City of Leavenworth Management Team is pleased to present the 2023 Operating Budget and 2023-2027 Capital Improvements Program (CIP). The two budget processes were combined in 2019 to provide the Commission and residents of Leavenworth with a clearer and more comprehensive view of total City resources and expenditures. The change also reflects the interconnectivity between the budgets.

I. BUDGET OVERVIEW

The 2023 Operating Budget is balanced, as required by law, and builds on the City's goal to provide high-quality services while maintaining sound financial standing. The budget contains revenue and expenses for all City funds and includes a "pass-through" levy as mandated by the Library Ordinance. The City supported portion of the mill levy is proposed to decrease one (1) mill from 26.658 to 25.658, and the Library will remain flat overall at 4.483 mills.

The 2023 Operating Budget was crafted in the midst of a continuing upward trend in revenue at the same time as the economy is facing historic levels of inflation, price increases and wage pressures. The turbulence and uncertainty in the economy affected forecasting and planning in both operating and capital expenditures. Current-year prices for contractual services and certain commodities increased dramatically, causing uncertainty in those budgeted items for 2023. An attempt was made to identify all areas of projected increase and uncertainty to determine if the trend was transitory or if budget adjustments were warranted.

On the Capital Budget side, increases in valuation and the recent and continued forecasts for rising interest rates created conditions favorable for staff to propose the transition, over a multi-year period, from bond-funding the annual pavement management program to cash financing. For decades, the City has annually issued 10-year bonds, the revenue of which supported principal and interest payments, as well as issuance costs, for the 10 previous annual bond issuances. It is a self-perpetuating cycle that ties up a percentage of annual funds into interest and issuance payments rather than maximizing roadway improvements. Beginning in 2023, the Management Team proposes to start a 5-year plan to pay off outstanding pavement management general obligation debt, while not reducing the current roadway improvement allocation, which could lead to a pay-as-you-go pavement management program as early as 2027, thereby dedicating all future dollars to project costs.

II. OPERATING BUDGET

In considering the 2023 Operating Budget, the Management Team evaluated economic trends, data available, pricing trends, City Commission priorities and adopted goals, public discourse and feedback, staff recommendations and many other factors while drafting the operating and capital budgets. The following issues, in context of their relation to available resources, were discussed at length in development of the 2023 budget:

- The possibility of current increases in sales tax revenue levelling off if recession conditions follow the current historic inflation and supply and demand challenges. The City's heavy reliance on sales tax, which is more volatile than property taxes, reduces reliance on property taxes, but creates a potential point of vulnerability if economic conditions curb consumer spending.
- Determining the nature of observed price increases across the board in regards to forecasting for everything from contractual services, mechanical equipment, fuel, chemicals and road materials.
- Investing heavily in a new compensation program for the Leavenworth Fire Department.
- Continuing the conservative budgeting and spending practices directed by the Commission to reach and maintain budget reserve goals to prepare the City for potential challenges over the next 12-24 months.
- Creating an employee compensation plan designed to make the City competitive in recruiting and retaining employees.
- Ensuring adequate coverage of employee health/welfare and retirement expenses.
- How to account for potential changes in economic conditions and trends after the budget is adopted.

General Fund

The City's General Fund accounts for core municipal functions and services such as Police, Fire, Parks and Recreation, Public Works, Planning and Administration. This is an operating budget focused primarily on revenues coming and going in a particular fiscal year. The primary revenue streams that support the General Fund budget are: 1) Sales and Use Taxes; 2) Property Taxes; 3) Charges for Services; 4) Fines and Forfeitures; and 5) Franchise Fees. Fluctuations in these revenue streams affect how the City is able to pay for and maintain core services.

Revenue Highlights

- The City experienced an increase in initial assessed valuation from \$243,717,259 in 2021 to \$272,106,262 in 2022 – an increase of 11.65%. At the proposed lowered mill rate of 25.658 for the City, the increased assessed valuation will generate an additional \$484,688. The General Fund will receive an additional \$449,000 over 2022, with \$51,000 going to the Recreation Fund and \$1,200 and \$1,500 going to the Fire and Police Pension Funds, respectively. The Bond & Interest Fund will receive approximately \$18,000 less than it did in 2022 because the City refinanced general obligation bonds in 2021, lowering the City's interest rates and annual debt service payments.
- Total sales tax revenues, which includes local and county-wide sales tax and local and county-wide compensating use tax, are budgeted to be 4.5% higher than actual 2021 sales tax revenues, generating an additional \$756,000. The five-year trend has been an annual increase of 4.62%, therefore a 4.5% increase over two years (from 2021 to 2023) is a conservative estimate. The increase in sales tax revenue will be allocated as follows: approximately \$490,000 to the General Fund, \$11,000 to the Economic Development Fund, \$188,000 to Capital Improvement Projects, and \$67,000 to TIF Funds.

- City fees for permits and inspections and court fines and fees are budgeted to remain flat, at 2022 budgeted levels.

The General Fund includes a budgeted reserve of \$6,859,472 which is available to support unanticipated expenses or underperforming revenues. The 2023 budgeted reserve represents 31.7% of the General Fund's 2023 budgeted expenses, which is above the City's reserve target of 16.67%. The ending reserve position on Dec. 31, 2021 was 33.8%, which the Management Team has worked to keep stable through the pandemic and the ensuing economic uncertainties. While budgeting use of reserves in a national recession is common, the Management Team has not elected to change the reserve position at this time. As was reinforced in our 2022 review by Moody's Investor Services, a stable and healthy reserve is critical to maintaining the City's Aa2 bond rating.

Expense Highlights

- Gas, diesel, tires and batteries, and chemicals are budgeted to increase a total of 33.5%, or \$308,631 from the 2022 budget.
- Utilities are budgeted to increase 7.23%, or \$102,000, across all City operations.
- City contributions to the Police and Fire KP&F State Pension system and the KPERS State Pension system for all City employees saw an \$18,243 increase for 2021.
- Health insurance costs are budgeted to increase 8% (which would equate to approximately \$174,000 over the 2022 budget and \$727,000 over 2021 actual health insurance expense), although the exact amount is unknown at this time.
- The implementation of a Fire Department step system, as well as current changes to increase the minimum salary to \$40,000 and further efforts to guard against compaction will increase the budget approximately \$360,000.

The 2023 employee compensation plan recommendation is to include a 5% across the board increase for employees, implemented mid-year. While still below inflation, the compensation plan is in line with those being provided by most municipalities in the region. When combined with a high-quality medical benefits offering, the City remains competitive in the region for employee recruitment and retention.

Other budgets included

It is again useful to consider the 2023 budget document as consisting of four separate budgets: Library Funds, Federal Grant Funds, Non-Tax Funds and Tax Funds.

Library

The Library Ordinance establishes a mill rate not to exceed 3.75 mills to support Library operations. For 2023, the Library's submitted budget includes 3.517 mills for operations, and 0.966 mills for the Library Employee Benefits Fund. The total Library levy generates \$1,219,851.

Federal Grant Funds

The City receives grants each year for Planters II, Section 8, Community Development, and Comprehensive Improvements Assistance Program (CIAP) activities. The 2023 Planters II expense budget increased by 2% (\$15,400). The increase was caused by an \$11,200 increase in personnel expenses and a projected \$8,200 increase in utility expenses. These increases were offset somewhat by a \$4,000 decrease in equipment expenditures. The financial condition of the fund is stable. The 2023 Section 8 Fund expense budget includes a \$12,000 increase in personnel costs over 2021 actuals, but mostly stays the same as 2021 actuals in all other areas.

The 2023 Community Development Block Grant funds are estimated to decrease to \$338,275. Of that total budget, \$67,655 may be used for administrative purposes; the balance, or \$270,620, is used for a variety of community projects in accordance with CDBG guidelines.

The CIAP Fund (Planters II Capital Fund) was established to account for federal grants received each year for repairs and renovations to the Planters II facility. Federal grant revenue of \$140,000 is budgeted for 2023 but is dependent on allocations that will be established by the United States Congress. Funds that are received must be allocated within two years of receipt and spent within four years.

Non-Tax Funds

These funds derive their financial support from sources other than ad valorem taxes. Expense budget levels for these funds are generally dependent upon the availability of revenue generated through the pursuit of the fund's activity. For example, the Sewer Fund expense budget is dependent upon funds generated from the sale of sewer services.

The 2023 expense base budget for this group of Funds decreases \$2,931,474 or 8%, to \$32,977,831.

	2022	2023
CVB Fund	1,125,030	1,240,933
Probation Fund	334,271	334,944
Streets	1,524,979	1,556,838
Eco Development Fund	1,415,008	1,535,459
CIP Sales Tax	5,561,104	3,981,025
County Wide Sales Tax	5,460,128	5,331,911
Capital Projects	1,577,960	2,615,880
Sewer	8,112,558	7,271,617
Refuse/Refuse Restricted	3,643,743	3,872,441
Storm Water Fund	4,740,481	3,213,047
Auto TIF Fund	752,978	895,236
Hotel TIF Fund	1,177,165	702,400
Retail TIF Fund	473,900	426,100
	\$34,331,345	\$32,977,831

The Convention and Visitor's Bureau Fund was established in 2014 to account for the receipt of transient guest tax revenue that had previously been accounted for in the General Fund. Transient guest tax revenue is projected to be 10% (\$63,500) higher than actual 2021 revenue, as the City continues to recover from the COVID pandemic. This exceeds the 2022 budgeted revenue by \$183,700. With the exception of the City Festival, operating expenses are budgeted to be flat as compared to the 2022 budget. 2023 budgeted reserves increased by \$248,000 over 2022 budgeted reserves.

The Probation and Streets Funds are both budgeted to be relatively flat as compared to 2022, with increases of 0.2% and 2.1%, respectively. The increase in the Streets Fund budget is due to the increase in the cost of commodities such as de-icing rock salt, barricades, and traffic cones.

The Economic Development Fund budget increases by 9% or \$120,451. This is due to a projected 2% increase in county-wide sales tax which is budgeted to increase revenues in the Economic Development Fund by \$39,700. In addition, the fund is budgeted to start with a balance of \$977,760, which is \$80,750 higher than the previous year. 2023 budgeted expenses are 6% (\$25,945) lower than 2022 budgeted

expenses, primarily due to personnel expenses. As a result of these activities, the fund has a budgeted reserve that is \$146,400 higher than the previous year.

The CIP Sales Tax Fund and the County Wide Sales Tax Fund are set up to collect local and county-wide sales and use tax and disburse those funds to various funds based on previously established City ordinances and the 2023 operating and capital improvement budgets. The primary recipients of local and county-wide sales tax are the Recreation Fund, the Debt Service Fund, The Capital Projects Fund, and the Streets Fund. Local sales tax is budgeted to increase 5% (\$124,570) over 2021 and county-wide sales tax is budgeted to increase 2% (\$63,290). The transfer to the Recreation Fund is budgeted to increase by \$610,000 over the 2022 budget because the Recreation Fund had a beginning balance of \$566,527 at the beginning of 2022 and is not budgeted to have a beginning balance for the 2023 budget year. The transfer to the bond fund is budgeted to increase by \$404,000 (32%), primarily to cover the first payment on the 3 year temporary notes issued in 2022 to pay for four park construction projects.

Capital Projects are budgeted to increase by \$1,037,920 (66%) so that the City can complete some maintenance items that were deferred due to the pandemic. Some of those items include the replacement of all of the HVAC hydronic and mechanical condensate piping (total project cost is \$618,910 with \$300,000 budgeted to be spent in 2023), erection of a public safety/municipal storage facility (\$150,000), and replacing a portion of the Community Center roof (\$252,000).

The 2023 Sewer Fund budget is \$850,941 (10%) lower than 2022. Sewer utility rates are budgeted to remain flat in 2023 in order to provide City residents with some relief from COVID related inflationary pressures. Budgeted expenses will be lower than 2022 due to a decrease of \$583,000 in sewer rehabilitation expenses, a \$58,200 decrease in personnel expenses, and a \$152,000 decrease in debt service.

The 2023 Refuse Fund will also hold utility rates flat, at the 2022 level. The \$228,700 (6%) increase in the budget for the Refuse Fund includes an \$85,000 (12%) increase in personnel costs. This increase in personnel costs is the result of wage increases for refuse collection personnel that were implemented to abate the high turnover rate in the department. Additional 2023 budget increases include a \$56,500 increase in contractual services to cover rising costs of repairs and maintenance to the City's refuse truck fleet, and a \$156,000 increase in commodities to cover an increase in cost of diesel fuel and City-supplied trash bags. The 2023 budget includes the purchase of poly-carts for all City households. This will eliminate the need to supply trash bags and will have a net one-time impact on the budget of approximately \$600,000. Reserves are budgeted to decrease by \$624,000 due to the purchase of the poly-carts and retro-fitting of refuse trucks with poly-cart lifts. The Refuse Fund is budgeted to finish 2023 with a 142-day reserve.

The Storm Water Fund is budgeted to decrease by \$1,527,000 (32%). This is due to a \$1,384,000 decrease in the beginning balance, as projects are projected to be completed in 2022.

Bond and Interest Fund

The 2023 Bond and Interest Fund expense budget increased by \$160,436 due to increased debt service payments and a higher budgeted reserve. 2022 budgeted payments consist of a \$1,400,000 temporary note payment (for the pavement management program), \$3,005,000 in bond payments and \$705,155 in interest payments. The 2023 budgeted payments include \$1,580,000 in temporary note payments (\$1,325,000 for the pavement management program and \$255,000 for parks projects), \$2,860,000 in bond principal payments, and \$670,662 in interest payments. The 2023 budget also includes \$39,250 in

issuance costs for the \$1,400,000 2022 temporary notes that will be refunded by general obligation bonds and \$750,000 in temporary notes for the 2023 pavement management program. The decrease in mills for the debt fund reflects the fact that the temporary note payments are funded by the CIP Sales Tax and County Wide Sales tax funds.

ARPA Fund

In 2021 the City was awarded \$8,736,795 in American Rescue Plan Act funds from the federal government. The first half of these funds were received by the City in 2021 and the second half of the funds were received by the City in 2022. The ARPA Fund was created to account for the revenue and expenditures associated with this grant. In 2021, the expenditures in the ARPA Fund totaled \$1,145,290. This included transfers to cover expenses in the Recreation Fund (\$522,204), Streets Fund (\$86,216), the CVB Fund (\$172,066), and the Probation Fund (\$89,155), all of which experienced revenue shortfalls as a result of pandemic related closures. 2021 expenditures also included \$49,900 to repair a water line in a City park and \$225,627 for COVID hazard pay for public safety and other City employees that reported to on-site work during the pandemic. The 2023 budget includes expenditures in the amount of \$4,692,705. This includes \$807,705 to purchase a new fire apparatus, \$385,000 for improvements to the Community Center, and \$3,000,000 for upgrades to the wastewater treatment plant. There is an additional \$500,000 budgeted for projects that are still under consideration and budgeted reserves are \$1,307,295.

Assessed Valuation

Based upon information recently received from the County Clerk, the City of Leavenworth experienced an increase in assessed valuation from \$243,717,259 in 2021 to \$272,106,262 in 2022. This is an 11.65% increase in assessed valuation. Tax abated properties, such as the NRA, increased from \$3,412,516 to \$4,113,256, lowering the net increase in assessed value, not including tax abated properties to 10.33%.

	2022 Budget	2023 Budget	Variance
Real Property	\$227,088,374	\$255,211,912	\$28,123,538
Personal Property	3,004,317	2,623,954	-\$380,363
State Assessed Utilities	13,624,268	14,270,396	645,828
Total	\$243,717,259	\$272,106,262	\$28,389,003

Ad Valorem Taxes

The following table illustrates the 2023 ad valorem tax levy (prior to the delinquency rate calculation) required by each City Fund.

Fund	2022 Budget	2023 Budget	Variance
General Fund	\$4,135,882	\$4,584,991	10.86%
Recreation	440,885	492,240	11.65%
Bond & Interest	1,897,339	1,878,894	-0.97%
Fire Pension	9,992	11,156	11.65%
Police Pension	12,917	14,422	11.65%
Subtotal - City	6,497,015	6,981,703	7.46%
Library Fund	913,940	1,020,398	11.65%
Library Employee Benefits	178,645	199,454	11.65%

Subtotal - Library	1,092,585	1,219,852	11.65%
Total	\$ 7,589,600	\$8,201,555	8.06%

Mill Levies

The table below illustrates the 2023 mill levy rate for each City Fund requiring ad valorem tax support given the assessed valuation data provided by the County Clerk.

Fund	2022 Budget	2023 Budget	Variance
General Fund	16.970	16.850	-0.120
Recreation	1.809	1.809	0.000
Bond & Interest	7.785	6.905	-0.880
Fire Pension	0.041	0.041	0.000
Police Pension	0.053	0.053	0.000
Subtotal – City	26.658	25.658	-1.000

Fund	2022 Budget	2023 Budget	Variance
Library Fund	3.750	3.517	0.000
Library Employee Benefits	0.733	0.966	0.000
Subtotal - Library	4.483	4.483	0.000
Total	31.141	30.141	-1.000

III. CAPITAL IMPROVEMENTS BUDGET (CIP)

The CIP is comprised of three sources: 1) ¼ of the City’s local sales tax, 2) The City’s portion of the countywide sales tax, and 3) General Obligation Bonds issued by the City for the road maintenance program. The CIP also includes information for enterprise funds (Sewer and Refuse), which are funded by user fees. Based on current and forecasted conditions, as well as work over the past few years to establish industry standard operating and capital reserve positions, the Management Team is proposing no increase in refuse and sanitary sewer rates. It should be noted that an integral piece to flat sanitary sewer rates is the City’s use of American Rescue Plan Act (ARPA) funds for essential capital improvement projects at the Wastewater Treatment Plant.

The CIP is allocated for a number of bond financed and pay-as-you-go projects, buildings, equipment needs, operating transfers and infrastructure items. Projects included in the CIP are prioritized by staff evaluation of operations, equipment, building and infrastructure conditions along with Commission priorities and direction. Although the CIP represents a five-year-look-ahead, the program is evaluated on a yearly basis to offer the most flexibility to the Commission and the community.

The 2023-2027 CIP has been changed in an attempt to show operating practices more effectively. The format is included in this document.

Approach and goals

Due primarily to conservative capital budgeting over the past two years, the 2023 CIP balance forward increases the total available funds to \$2.17 million. These funds allowed the 2023-2027 to make further investments in identified projects, but also to reduce the reliance on debt financing.

2023 CIP Highlights Include

- Replacing the roof over the main portions of the Riverfront Community Center for \$252,000.
- Continued debt service on a number of City facilities, projects and equipment, including:
 - The Leavenworth Business and Technology Park - \$352,065
 - The Havens and Stubby Park restrooms, Splash Park and Stubby Shelter - \$275,459
- First year funding for the License Plate Reader System at \$65,000 annually.
- Multiple Information Technology upgrade projects at a cost of \$134,000.
- Year one of the total replacement of all City Hall HVAC hydronic and mechanical condensate plumbing for \$300,000, with year 2 in 2024 at \$318,910.
- An increase in the annual citywide trails allocation to \$45,000.

IV. CONCLUSION

The recommended 2023 Operating Budget and 2023-2027 CIP reflect an optimistic, yet cautious approach to the fluctuations in the local, state and federal economy. The recommended budget proposes to invest heavily in the City's infrastructure, to invest in employee development and workforce stabilization while making modest enhancements in parks and recreation, community resources and City capabilities with a one mill decrease in the City supported mill rate and no increase in City-controlled utility rates. Additionally, careful consideration of expenses in the previous few years has allowed the City to reach a stable reserve position.

As with any budget process, certain areas were selected for enhancements, while others that were equally affected by cuts in previous years remained unchanged. We hope the proposed budget matches the goals and expectations of the residents of Leavenworth and the City Commission.

We appreciate the support of the staff in the preparation and presentation of the City Manager's recommended 2023 Operating Budget and 2023-2027 CIP and we look forward to reviewing its contents with the City Commission.

Sincerely,



Paul Kramer
City Manager



Roberta Beier
Finance Director

MAYOR'S APPOINTMENTS

AUGUST 23, 2022

Mayor Leonhard

*"Move to
Appoint to the **Community Development Advisory Board** Mary Mack to a term ending August 31,
2025;*

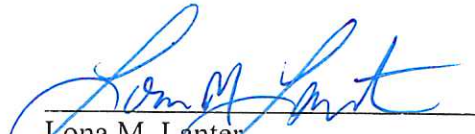
*Appoint to the **Leavenworth Main Street Board** Meredith Thompson to a term ending August 15,
2025"*

Requires a second and vote by the Governing Body.

POLICY REPORT 22-02
Employee Benefit Plan Renewal
August 23, 2022

Prepared by:

Reviewed by:



Lona M. Lanter
HR Director



Paul R. Kramer
City Manager

ISSUE: Review and approve the recommendation for employee benefit coverages to be effective December 1, 2022.

STAFF RECOMMENDATION: Staff recommends renewal with current providers for medical, dental and vision for the new plan year beginning December 1, 2022. Current providers are: United HealthCare for medical and vision coverage and Delta Dental for dental coverage.

BACKGROUND: The City has maintained employee medical coverage through United HealthCare since December 1, 2005. UHC continues to demonstrate their ability to provide a long-term strategic partnership in health care with the City.

The renewal bid from UHC, with no plan design changes, came in at a 6% premium increase. This renewal reflected well below the manual experience rating calculations for our group. However, UHC did take into account our improved experience rating over this past year and prior trending patterns with our group. Based on the renewal quote coming in under budget without plan design changes, and the intent to maintain a long-term relationship with one provider, a market search was not conducted for medical coverage.

The final renewal from Delta for 2023 came in with a 5% premium increase and no plan design changes. With this year's renewal we were also provided a rate cap guarantee for next year's renewal not to exceed 5% with Delta.

The final renewal from UHC Vision for 2023 came in with no premium increase and no plan design changes, as this will be the second year of our three year rate guarantee. This provides for the same level of benefits and a guaranteed premium for one more year.

Based on the above information, Staff is recommending the City renew with UHC for both medical and vision coverages and renew with Delta Dental for dental coverage, with no plan design changes to any of the plans.

If the Commission approves the Staff recommendations, the renewal date for the medical, dental and vision plans would be December 1, 2022.

This would require employee enrollment for medical, dental and/or vision coverage only for those employees interested in electing coverage, changing plan levels or adding/dropping dependents from coverage.

Open enrollment informational meetings for employees and retirees will be scheduled for the first two weeks in October. Open enrollment meetings will be set up in the same manner as last year in an effort to reduce the number of people in one location at any given time. The meetings will be held at the Community Center with certain groups of employees in each of the departments/divisions being given specific dates and timeframes to attend a meeting in an effort to monitor the numbers. Our benefit providers, UHC, Delta and Aflac will be on-site to provide information and answer individual questions from employees. In addition, we will have limited community business partners on-site this year, such as Commerce Bank, Frontier Community Credit Union, etc. for most of the open enrollment meetings. HR staff will be available at each open enrollment meeting to answer questions or provide additional information if needed.

BUDGET IMPACT: UHC is providing a 6% increase for medical and no increase for vision and Delta Dental is providing a 5% increase to the current rates. All of the renewals for coverage come in at, or under, budget for 2023.

**POLICY REPORT
CAMP LEAVENWORTH FESTIVAL 2022
SEPTEMBER 23-24, 2022
CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2319 – ALCOHOLIC LIQUOR**

AUGUST 23, 2022

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

ISSUES:

Consider approval of Resolution B-2319 approving a Special Event know as Camp Leavenworth Festival 2022 closing streets to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

The following streets will be closed during the hours of the festival per the resolution.

- Cherokee Street between 2nd Street and S. Esplanade Street
- Choctaw Street between 2nd Street and S. Esplanade Street
- S. Esplanade Street from Delaware Street south to 3 Mile Creek

These streets may be closed during additional times as deemed necessary by the Police Chief to allow for setup and breakdown.

The city will request a temporary liquor license to sell alcohol. The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

ACTIONS:

Adopting and approving Resolution B-2319 as presented.

ATTACHMENTS:

Resolution B-2319

RESOLUTION B-2319

A RESOLUTION APPROVING A SPECIAL EVENT KNOWN AS CAMP LEAVENWORTH FESTIVAL 2022 SPONSORED BY THE CITY OF LEAVENWORTH AND PROMOTED BY O'NEILL EVENTS AND MARKETING.

WHEREAS, the City of Leavenworth, Kansas (the "City") is approving a Special Event sponsored by the City known as Camp Leavenworth Festival 2022; and

WHEREAS, the City of Leavenworth has contracted with O'Neill Events & Marketing as the Festival Event Management.

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

Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and 41-2645 and amendments thereto.

Section 2. Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the event to be held beginning at 5:00 p.m. on Friday, September 23, 2022 through 10:00 p.m. on Saturday, September 24, 2022, (excluding possession and consumption during the hours of 2:00 a.m. to 9:00 a.m.), provided the city secures a temporary permit from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

Section 3. A portion or all of the following streets shall be closed to motor vehicle traffic during the dates and times identified in section 2:

- Cherokee Street between 2nd Street and Esplanade Street
- Choctaw Street between 2nd Street and Esplanade Street
- S. Esplanade Street from Delaware Street south to 3 Mile Creek

Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means ("Designated Barricaded Area").

Section 4. Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed

from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

Setion 5. This Resolution shall take effect and be in force after its approval by the governing body.

ADOPTED AND APPROVED by the Governing Body on this 23rd day of August 2022.

(SEAL)

Camalla M. Leonhard, Mayor

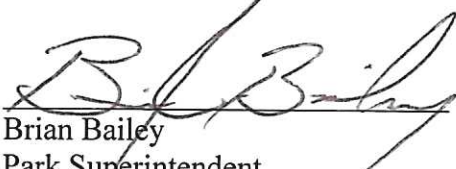
ATTEST:

Sarah Bodensteiner, CMC, City Clerk


City of Leavenworth, Kansas
Parks & Recreation Department
Havens Park Trail Extension
POLICY REPORT NO. P&R 10-22


August 23, 2022

PREPARED BY:


 Brian Bailey
 Park Superintendent

REVIEWED BY:


 Steve Grant
 Parks and Recreation Director


 Paul Kramer
 City Manager

ISSUE:

Consider approval of low bidder for Havens Park Trail Extension Project No. 22HV-TRAIL.

BACKGROUND:

During the Capital Improvement Program discussions in 2021, the City Commission discussed future trail development in Leavenworth. The Commission dedicated \$30,000 in the 2022 CIP for construction of trails. At the March 15, 2022 study session, staff presented options for trail construction in 2022. The City Commission came to a consensus for extending the existing Havens Park asphalt trail system.

The City of Leavenworth solicited bids from firms for the Havens Park Trail Extension project. Specifications and plan sheets were made available and a mandatory pre-bid meeting was conducted. Bids were opened and read aloud at 10:00 a.m. on August 16, 2022, with (2) bids received and only one meeting bid specifications.

Below is the bid tab sheet for this project:

Havens Park Trail Extention				
			Tuesday, August 16, 2022	
Bidder	Aff. Action	Bid Bond	Total Bid Base	Add Alternate
McConnell and Associates Corp.	X	X	\$28,600	\$44.00 / L.F
Advacned Asphalt			Not Read	

Work for this project will include 650' of 5' wide asphalt trail per specification, with the inclusion of the alternate. The add alternate will add 31 ft. of addition trail. Work is expected to be completed 60 days after the Notice to Proceed is given.

RECOMMENDATION:

Staff recommends the base bid for \$28,600 and the add alternate of 31'x \$44 = \$1,364 from McConnell and Associates for a total amount not to exceed \$29,964.00.

BUDGET IMPACT:

There is \$30,000 allocated in the 2022 Capital Improvement Program for this project.

ATTACHMENTS:

McConnell & Associates Bid Proposal.

BID PROPOSAL

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

Project 22HV-TRAIL Havens Park Trail

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

Add Alternate #1- Additional Per linear foot of 5' Wide Asphalt Trail per plans and specifications to the base bid per budget allowance.

Project No. 22HV-TRAIL

DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
BASE BID:				
650' of 5' Wide Asphalt Trail per plans and specifications	L.S.	1	\$28,600.00	\$28,600.00
ADD ALTERNATE #1:				
Additional 5' Wide Asphalt Trail per plans and specifications	L.F.	1	\$44.00	\$44.00 / LF

McConnell & Associates

_____ **HEREBY** agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of Twenty Eight Thousand Six Hundred Dollars \$ 28,600.00 Dollars (Certified check, cashier's check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2022-17 SUP
3400 IOWA STREET**

AUGUST 23, 2022

SUBJECT:

Place on first consideration an ordinance to approve 2022-17-SUP



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



Reviewed By:
Paul Kramer,
City Manager

NATURE OF REQUEST

The applicants, Brenda Reza and Liberty Hazelton, are requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 3400 Iowa Street. The property is currently zoned R1-9 (Medium Density Single Family Residential). Child Care Centers are allowed in the R1-9 zoning district with issuance of a special use permit. The applicant previously received approval of a Special Use Permit in 2017 to operate a Child Care Center in their home at 3611 Shrine Park Road. The family has recently moved and intends to continue their Child Care operation in their new home. No concerns or complaints were received by the City regarding the operation of a Child Care Center at their previous home.

The applicant is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

The Planning Commission considered this item at their August 1, 2022 meeting and voted 4-0 to recommend approval of the Special Use Permit.

An ordinance to rescind the Special Use Permit for a daycare center at the applicants' previous home located at 3611 Shrine Park Road is also presented for consideration.

CONDITIONS OF DETERMINATION

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

The subject property is located along Iowa Street, which is classified as a Residential street.

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

The subject property includes a back yard area of approximately 10,700 sqft., enclosed by a 4' chain link fence.

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

The subject property includes a driveway capable of accommodating 4 cars.

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

The applicants have provided a copy of their Group Day Care Home permit from the Kansas Department of Health and Environment.

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.

The home functions as the only residence of the operator/owner.

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

Any signage displayed will conform to this requirement.

COMMISSION FINDINGS

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

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

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

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

Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.

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

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

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

No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has not received any contact from notified property owners.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.

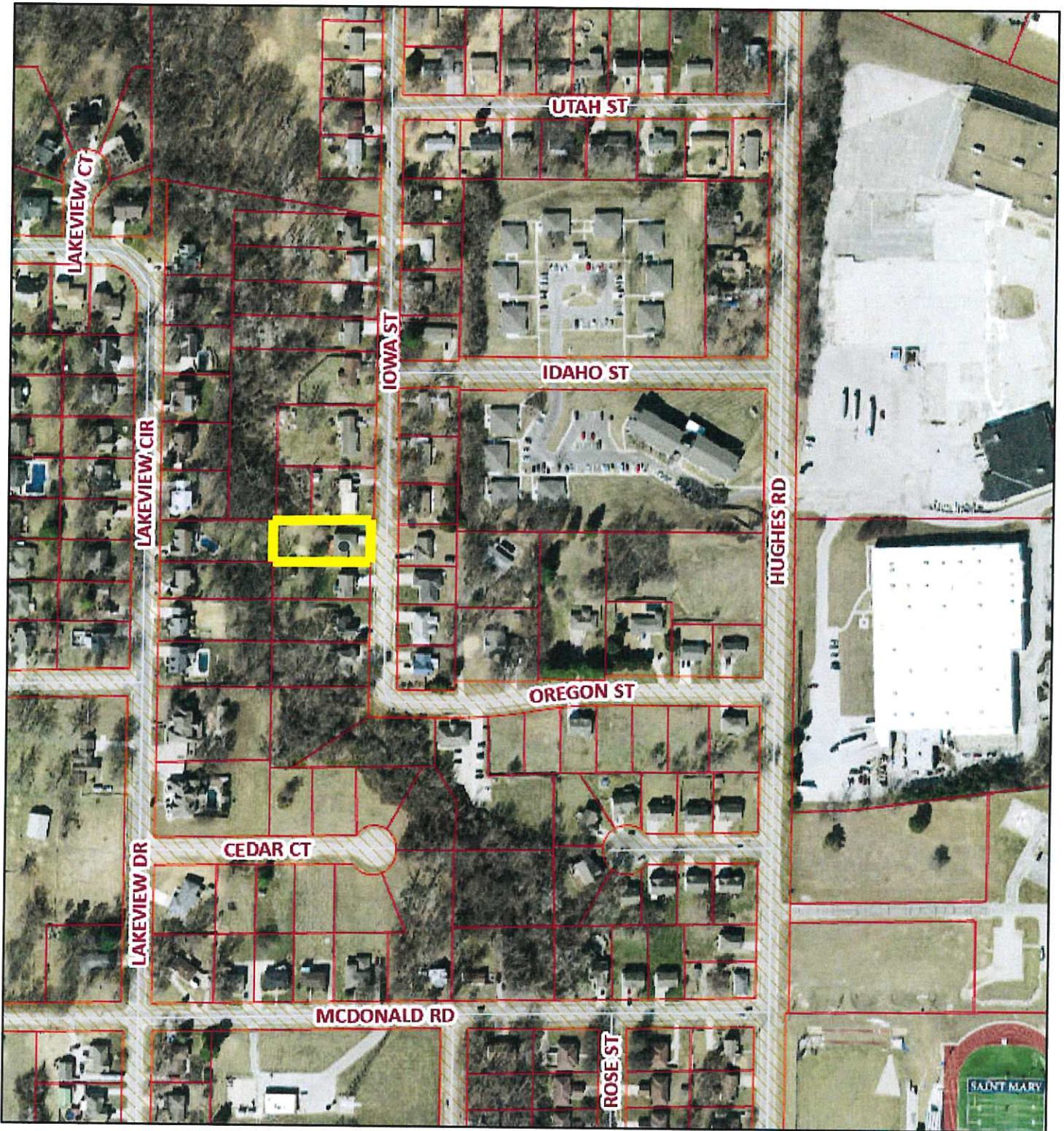
Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

ACTION/OPTIONS:

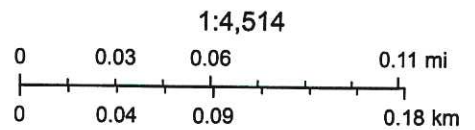
- Place an ordinance on first consideration to approve the Special Use Permit request to allow a daycare operation at 3400 Iowa Street, subject to the noted conditions.
- Deny the Special Use Permit request to allow a daycare operation at 3400 Iowa Street.

ACTION:

- Place an ordinance on first consideration to rescind the Special Use Permit for a daycare operation at 3611 Shrine Park.



8/18/2022, 9:02:07 AM



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2022-17 SUP

Application No.	<u>11546</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>6-16-22</u>
Received By	<u>cc</u>
Hearing Date	<u>8-1-22</u>
Publication Date	<u>7-7-22</u>

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: In home daycare

in accordance with the attached site plan on the following described property:

Subject Property:	<u>3400 Iowa St.</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:			
Zoning:		Historic District:	

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

Name(s) of Owner (print):	<u>Brenda Reza Liberty Hazelton</u>		
Owner Address:	<u>3400 Iowa St.</u>	<u>lvhsavemo@yahoo.com</u>	
Contact No.	<u>913-547-3811</u>	Email:	<u>reza.brenda@gmail.com</u>

Signature of Owner(s): [Signature]

State of Kansas
County of Leavenworth (SEAL)



Signed or attested before me on: June 16, 2022

Notary Public: Michelle Baragary

My Appointment Expires: 8/16/24

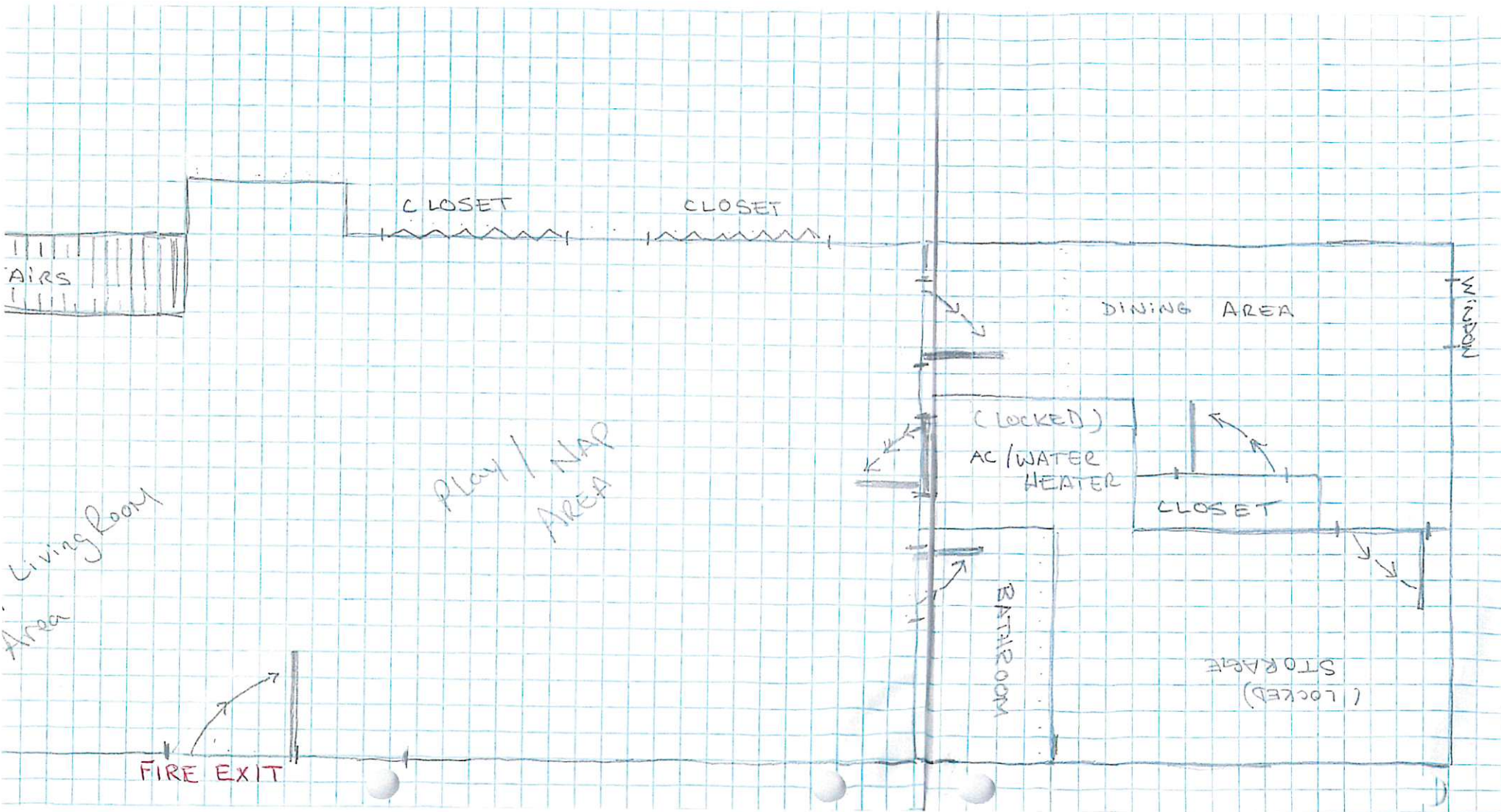
If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:			
Address:			
Contact No.		Email:	

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

Check list below...

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



Kansas Department of Health and Environment
License

Group Day Care Home
License No. 0500484-011

Licensee: Liberty Vance Hazelton And Brenda Carina Reza

Facility: WeeRock Daycare

Located at: 3400 Iowa St
Leavenworth, KS 66048



06/30/2023

In the county of: Leavenworth

Having complied with the laws and regulations of the State of Kansas governing Group Day Care Homes, Liberty Vance Hazelton And Brenda Carina Reza are hereby authorized to care for a maximum of 12 children, under one of the following options:

MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:

- 9 children, at least 2 ½ years but under 11 years of age*; or
- 10 children, at least 3 years but under 11 years of age*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:

- 12 children, infancy to 11 years of age*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age*, with not more than 5 children, 18 months to 2½ years of age.

*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This License is effective 06/13/2022 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

Smoking is prohibited inside the day care home during hours of operation.

** Local codes and ordinances may prescribe other requirements for the legal operation of this facility.

Janet Stanek, Secretary
Kansas Department of Health and Environment

June 14, 2022

To Whom It May Concern;

Brenda Reza opened her Licensed Daycare home (WeeRock Daycare) on December 12, 2012. They changed their license from licensed daycare home to Group daycare home on October 30, 2014, with Liberty Hazelton also being one of the providers. Brenda & Liberty recently moved to 3400 Iowa St, Leavenworth, KS. WeeRock daycare is in good standing with Leavenworth County Health Dept. and KDHE Child Care Licensing.

On their Notice of Survey Findings dated 12/8/2021, there were 5 violations cited. Two of those violations were corrected immediately while surveyors were onsite. The remaining 3 violations were corrected and documentation was promptly sent to surveyors. A compliance survey was not needed. If any areas of non-compliance noted at any of their Annual Child Care Licensing Survey, they are very quick to make the corrections so that they are back in full compliance.

WeeRock Daycare's initial survey for the 3400 Iowa St. location was conducted on 6/13/2022, and there were not areas of non-compliance noted.

I would recommend a Special Use Permit for WeeRock Daycare and their Child Care Providers Brenda Reza and Liberty Hazelton.

Sincerely,


Joy Bogart

Leavenworth County Child Care Licensing Surveyor
500 Eisenhower Rd.
Leavenworth, KS 66048
Phone: 913-250-2012
Fax: 913-250-2039

FIRE AND LIFE SAFETY AGREEMENT

INITIAL AND/OR ANNUAL FIRE INSPECTION

GROUP AND LICENSED CHILD CARE HOMES

NAME: <u>Wickrock Daycare</u>	PHONE: <u>913 5473722</u>
ADDRESS: <u>3700 Iowa</u>	
CITY/STATE/ZIP: <u>Leavenworth, KS 66048</u>	

- | | MET | NOT MET | NA |
|---|-------------------------------------|--------------------------|-------------------------------------|
| - Child care provider is in a structure designed and/or used as one or two family dwelling. Day Care Center requirements <u>must</u> apply if in an apartment, church, commercial building, or other area. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Child care is on main level and has two remote compliant exits. (Secondary exit may be stairs a compliant Rescue/ventilation window or door leading directly to the outside) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Child care is in the basement area and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Child care is on the second floor and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - Primary or Secondary means of escape does not exit through any hazard area. (Garage, storage, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Every required exit door can be easily opened from the inside at all times when the facility is operating. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Every ESCAPE PATH including all stairways is clear of obstacles and all doors are in proper working condition. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Working smoke detectors are located in every exit pathway, in each sleeping room used for child care Single-station smoke detection hardwired to the electrical system with battery back up or ten year lithium battery detectors shall be required for initial inspection (Licensed after January 1, 2003) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Existing providers, previously licensed before January 1, 2003 may continue with battery detectors. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Smoke detectors are tested monthly and records are kept on file for review. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Copy of the current FIRE/LIFE SAFETY AGREEMENT is posted next to license. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Children can open every closet door from the inside at all times. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Written emergency procedures for fire evacuation are provided and practiced monthly. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Monthly fire drills are documented. Drills shall be conducted and evacuation times shall be within 4 minutes. Inspector may ask the operator to demonstrate ability to conduct such a fire drill in his or her presence. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Written emergency procedures for tornadoes are provided and practiced monthly April through September. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Every bathroom door can be unlocked from the outside at all times. The unlocking key/device is readily accessible to the provider. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - All unused electrical outlets (in licensed areas) have child-resistant protective covers. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - All natural gas, kerosene, wood, propane heaters, etc., are properly vented to the outside of the home. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - A barrier that prevents children from getting too close or burned protects all heating devices. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Install Date of Det: 10/5/11
 Install Date of Det: CO/Smoke
5/2022

DATE OF FIRE OFFICIAL INSPECTION: 5/5/22 FIRE OFFICIAL SIGNATURE: [Signature]

ANNUAL RENEWAL: I declare that the Fire and Life Safety Agreement has been examined by me and to the best of my knowledge and belief is a true, correct and complete attestation of my compliance with fire codes as required by Kansas law. I understand that failure to comply with Kansas fire codes may result in fines or a cease and desist order pursuant to K.S.A. 31-139 and K.S.A 31-159.

If you agree with the statement above please check the box, sign your name and provide the date that you reviewed the agreement.

I have read and understand the above declaration

DATE OF ANNUAL REVIEW: May 13/22 PROVIDER SIGNATURE: [Signature]

2. 2022-14 SUB – GREENAMYRE SUBDIVISION PRELIMINARY PLAT

Consider a preliminary plat for Greenamyre Addition.

Ms. Hurley stated there is a preliminary and final plat associated with the rezoning request. Since the plats are contingent upon the rezoning, Ms. Hurley suggests the plats be tabled until such time the City Commission has made a final ruling on the rezoning request. Should the City Commission approve the rezoning, the plats can just come back to the Planning Commission and would not need a new application.

Chairman Wiedower asked if each plat needs a separate motion and vote.

Ms. Hurley responded in the affirmative.

Chairman Wiedower called for a motion for the preliminary plat. Commissioner Stephens moved to recommend to table the preliminary plat until the City Commission makes a final ruling, seconded by Commissioner Homan, and passed by a vote of 4-0.

3. 2022-15 SUB – GREENAMYRE SUBDIVISION FINAL PLAT

Consider a final plat for Greenamyre Addition.

Chairman Wiedower called for a motion for the final plat. Commissioner Stephens moved to recommend to table the final plat until the City Commission makes a final ruling, seconded by Commissioner Homan, and passed by a vote of 4-0.

4. 2022-17 SUP – 3400 IOWA STREET

Conduct a public hearing for Case No. 2022-17 SUP. The applicants/owners are requesting a Special Use Permit to allow the operation of a Child Care Center in their home located at 3400 Iowa Street. The property is currently zoned R1-9, Medium Density Single Family Residential District. Child Care Centers are allowed in the R1-9 zoning district with issuance of a special use permit.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the applicants, Brenda Reza and Liberty Hazelton, are requesting a Special Use Permit to allow the operation of Child Care Center in their home located at 3400 Iowa Street. The property is currently zoned R1-9 (Medium Density Single Family Residential). Child Care Centers are allowed in the R1-9 zoning district with issuance of a special use permit. The applicant previously received approval of a Special Use Permit in 2017 to operate a Child Care Center in their home at 3611 Shrine Park Road. The family has recently moved and intends to continue their Child Care operation in their new home. No concerns or complaints were received by the City regarding the operation of a Child Care Center at their previous home.

The applicant is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

CONDITIONS OF DETERMINATION

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

The subject property is located along Iowa Street, which is classified as a Residential street.

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

The subject property includes a back yard area of approximately 10,700 sqft., enclosed by a 4' chain link fence.

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

The subject property includes a driveway capable of accommodating 4 cars.

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

The applicants have provided a copy of their Group Day Care Home permit from the Kansas Department of Health and Environment.

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.

The home functions as the only residence of the operator/owner.

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

Any signage displayed will conform to this requirement.

COMMISSION FINDINGS

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

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

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

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

Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.

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

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

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

No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure.

Notification was sent to property owners within 200' of the subject property, as required by Kansas State statute. Since notifications were mailed, staff has not received any contact from notified property owners.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions.
- Motion, to recommend denial to the City Commission.
- Table the issue for additional information/consideration.

Chairman Wiedower asked for questions about the staff report.

Commissioner Homan asked what the maximum number of children they can care for.

Ms. Hurley responded up to 12 children.

Chairman Wiedower asked for the applicant(s) to speak about their child care center.

Liberty Hazelton, 3400 Iowa Street, stated he is co-owner of the child care center, and they are permitted to have up to 12 children present at a time.

Chairman Wiedower stated there are five violations listed in the agenda packet. Two of those were rectified immediately. Chairman Wiedower stated the other three violations have also been corrected but asked what the nature of those three violations were.

Mr. Hazelton stated the violations can be anything as simple as their child leaving a tube of toothpaste in the bathroom that is used as the public restroom for the child care center. Mr. Hazelton further stated they have never had a violation where they had to shut down the child care center. Most of their violations are with incomplete paperwork, such as current immunizations records, on a new child entering the child care center.

Chairman Wiedower asked how long the business has been open.

Mr. Hazelton responded for over 10 years.

Chairman Wiedower asked if it is typical to have 12 children at a time, and if so how is that staffed.

Mr. Hazelton responded in the affirmative stating the staff include himself and Brenda Reza, which meets State requirements.

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

With no further discussion, Chairman Wiedower called for a motion. Commissioner Homan moved to recommend approval to the City Commission for the Special Use Permit to allow the operation of a child care center located at 3400 Iowa Street, seconded by Commissioner Stephens and passed by a vote of 4-0.

OTHER BUSINESS:

Ms. Hurley presented outgoing Chairman Wiedower with a certificate of appreciation for his 7 years served on the Planning Commission.

Chairman Wiedower stated he has enjoyed his years on the Planning Commission. One thing he has learned through the years and feels to be of extreme importance is that people need to vent and have their concerns heard. This helps people accept the determination or recommendation from the Planning Commission because they know they have been heard and their concerns were considered when making a decision.

With no further business, Chairman Wiedower adjourned the meeting at 7:59 p.m.

The next Planning Commission meeting is scheduled for Monday, September 12, 2022.

Minutes taken by Administrative Assistant Michelle Baragary.

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER TO BE LOCATED AT 3400 IOWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations of the City of Leavenworth, Kansas, Sec 2.04, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of August, 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 7th day of July 2022 and mailed to all property owners within 200 feet of the said property were given notice of the public hearing; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a child care center at 3400 Iowa Street, Leavenworth, Kansas.

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

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

Section 1. That a special use permit be issued for a child care center on the following described property:

Lot 8, Lakewood Subdivision, City of Leavenworth, Leavenworth County, Kansas. And more commonly referred to as 3400 Iowa Street, Leavenworth, Kansas.

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

- a.) A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition;
- b.) A copy of the permanent Group Day Care Home License shall be provided annually upon renewal by the State of Kansas;
- c.) The operation shall be limited to a maximum of twelve (12) children; and
- d.) No additional home occupations may be carried out at the resident.

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

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this _____ day of September, 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

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

ORDINANCE NO. XXXX

**AN ORDINANCE TO RESCIND THE SPECIAL USE PERMIT
ALLOWING A CHILD CARE CENTER AT 3611 SHRINE
PARK ROAD, 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:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Liberty Hazelton and Brenda Reza	3611 Shrine Park Road	Child Care Center	8032	03/14/2017

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 _____ day of _____, 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2022-13-REZ
2101 & 2013 VILAS**

AUGUST 23, 2022

SUBJECT:

Place on first consideration an ordinance to approve 2022-13-REZ



Prepared By:

Julie Hurley,
Director of Planning and
Community Development



Reviewed By:

Paul Kramer,
City Manager

ANALYSIS:

The subject property is owned by Greenamyre Rentals, Inc. The applicant is requesting a rezoning of their property located at 2101 Vilas and a portion of the property located at 2013 Vilas from R1-25, Low Density Single-Family Residential to R1-9, Medium Density Single-Family Residential. The two parcels are situated on the south side of Vilas Street between 20th and 22nd Streets and are currently vacant. The total size of the property to be rezoned is 4.54 acres. To the east is Henry Leavenworth Elementary School.

The rezoning is being requested in order to allow for the development 6 single family residential lots. All 6 proposed lots are approximately .75 acres in size with a lot width of 110'. Between 20th and 22nd Streets, along the Vilas and Limit "loop", there are a total of 26 existing lots with frontage on either Vilas or Limit Street, including the property developed with Henry Leavenworth Elementary School. Of those 26 lots, a total of 12 are smaller in size than the lots proposed to be developed with this rezoning request, with the smallest being .35 acres in size. Additionally, the Whispering Hills Subdivision directly to the west of 22nd & Vilas is developed with single family lots with an average size of approximately .25 acre. The Edgewood subdivision directly to the south of Henry Leavenworth School includes lots ranging in size from .17 acre to .38 acre.

The Development Review Committee reviewed the project at their May 12, 2022 meeting and discussed items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and stormwater. All items discussed will be addressed prior to the issuance of building permits.

The Planning Commission considered this item at their August 1, 2022 meeting and voted 3-1 to recommend denial of the rezoning request. The preliminary and final plats associated with the rezoning request were also on the August 1, 2022 Planning Commission agenda, and the Commission voted 4-0 to table the two plats until after the City Commission takes action on the rezoning.

A total of 7 residents spoke at the August 1, 2022 Planning Commission meeting in opposition to the request.

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 vacant and is surrounded by single family residential development. To the east is Henry Leavenworth Elementary School. To the west is a traditional single family residential neighborhood.

- b) The zoning and use of properties nearby;

The immediately surrounding properties are zoned R1-25, Low Density Single Family Residential District. Henry Leavenworth Elementary School to the east, as well as the residential lots on the north side of Vilas closest to 20th Street are zoned R1-9, Medium Density Single Family Residential District. The Whispering Hills single family residential neighborhood to the west is zoned PUD, Planned Unit Development. The Edgewood single family residential neighborhood to the southeast is zoned R1-6, High Density Single-Family Residential.

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

The subject property is currently zoned R1-25, Low Density Single Family Residential, which is typical of agricultural and large lot residential uses in the City. The property is vacant and is surrounded by single family residential uses on varying sizes of lots, but may be suitable for a variety of residential uses. A previous request by the property owner to rezone the subject property to R-MF, Multi-Family Residential, was considered by the Planning Commission in 2020. The Planning Commission at that time voted to recommend denial of the multi-family rezoning request, and the applicant withdrew the application prior to consideration by the City Commission.

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

The proposed rezoning should not have a detrimental impact on nearby property. The proposed 6 residential lots are consistent with the scale of development in the area, and will not introduce a significant increase in traffic. The associated final plat dedicates additional ROW for Vilas Street to accommodate future roadway improvements. As with all development, all stormwater shall be required to be contained on-site and will not affect nearby properties.

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

The property has always been single-family/agricultural in nature.

- 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 would have a positive effect upon the economic vitality of Leavenworth by allowing for additional residential development.

- g) The recommendations of permanent or professional staff;

Staff recommends that the item be approved.

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

The subject area is identified as appropriate for Conservation/Open Space. The Comprehensive Plan states in regard to the Conservation/Open Space category that "Conservation areas balance the protection of sensitive environmental features with the development rights of property owners. Areas of conservation are appropriate in areas containing steep slopes, woodlands, drainage corridors, or other valued natural features." The size of the proposed lots will allow for homes to be situated while preserving open space and natural features. The Comprehensive Plan also identifies infill residential development that is "appropriate to the character of the neighborhood" as a strategy to accomplish the goal of promoting growth and development that is "sustainable, responsible, and meets the needs of future generations". This proposed infill development meets that strategy.

- 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.

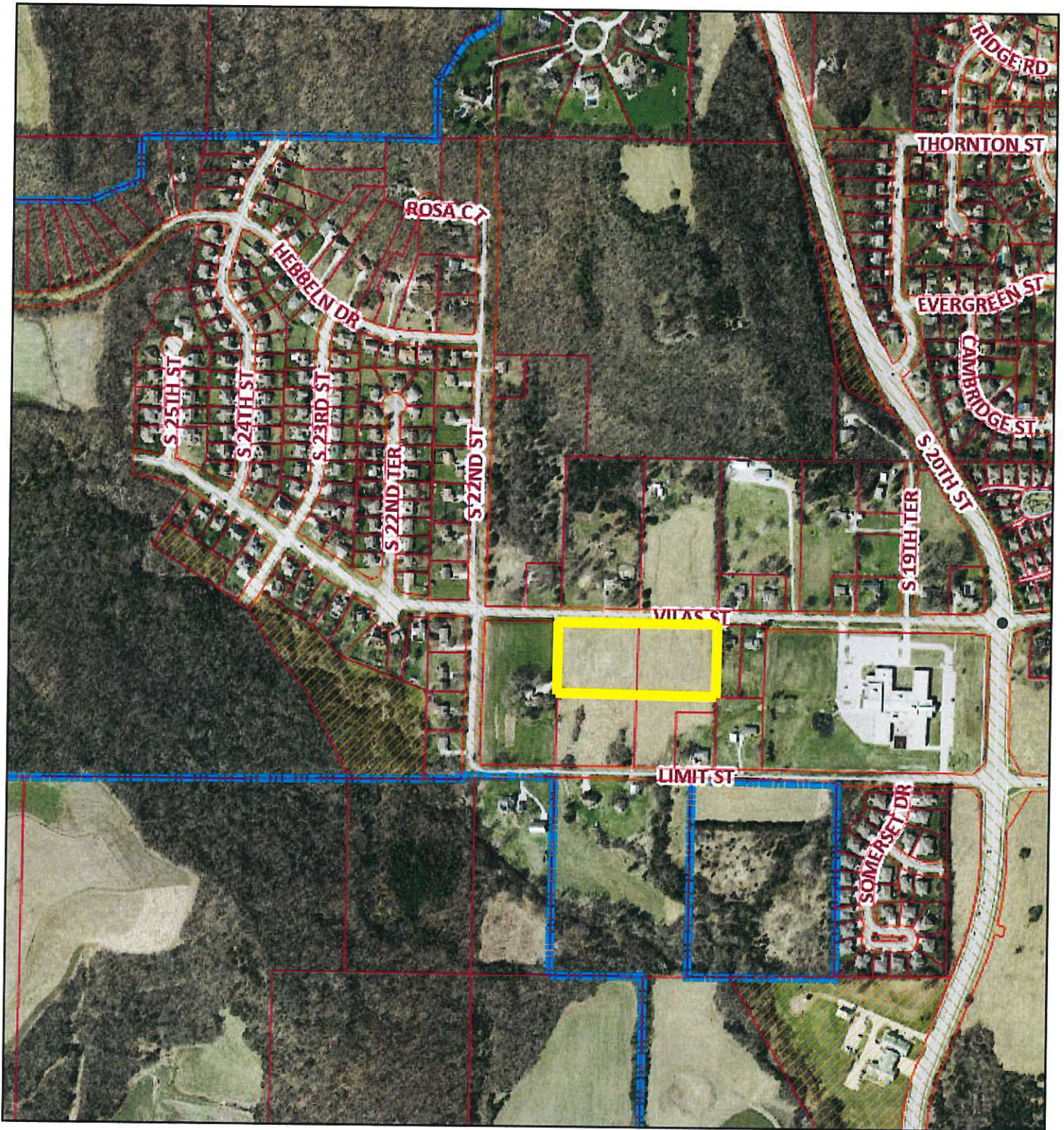
No other factors of note.

After the required notice was published and mailed to property owners within 200' of the subject property, staff received several inquired about the exact nature of the request from notified property owners. Of the property owners that placed an inquiry to staff, all expressed their preference for the current rezoning request over the previous request to rezone the property to R-MF.

REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the rezoning request of 2101 Vilas and a portion of the property located at 2013 Vilas from R1-25 to R1-9.
- Deny the rezoning request of 2101 Vilas and a portion of the property located at 2013 Vilas from R1-25 to R1-9.

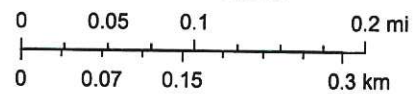
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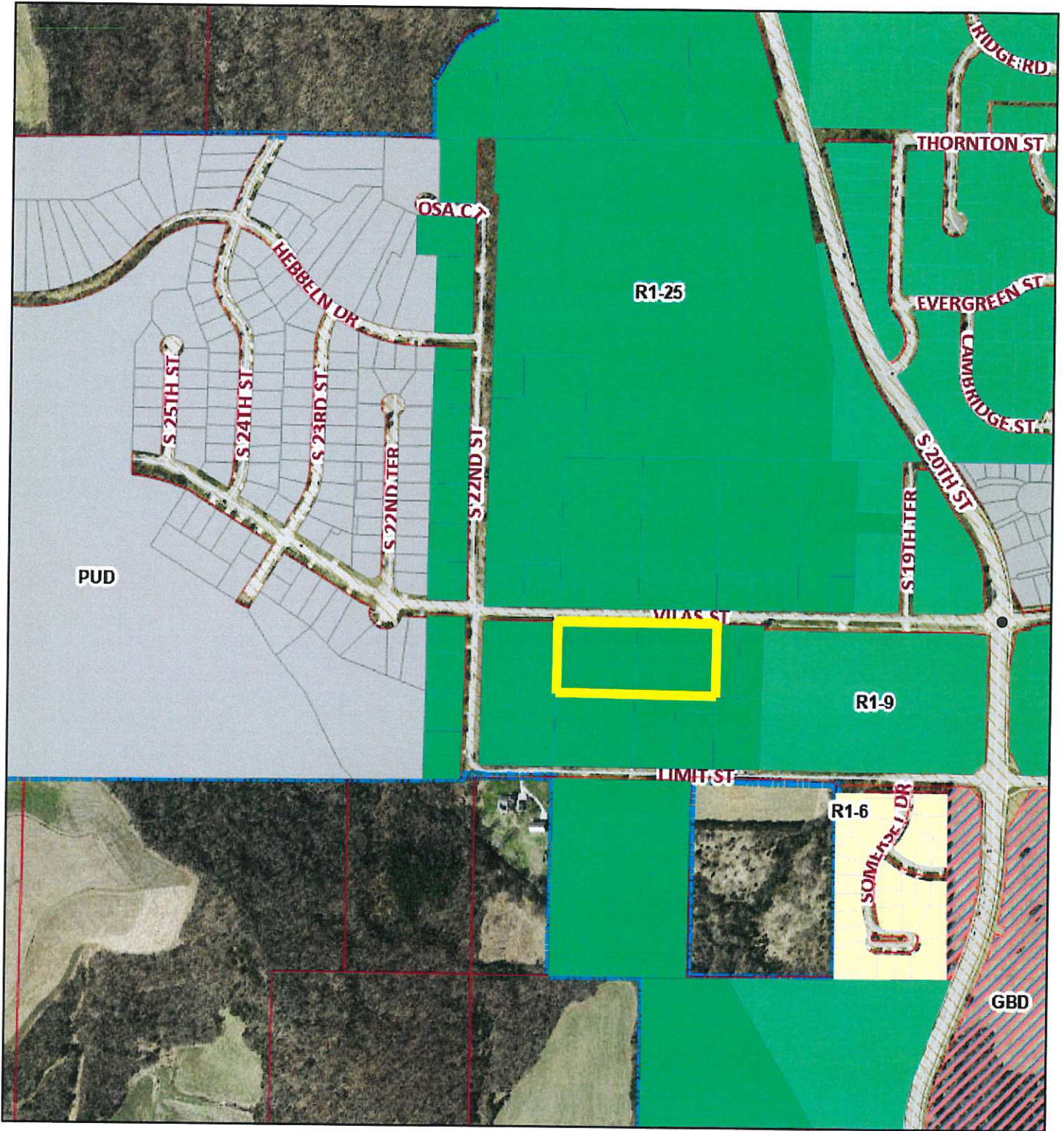
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- Override 1
- Parcels (City Owned)
- Parcels_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

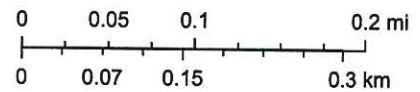
2022-13-REZ (Zoning)



8/17/2022, 4:12:03 PM

1:9,028

- Override 1
- R1-9
- Parcels (City Owned)
- Parcels_Current
- GBD
- PUD
- Leavenworth City Limits
- R1-25
- City Right-of-Way
- R1-6₉
- RoadCenterline



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

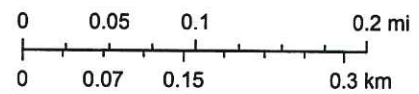
2022-13-REZ (Future Land Use)



8/17/2022, 4:13:29 PM

1:9,028

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



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



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2022-13 REZ

Application #	<u>11448</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>5-27-22</u>
Received By	
Hearing Date	<u>7-11-22</u>
Publication Date	<u>6-14-22</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>2101 & 2013 Vilas Street Leavenworth, KS 66048</u>		
Rezoning:	Present classification of: <u>R1-25</u>	district to: <u>R1-9</u>	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #	<u>R307868 & R13076</u>	Historic District:	

I/We, JEREMY GREENAMYRE 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>Greenamyre Rentals Inc</u>		
Address:	<u>2500 S 2nd Street Leavenworth, KS 66048</u>		
Contact No.:	<u>91-828-4440</u>	Email:	<u>jeremy@greenamyre.com</u>
Signature of Owner(s):			

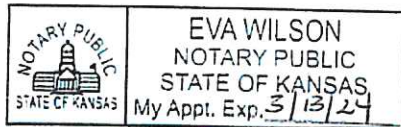
NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of Kansas)
County of Leavenworth), SS

Signed or attested before me on 23rd May, 2022 by Galko
(date) (name(s) of person(s))

Notary Public: My Appointment Expires: 3/13/24

(SEAL)



GREENAMYRE ADDITION

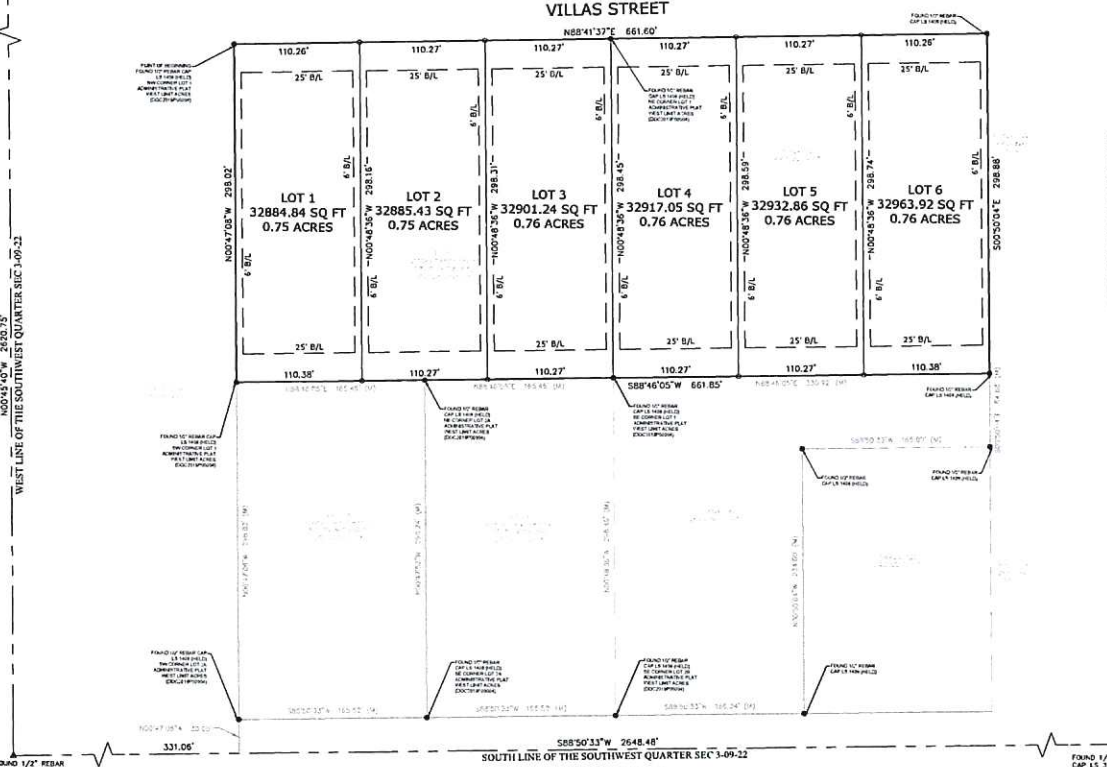
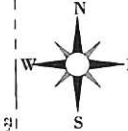
A REPLAT OF LOT 1 ADMINISTRATIVE PLAT WEST LIMIT ACRES AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 03, TOWNSHIP 9 SOUTH, RANGE 22 EAST, OF THE 6TH P.M. IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS

FOUND 5/8" REBAR (ORIG. ENCL. HELD NORTHWEST CORNER OF THE SOUTHWEST QUARTER SEC. 3-9-22)

- 7.86' INE TO FOUND NAL WEST SIDE OF TWP 9S
- 24.18' ESE TO FOUND NAL SOUTH SIDE 10" MARK
- 23.82' NW TO FOUND EAST CORNER CONCRETE SLAB (EOD RUN)
- 23.11' SSE TO FOUND NAL A SHANKER S. SIDE 47" HARDWARE

FOUND 1/2" REBAR HELD NORTHEAST CORNER OF THE SOUTHWEST QUARTER SEC. 3-9-22

- 33.15' NW TO FOUND "1" CUT IN CURB R/L
- 29.92' NE TO FOUND "1" CUT IN CURB R/L
- 29.86' SE TO FOUND "1" CUT IN CURB R/L
- 31.86' SW TO FOUND "1" CUT IN CURB R/L
- 30.02' S TO FOUND 1/2" REBAR
- CENTER OF INTERSECTION TRAVELWAY (E-W)



DESCRIPTION:

A REPLAT OF LOT 1 ADMINISTRATIVE PLAT WEST LIMIT ACRES AND A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 03, TOWNSHIP 9 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, DESCRIBED BY ROGER B. DOLL PS 1498 ON JUNE 7, 2022, AS FOLLOWS:

BEGINNING AT A FOUND 1/2" REBAR CAP LS 1408, ALSO KNOWN TO BE THE NORTHWEST CORNER OF SAID LOT 1; THENCE N89°41'37"E, ALONG THE NORTH LINE OF SAID LOT 1 AND ITS EASTERN EXTENSION A DISTANCE OF 463.68 FEET TO A FOUND 1/2" REBAR CAP LS 1408, ALSO LYING ON THE EASTERN EXTENSION OF THE SOUTH LINE OF SAID LOT 1; THENCE S88°46'05"W, ON SAID EASTERN EXTENSION AND ON SAID SOUTH LINE, A DISTANCE OF 463.68 FEET TO A FOUND 1/2" REBAR CAP LS 1408, ALSO KNOWN TO BE THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N00°45'35"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 394.63 FEET TO THE POINT OF BEGINNING.

ERROR OF CLOSURE: 1 PART IN 4,451,155.657

DEDICATION

The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: GREENAMYRE ADDITION"

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 2022.

STATE OF (KANSAS) _____
 COUNTY OF (LEAVENWORTH) _____

GREENAMYRE RENTALS, INC
 Jeremy Greenamyre, Managing Member

BE IT REMEMBERED, that on this _____ day of _____, 2022, before me, a Notary Public in and for said County and State, came Jeremy Greenamyre, Managing Member of Greenamyre Rentals, Inc, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

NAME _____ My Commission Expires: _____

This plat of GREENAMYRE ADDITION has been submitted to and approved by the Leavenworth Planning Commission, this _____ day of _____, 2022.

CHAIRMAN - CLAUDE WIEDOWER
 SECRETARY - JULIE HURLEY
 DIRECTOR OF PLANNING - JULIE HURLEY

This plat approved by the City Commission of Leavenworth, Kansas, this _____ day of _____, 2022.
 (SCALE)

ATTEST: _____ MAYOR - CAMILLA LEONARD

CITY CLERK - SARAH BOGDENSTEINER DIRECTOR OF PUBLIC WORKS - BRIAN FAUST

CITY ATTORNEY - DAVID WATERS

State of Kansas, County of Leavenworth, SS.

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2022, in Book _____ Page _____.

REGISTER OF DEEDS - TERRILLOIS G. MASHEURIN

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

COUNTY SURVEYOR - MICHAEL J. BOGINA, KANSAS PS-1655
 LEAVENWORTH COUNTY SURVEY REVIEWER



FINAL PLAT LEGEND

- FOUND PROPERTY CORNER AS NOTED
- 1/2" x 1/2" REBAR CAP LS 1408
- REBAR
- ◇ DECK
- △ PLATED

GENERAL NOTES

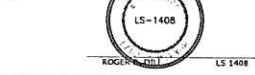
- THE BAGGS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1811 - SOUTH LINE OF THE SOUTHWEST QUARTER SEC. 33-09-22. 888°07'37"W
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET.
- KANSAS ONE CALL WAS NOT CALLED ON THIS SURVEY.
- REFERENCED SURVEY INCLUSIVE
- ADMINISTRATIVE PLAT - WEST LIMIT ACRES DOC NO 20190004
- CURRENT ZONING - R-2577 / FUTURE ZONING R-14
- SURVEY COMPLETED WITHOUT TITLE WORK.
- FENCE LINES DO NOT NECESSARILY DENOTE PROPERTY LINES.
- THE SUBJECT PROPERTY IS LOCATED WITHIN AREA "ZONE R" (AREA WITH NONWALL FLOORING), ON FLOOR FINISHES AND IN AN AREA WITHIN LEAVENWORTH COUNTY, STATE OF KANSAS, LATE IN 2015, FOR COMPLIANCE WITH THE LEAVENWORTH COUNTY, STATE OF KANSAS, SAID PRECISE IS SET FORTH.
- EXISTING EASEMENTS AND UTILITY LOCATIONS MAY NOT BE INDICATED.
- UTILITY AND DRAINAGE DEDICATION WILL BE FILED IN SEPARATE DOCUMENT.
- WE ACKNOWLEDGE AND WAIVE THE RIGHT TO PROTEST THE EXECUTION OF A BENEFIT DISTRICT FOR FUTURE PUBLIC IMPROVEMENTS.

VICINITY MAP



VICINITY MAP NOT TO SCALE

This is to certify on this 28TH day of JANUARY, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.



SCALE 1" = 20' 0" 50'

SCALE IN FEET

PREPARED FOR

SEC-TWN-RNG GREENAMYRE

03-09-22

DATE

JUNE 6, 2022



Development Review Committee Meeting

Thursday, May 12, 2022 at 1:30 p.m.

Committee members present: Assistant City Manager Penny Holler, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, Sr. Engineer Technician Justin Stewart, Chief Building Inspector Hal Burdette, Fire Marshall Andy Brooks, City Clerk Sarah Bodensteiner, Planning Director Julie Hurley and Administrative Assistant Michelle Baragary.

NEW BUSINESS:

1. 2101 & 2013 Vilas - Plat

- Attendees – Jeremy Greenamyre and Austin Thompson (Atlas Surveyors)
- Project – plat all of 2101 Vilas and the northern portion of 2013 Vilas. This will be rezoned to R1-9. The unplatted southern portion will remain R1-25.
- Planning
 - Rezoning and plat can run concurrently.
 - Need preliminary and final plat. Plat will go to City Commission for dedication of easements.
 - Staff to email minutes from December 7, 2020 Planning Commission meeting.
- Public Works
 - See attached comments from Public Works Director Brian Faust.
 - Vilas road improvement – need to provide funding for their half of the road before permits are issued.
 - General Note under the Limit St. lot split states easements will be recorded on a separate instrument. Building permits will not be issued for any of the tracts on Limit or Vilas until that has been completed.
- Building Inspections – no comments
- Police – no comments
- Fire – no comments

OLD BUSINESS:

None

OTHER BUSINESS:

None

Meeting adjourned at 1:46 p.m.

Greenamyre Addition —May 12, 2022

Public Works - Engineering

- ✓ • Vilas is defined as an Arterial – need minimum of 80' of ROW (similar to Henry Leavenworth School). ROW to be dedicated with plat.
- ✓ • Sanitary sewer is along Limit Street. All lots will need to connect to the sanitary so there will need to be a sanitary sewer extension northward. Easements will need to be defined. Extension needs to go to the south edge of Vilas. This will allow for future expansion to the north.
- This is a significant development along a rural section of roadway. The road to the east and the road to the west has curb/gutter. This section of road (between the school and S. 22nd Street) needs to be upgraded to an urban section. They should be required to improve their ½ of each road now. If DRC feels this is unreasonable, they need to provide the funding to the city for their half of the road - now. This will be used at a later date to fund improvements. Or DRC could require a statement on the plat that they: 'Waive their right to protest the formation of a benefit district to fund future road improvements'. This sticks the future buyer (not the developer) with the cost.
- Sidewalks are already installed along Vilas but will likely be damaged during any construction activities. Any damaged areas will need to be removed and replaced to current ADA guidelines.
- Plan to address storm water quantity and quality is required.
- All easements for drainage/utilities are required on the plat.

CITY OF LEAVENWORTH PLANNING COMMISSION

COMMISSION CHAMBERS, CITY HALL

100 N 5th Street, Leavenworth, Kansas 66048

REGULAR SESSION

Monday, June 6, 2022

6:00 PM

CALL TO ORDER:

Commissioners Present

Claude Wiedower

Joe Burks

Donald Homan

Brian Stephens

Commissioners Absent

James Diggs

Bill Waugh

Sherry Hines Whitson

City Staff Present

Julie Hurley

Michelle Baragary

Chairman Wiedower called the meeting to order at 6:20 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: June 6, 2022

Chairman Wiedower asked for comments or a motion on the minutes presented for approval: June 6, 2022. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Burks and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2022-13 REZ – 2101 VILAS AND A PORTION OF 2013 VILAS

Conduct a public hearing for Case No. 2022-13 REZ. The applicant/owner is requesting a rezoning of the property located at 2101 Vilas and a portion of the property located at 2013 Vilas from R1-25, Low Density Single Family Residential District, to R1-9, Medium Density Single Family Residential District.

Chairman Wiedower called for the staff report.

Planning Director Julie Hurley stated the subject property is owned by Greenamyre Rentals, Inc. The applicant is requesting a rezoning of their property located at 2101 Vilas and a portion of the property located at 2013 Vilas from R1-25 to R1-9. The two parcels are situated on the south side of Vilas Street

between 20th and 22nd Streets and are currently vacant. The total size of the property to be rezoned is 4.54 acres. To the east is Henry Leavenworth Elementary School.

The rezoning is being requested in order to allow for the development 6 single family residential lots. All 6 proposed lots are approximately .75 acres in size. Between 20th and 22nd Streets, there are a total of 18 existing lots with frontage on Vilas Street, including the property developed with Henry Leavenworth Elementary School. Of those 18 lots, a total of 8 are smaller in size than the lots proposed to be developed with this rezoning request, with the smallest being .35 acres in size. The associated preliminary and final plats are also on this agenda.

The Development Review Committee reviewed the project at their May 12, 2022 meeting and discussed items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and stormwater. All items discussed will be addressed prior to the issuance of building permits.

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 vacant and is surrounded by single family residential development. To the east is Henry Leavenworth Elementary School. To the west is a traditional single family residential neighborhood.

- b) The zoning and use of properties nearby;

The immediately surrounding properties are zoned R1-25, Low Density Single Family Residential District. Henry Leavenworth Elementary School to the east, as well as the residential lots on the north side of Vilas closest to 20th Street are zoned R1-9, Medium Density Single Family Residential District. The single family residential neighborhood to the west is zoned PUD, Planned Unit Development.

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

The subject property is currently zoned R1-25, Low Density Single Family Residential, which is typical of agricultural and large lot residential uses in the City. The property is vacant and is surrounded by single family residential uses on varying sizes of lots, but may be suitable for a variety of residential uses.

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

The proposed rezoning should not have a detrimental impact on nearby property. The proposed 6 residential lots are consistent with the scale of development in the area, and will not introduce a significant increase in traffic. The associated final plat dedicates additional ROW for Vilas Street to accommodate future roadway improvements.

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

The property has always been single-family/agricultural in nature.

- 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 would have a positive effect upon the economic vitality of Leavenworth by allowing for additional residential development.

- g) The recommendations of permanent or professional staff;
Staff recommends that the item be approved.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for Conservation/Open Space. The Comprehensive Plan states in regard to the Conservation/Open Space category that "Conservation areas balance the protection of sensitive environmental features with the development rights of property owners. Areas of conservation are appropriate in areas containing steep slopes, woodlands, drainage corridors, or other valued natural features." The size of the proposed lots will allow for homes to be situated while preserving open space and natural features. The Comprehensive Plan also identifies infill residential development that is "appropriate to the character of the neighborhood" as a strategy to accomplish the goal of promoting growth and development that is "sustainable, responsible, and meets the needs of future generations". This proposed infill development meets that strategy.
- 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 of note.

After the required notice was published and mailed to property owners within 200' of the subject property, staff received several inquired about the exact nature of the request from notified property owners.

REZONING ACTION/OPTIONS:

- Recommend approval of the rezoning request from R1-25 to R1-9 to the City Commission
- Recommend denial of the rezoning request from R1-25 to R1-9 to the City Commission
- Table the issue for additional information/consideration.

Chairman Wiedower asked the commissioners if there are any questions about the staff report.

Referring to the rezoning application in December 2020, Commissioner Stephens asked if there will be an entrance to this development only from Vilas Street and not Limit Street.

Ms. Hurley responded that all the lots front on Vilas Street so there is no road being proposed as part of this development. All six lots will have direct driveway access onto Vilas Street.

Commissioner Stephens asked about curved gutters in that area.

Ms. Hurley stated that is further to the east on Vilas. As discussed with the property owner at the Development Review Committee (DRC) meeting, there will be future improvements required to Vilas Street. The additional right-of-way (ROW) that is required will accommodate future road improvements.

Commissioner Stephens asked if those improvements are part of this plan.

Ms. Hurley responded that Public Works did not feel it was necessary to require those improvements at this time with just the six proposed lots.

Referring back to the initial rezoning in December 2020, Commissioner Stephens stated the Police Department had made a comment about traffic. Commissioner Stephens asked if the Police Department had any comments for current proposal.

Ms. Hurley responded in the negative.

With no further questions about the staff report, Chairman Wiedower opened the public hearing and asked the applicant to speak.

Jeremy Greenamyre, applicant/owner, stated there had been a discussion with Public Works about a road impact fee. 20 ft. of right-of-way is being dedicated for the future expansion of Vilas Street. Mr. Greenamyre believes at the time of permit, Public Works would address the curb and guttering. Mr. Greenamyre is not sure if that is him putting in the road or paying an impact fee for when the road improvements occur in the future.

Ms. Hurley stated Public Works had covered that and felt comfortable that could be addressed at the time any building permits are applied for. Permits would not be issued until the items with the road are addressed satisfactorily.

Mr. Greenamyre stated another requirement he has for this development is the extension of sewer. Currently sewer stops south on Limit Street. The only way to provide sewer to the proposed development is to pull the sewer up north and to branch off to the proposed lots. The city does not allow you to only bring the sewer to the proposed lots. It is required that the sewer is brought all the way to Vilas Street to accommodate sewer for the property owners across the street. Mr. Greenamyre further stated he does not need to pay for the connection to the sewer for the property owners across the street, but is required to bring the sewer up so those properties to the north of Vilas Street can connect to the sewer.

Ms. Hurley stated Jeremy is correct. Public Works requires the proposed lots be connected to sewer, and instead of bringing the sewer up to the south end of the proposed lots, he is required to extend the sewer to the north of the proposed lots so potential future development could tap into the sewer.

Mr. Greenamyre stated they took the public comments from the initial rezoning request in December 2020 and reworked the development plan. During that initial rezoning meeting, most comments were about issues with Limit Street, which is why there are no requests to rezone the property off Limit Street at this time. Mr. Greenamyre stated they waited to submit the current rezoning request until the parking was added to the school, which alleviates the extended pick-up lines that were occurring along Vilas Street.

Mr. Greenamyre provided the commissioners and the public a map showing 8 properties from 20th Street to 22nd Street that are nonconforming with the current R1-225 zoning district because the properties do not meet the 160' required road frontage.

Chairman Wiedower stated the subject properties have always been vacant but sooner or later something will be developed on this land. Six single-family homes on .75 acre lots seems appealing and to be a win-win for everyone. Chairman Wiedower asked what the price range will be for the homes.

Mr. Greenamyre responded they have no immediate plans to build anything. The rezoning is a way to put the land in a better situation to make something happen, such as sell the lots.

Commission Homan asked if the applicant knew if the single-family homes would be sold or rented.

Mr. Greenamyre responded he has no interest in renting single-family homes. If the homes are rented, they would be rented by someone else, not by Mr. Greenamyre.

Commissioner Stephens asked Mr. Greenamyre if he thought construction vehicles would be able to navigate Vilas Street and if the road would hold up.

Mr. Greenamyre stated he does not know, and that Vilas Street is a city road. His assumption is that if something gets broken in the duration of construction that it will be required to be repaired.

Ms. Hurley stated Vilas would have been accommodating any construction traffic for the neighborhood to the west when that was built a number of years ago, and Public Works did not express any concerns about construction vehicles on Vilas now.

Ms. Hurley further stated for the record that zoning regulations have nothing to do with rental versus owner occupied. That is not something that zoning legally can address. The "use" is single-family and that is what the commission needs to focus on.

Commissioner Stephens asked if that also includes Airbnb and other vacation type rentals.

Ms. Hurley responded that is a completely separate issue and there are provisions in the Development Regulations for Special Use Permits for those types of uses.

Chairman Wiedower asked for anyone in the audience who would like to speak to come to the podium and provide your name and address for the record.

Jerry Heintzelman, 2089 Limit St., stated his biggest concern is stormwater runoff. There are two creeks across the street that rundown both sides of his property. The new parking lot at the school will cause more water runoff in the main creek to the east of him. The school does have a retention pond but Mr. Heintzelman is not sure if it will accommodate all the water runoff. Mr. Heintzelman stated the creek to the west floods fairly deep. He provided pictures for the commissioners to look at of the creek flooding approximately 10 years ago. Ever since the ditch at 22nd Street was worked on, the flooding has been worse. Adding six more houses on Vilas will create more water runoff. Mr. Heintzelman stated the city required him to have 220 feet of road frontage when he built his house 20 years ago and he had to annex into the city.

Commissioner Burks asked when the photos of the creek were taken.

Mr. Heintzelman believes it was in 2009. He further stated if the subject properties were not rezoned, the applicant could still build five houses instead of six. What will the applicant be required to do for stormwater runoff? What is the applicant's plans for the properties to the south that come off Limit Street?

Chairman Wiedower looked to staff for clarification that stormwater would fall under Public Works and if water runoff becomes an issue when the houses are developed, the developer would have to address that issue.

Ms. Hurley stated in the notes that are included in the packet from the Development Review Committee, one of the notes from the Public Works Director does address stormwater quality and quantity. At the time of building permits, the developer would be required to submit a stormwater quality and quantity plan for these lots. When lots are developed, graded and any dirt starts moving, they are required to present a plan to show the lot has been engineered and will be graded so that there will not be any additional runoff coming from that property to any other property.

Chairman Wiedower stated they are sensitive to Mr. Heintzelman's water issue that he presently has now but that is a Public Works issue.

Mr. Heintzelman stated that when he looked into developing his property at 2089 Limit Street, he was told he would need to install a storm drainage system. Will the developer of the subject properties be required to do the same and would the drainage go onto his property or run around his house? Mr. Heintzelman stated he called the city engineer but never received a call back.

Commissioner Stephens asked staff how the stormwater plans are shared when submitted by the developer.

Ms. Hurley responded the plans are reviewed and approved by the Public Works Department.

Chairman Wiedower asked the applicant when the proposed lots are developed and there are known existing water flow issues, would the developer not coordinate with Public Works and take any required corrective action at that time?

Mr. Greenamyre stated that is fair to say. He further added that after the DRC meeting, it was suggested they work with their engineer to provide a drainage report, which has been submitted to the city. Mr. Greenamyre's engineer thought they could keep all the drainage on site. The lots are 110 ft wide by 300 ft deep. Most of the house will be pushed up towards Vilas Street. The engineer's calculations were that any water that runs off the roof, driveway, or any other hard surfaces would end up being captured and absorbed into the 200 ft between the back of the house and the lot line.

Ms. Hurley stated, as with any development, a developer is not required to correct problems outside of their property; they just cannot make them worse.

Commissioner Stephens asked if road improvements and an agreement that water runoff would be taken care of is included on the plat.

Ms. Hurley responded that the additional right-of-way is included in the plat, but something like a requirement for a stormwater plan would not be part of a recorded plat.

Commissioner Stephens asked if the road would be developed.

Ms. Hurley stated the road will not necessarily be built but the right-of-way is being placed there.

Chairman Wiedower stated the zoning request is not dependent on the water issue that exists now. The commissioners are sensitive on the existing water issues, but it is not part of the rezoning the Planning Commission is going to vote on.

Chris Howell, 2115 Vilas St., asked what the difference is between the current zoning of R1-25 and the requesting zoning of R1-9.

Ms. Hurley responded the primary differences are the lot width and lot size requirements.

Mr. Howell stated there is a difference between permanent development for homes that are being sold to somebody versus renting. There is a different quality of care between the two. This is concerning because Greenamyre is a rental company.

Commissioner Burks stated unfortunately as a board they are only looking at the zoning of the properties.

Mr. Howell asked what the future plan is for the properties to the south because taking the northern lots and southern lots in isolation is probably not the right way to look at long-term zoning development. Anticipating what the southern portion would eventually be for the long-term impact, not just taking bite size pieces out of this now and then changing it.

Chairman Wiedower responded the commission cannot deal with the unknown. If and when an application came through for the southern portion, the commission would deal with that at that time it see if it is in harmony with the neighborhood by going through the economic impact factors.

Mr. Howell stated the hydrology aspect and the flow of the land does flow from northeast to southwest. When it rains, there is standing water on the north side of his home, and then it flows down falling on the natural flow of the land. There is concern about water runoff that would come to the north side of his property.

Chairman Wiedower stated the present stormwater runoff is a valid issue but this board cannot deal with that as it is a public works issue.

Everett Rogers, 1206 Joshua Ct, Lansing, KS, owns the property at 2103 Limit. Mr. Everett stated the lot width for R1-25 is 160 ft., therefore, the applicant could have four lots versus the six lots that are being requested. Mr. Everett asked if platting will be discussed separately from the rezoning.

Ms. Hurley responded in the affirmative stating each agenda item will be voted on separately.

Mr. Everett stated he does not have an issue with the rezoning request but he does with the plat.

Ms. Hurley stated the Planning Commission will address the plats because they do not require a public hearing so any concerns about the subject property should be voiced now.

Mr. Everett asked when the portion to the south of the subject property that fronts Limit Street will be discussed.

Ms. Hurley stated that is not part of the plat request.

Mr. Everett had no further questions or concerns.

Kevin Baker, 2101 Limit Street, asked why the commission is talking about rezoning when everyone has a problem with Vilas Street. Vilas will not carry the additional cars and traffic with this rezoning. Furthermore, if construction equipment damages Vilas this will cause all traffic to go through Limit Street. Regardless if it is an additional four houses or six houses added to this area, that would be another two to three cars per house, which just increases the load on Vilas. Vilas Street needs repaired; it needs drains, curb and guttering.

Commissioner Homan stated even if the development is for four lots, and each property has 2-3 vehicles, this increases the traffic on Vilas. However, this is a public works issue and not a situation for the Planning Commission.

Chairman Wiedower stated the property will be developed for something sooner or later. Need to look at the greater good for the area and the economic impact. There are worse things that could be developed at this location than six single-family homes. When property is developed, the developer is required to work with the Public Works to deal with stormwater and runoff, traffic flow, etc.

Commissioner Burks stated it is difficult to predict the future. This is a rezoning request, and that is what this commission has to focus on. Commissioner Burks asked Mr. Baker what he would do with this vacant property if he owned it.

Mr. Baker responded that what Mr. Greenamyre is doing is great, but steps are being bypassed, such as fixing the street before allowing more homes to be developed.

Chairman Wiedower stated he understands the concerns being made. However, this commission is responsible to look at the rezoning request only. The development of the land will require coordination with Public Works, and hopefully their requirements will help with some of the concerns that are being brought up.

Commissioner Stephens stated he hears Mr. Baker saying that as the Planning Commission, there should be plans before doing things. Commissioner Stephens asked staff for clarification that the lots in this area are not on city sewer.

Ms. Hurley responded the two lots that are part of the rezoning request, which are proposed to be subdivided into six lots, will be required to connect to sewer. The Planned Unit Development (PUD) to the west is all connected to sewer.

Commissioner Stephens said if the rezoning request is approved without any plans, then he understands the neighbor's apprehension since this has happened before with the city saying they will add sewer lines and then just skip over people that are currently there.

Ms. Hurley asked if the question is about the sewer line because the sewer line comes down Limit Street, as depicted by the green line on GIS.

There was discussion from the audience not at the podium. Chairman Wiedower stated comments shall be made at the podium to be recorded. Chairman Wiedower again stated they need to focus on the Planning Commission's role on the rezoning only.

Before responding, Ms. Hurley had to request that the background with the people in the audience speaking over her be stopped. Ms. Hurley continued by stating the lots as part of this proposal are required to meet all of the city's current standards. Ms. Hurley cannot speak to what standards were 15 years ago or how that determination was made with utilities in the past when the subdivision to the west was developed. The lots proposed to be developed are required to connect to utilities, and as has been mentioned, the sewer and water is required to connect all the way through that lot for potential development beyond that. Aside from that, it is not required to connect to other lots that are not part of this proposal.

Chairman Wiedower stated this commission's role is not to impose and tell people they can do something after you do this first. Issues are being brought up that are beyond the scope of the Planning Commission. This commission is looking only at the zoning request to allow the applicant to subdivide the parcels into six separate single-family lots, knowing they will have to deal with issues when it is developed. Again, the applicant is not stating when it will be developed. The rezoning would just give the authority to develop it.

Mr. Baker stated by rezoning this, the commission is part of the problem because they would rezone something but still have not got the problem fixed, which is the street.

Chairman Wiedower stated he understands there is an existing stormwater problem, and regardless of what Mr. Greenamyre does, there is still an existing stormwater problem. We cannot make promises but at the same

time the rezoning request gives them authority to develop the land, and as mentioned numerous times, the developer will need to coordinate with Public Works to hopefully improve an existing problem with stormwater and water runoff. But again, this commission does not have the authority to make approval of a rezoning request contingent on Mr. Greenamyre or anyone else fixing an existing problem.

Commissioner Homan stated he noticed the housing development to the west on Vilas Street and the housing development to the south of the school are PUDs. Does that require anything different from the R1-9 zoning, and doesn't a PUD have to have approved plans?

Ms. Hurley responded in the negative stating what a developer will do a PUD for is for differences in lot sizes, lot frontages, etc. A PUD would not remove utility requirements or street improvements. Ms. Hurley further stated that when a development is submitted one of the things city staff looks at in terms of road improvements is that a developer is only required to do what is directly in front of their property. This was a point of discussion with the Public Works Department, such as do we require the developer to improve this section of Vilas Street or do we require the developer to dedicate additional right-of-way, etc. If the requirement is for the developer to improve the section of Vilas in front of their property, there would be no continuity and no connectivity because it would only be for the section directly in front of their property, which would not improve any sort of situations. The determination of the Public Works Department at this point is to get that additional right-of-way because additional right-of-way will also be needed to the east and to the west to do any eventual improvements to the roadway as a whole.

Denise Baker, 2101 Limit Street, asked why this property would even be rezoned instead of leaving it as four lots. There would be less water runoff with four lots. Most of the homes in this area sit on acreage. Creating these smaller frontage lots will look odd in this area and are not welcoming. Mrs. Baker further stated she has lived on her property for 23 years and has dealt with flooding every year.

Chairman Wiedower asked for clarification from Mr. Greenamyre about constructing six single-family homes in the immediate future.

Mr. Greenamyre stated he has no plan to build six family homes.

Ms. Hurley stated should the rezoning request be approved and the subsequent plats be approved, which are for the six lots, that would be recorded with the county and those six lots would be the plan. Land can be platted and nothing built on it for years and years. Therefore, if Mr. Greenamyre, as the owner, decided at some point he does not want to do these six lots but rather do something else that fits within the zoning district, they can come back and request a replat from the Planning Commission.

Chairman Wiedower stated the rezoning and plats just gives Mr. Greenamyre the authority to build six homes but does not force him to do this.

Mr. Greenamyre stated a variety of things could happen. He could advertise these as buildable lots and they could sell out in the first week or there could be someone who wants to put a house in the middle of all those lots and have their own 4.5 acre estate.

Chairman Wiedower asked staff the process for that type of situation.

Ms. Hurley stated, say for instance someone wanted to buy two of the lots and combine them into one lot, or buy three of the lots and combine them into one, they would apply for a replat not a rezoning, unless the owner wanted to do something that did not fit within the R1-9 zoning district.

Chairman Wiedower asked Mr. Greenamyre, as a developer that if he knew there was existing water runoff issues around the area he was going to develop, that he would need to work with public works and the city to make sure that what is being build will not cause more problems.

Mr. Greenamyre responded dealing with water runoff is something they have to deal with for every development. EPA rules changed about 10 years ago and they have been a lot more stringent upon having zero runoff as the goal or at least having onsite retention. Mr. Greenamyre further stated that although he is sympathetic to the neighbor's concerns, he does not think there has been a project done in Leavenworth or Lansing that has not had to have approved engineer plans that construction will not impact downstream water.

Chairman Wiedower asked if that would require Mr. Greenamyre to incur the expense to fix the water problem.

Ms. Hurley responded it would only be for the properties Mr. Greenamyre owns. He would not be required to solve problems outside of his property.

Commissioner Stephens asked what plans Mr. Greenamyre has for this property if the rezoning request does not get approved.

Mr. Greenamyre responded he is here today because his initial proposal submitted two and a half years ago for a multi-family subdivision. At the December 2020 Planning Commission meeting, most of the concerns were with Limit Street. Mr. Greenamyre stated he chose to withdraw the multi-family rezoning application at that time. What is being submitted today is his Plan B. After the December 2020 meeting, Mr. Greenamyre stated he drove out to that area during school drop-off and pick-up, and stated the neighbors had legitimate points about the traffic during these hours as he witnessed traffic backed up all the way down Vilas to 22nd Street and around the corner. Taking into consideration people's concerns with traffic and the condition of Limit Street is why this rezoning request does not include the parcels fronting Limit Street. Mr. Greenamyre further stated he waited until now to submit the rezoning so that the parking lot at the school would be complete. It is his understanding the grade levels attending that school have changed and the number of buses needed has changed as well, therefore, there should be little to no traffic actually on Vilas Street.

Commissioner Stephens asked what is behind the decision to split the land into six lots.

Mr. Greenamyre stated it is based on what they believe makes sense in this area and what they think is sellable. Mr. Greenamyre stated he has heard people tonight say he could divide the land into "this" number of lots or "that" number of lots. However, if you divide the lineal footage of what is there by an R1-9, which is what the current rezoning request is for, you could get 8.8 lots across Vilas Street. He could have requested 7 lots or even 8 lots but he is requesting 6 lots because he thought it made more sense to have nice size lots at 3/4 acre each where someone can build their dream home on land larger than just a standard subdivision size of just a quarter acre.

Mr. Greenamyre stated on a personal note, "rentals" is in their company name but their portfolio is about 98% multi-family and a handful of single-family houses, and this is for a variety of reasons such as, they cannot compete in the single-family space and do not want to compete in the single-family space. The subject property is land they purchased that they planned to develop as multi-family but was unable to do that. What is presented today is Plan B as a way to somewhat exit out of it and leave a nice development.

Don Stubbings, 2301 Hebbeln Dr., stated when this property was originally zoned R1-25, the considerations for that were probably many of the items discussed tonight. There have been no improvements to the street, the sewer or anything else to make this viable as a medium condensed housing area. If the roads were improved,

streets widened, sidewalks installed, etc. the neighbors would not even be here tonight. There has been no improvements to any of the existing neighborhoods to add density to this area.

Chairman Wiedower stated Mr. Stubbings brought up a good issue with the city's priority, budget money, commitment, and deciding what projects have priority. Although this is a valid issue, this board cannot address and does not have the authority to address those issues.

Travis Denney, 2610 S. 22nd Ter., asked why Mr. Greenamyre is rezoning only half of the land.

Commissioner Burks responded that he was in attendance at the December 2020 Planning Commission meeting, and they originally were trying to rezone this land for multi-family use. The community spoke up about their concerns, which is why Mr. Greenamyre has relooked at this development and is requesting a different rezoning so he can take advantage of the property that he owns.

Mr. Denney asked if the property owner could request rezoning for the southern lots fronting Limit Street and have more lots to sell.

Ms. Hurley stated that Mr. Greenamyre did address that by saying the concern last time was that Limit Street is in a much different state than Vilas Street. This rezoning request keeps any impact off of Limit Street and directs it to Vilas Street.

Mr. Denney responded that people will use both Limit and Vilas Street.

Ms. Hurley responded the current proposal does not introduce any driveways off Limit Street.

Commissioner Burks asked Mr. Denney what he would do with the property on Vilas Street if he owned it.

Mr. Denney responded he is not in opposition of the rezoning or of building homes on the property. He would like to see the streets fixed first. Mr. Denney stated Limit Street should be fixed first, then build the homes, then fix Vilas Street.

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

Commissioner Homan stated he doesn't understand why go from four lots to six lots because four lots would probably sell for as much as six lots would. Referring to the map Mr. Greenamyre passed out, there are three lots that are 100 ft. in width and five lots that are 140 ft. or 150 ft. in width. If the land was divided into four lots instead of six lots, that would give each of the four lots 150 ft. of road frontage, which is similar to many lots in that area.

Commissioner Burks stated the questions he is asking himself and considering prior to voting on this item is first, does the zoning request meet its intent in front of us as a committee, and it is our responsibility to not speculate. Second, is there a need to rezone? Are four lots versus six lots enough for this property right now given Mr. Greenamyre's work, reconsideration, submitting another application for this and trying to see an economic development that could potentially be positive as well.

Commissioner Stephens stated he too is looking at the size of the lots and how many lots there needs to be, as well as the valid concerns that they have heard tonight about some of the infrastructure and if it could support

this development. There were several questions brought up tonight that Commissioner Stephens is not satisfied with how they were answered.

Chairman Wiedower stated he is well aware of the traffic situation on Vilas and Limit Streets. There are other uses for this property that Chairman Wiedower would have trouble with, but this request is for single-family homes and not for an apartment complex. He is hopeful this rezoning request has a viable impact and that coordinating with the city is going to improve some of the issues the residents have made the board aware of.

Chairman Wiedower stated the options are to recommend approval or denial to the City Commission or to table the issue for further information/consideration. Chairman Wiedower further stated he does feel tabling the issue for another 30 or 60 days would give the board any additional input than what they have heard tonight.

Chairman Wiedower called for a motion. Mr. Stephens moved to table the issue for additional information. Would like another hearing where the Public Works Department could talk through some of the engineering questions that the citizens have brought up.

Chairman Wiedower asked staff if that is a valid request to delay this zoning request and have Public Works attend the next meeting to address some of these issues.

Ms. Hurley stated Public Works could certainly come and answer questions.

Commission Burks asked if brining Public Works in to answer questions wouldn't still be speculative on the commissioner's part.

Commissioner Stephens stated either way it would be speculative. If the board approves this, they are not sure what Mr. Greenamyre is going to build there, so that's speculation.

Commissioner Burks responded to have someone else come to a meeting and answer speculative questions does not change the fact that we have something in front of us to vote on.

Commissioner Stephens stated he feels he needs for information, which is why he made the motion.

Chairman Wiedower asked staff if Public Works were to attend the next meeting, they still could not make promises that the streets are going to change, the sewer will be fixed and the water runoff will be taken care of before Mr. Greenamyre could proceed.

Ms. Hurley responded Public Works would just be answering more technical questions, but there would not be any sort of guarantees. Public Works could speak more in detail to their specific requirements.

Commissioner Stephens stated there was a discussion about permits. He wants Public Works to explain the permit needed to build, what those requirements are and what the expectation is.

Commissioner Homan seconded the motion to table the issue for additional information/consideration.

Chairman Wiedower state Commissioner Stephens made a motion to defer the issue, further stating the commissioners can either vote on that or we can go to another motion.

Ms. Hurley stated the procedure is when a motion is made, it must be seconded and then the commissioners will vote on that motion.

Chairman Wiedower asked staff if they need to specify in the motion that the issue will be tabled for 30 days.

Ms. Hurley responded the board will just table it to the next Planning Commission meeting. Further stating at whatever point this moves on to the City Commission, at that point there will be another public hearing, and Public Works staff is present at City Commission meetings to address concerns at that meeting.

Commissioner Stephens stated he does not want the same questions to go unanswered at this meeting to then just get shifted to the City Commission meeting when that is this board's responsibility here to be that buffer.

Chairman Wiedower asked staff if the folks who have attended tonight's meeting will be notified of the next Planning Commission meeting that Public Works will be present at.

Ms. Hurley responded in the negative stating State Statute requires staff to notify people who are within a 200 ft. radius of the subject property but staff does not send out notices to update on motions or meeting results. Information about city meetings is posted on the City's website.

Commissioner Burks stated they are in a difficult situation. There are four commissioners and there is another motion that could be made right now. Commissioner Burks moves to make a motion to recommend denial to the City Commission for the rezoning request. He further stated he does not see a need or reason for six lots. Commissioner Stephens seconded the motion.

Chairman Wiedower looked to staff about Robert's Rule of Order to handling the different motions being made.

Commissioner Stephens stated he withdraws his motion to table the rezoning request.

Chairman Wiedower stated Commissioner Stephens moved to table the rezoning request until the next Planning Commission meeting and requests that Public Works to be present at the meeting, seconded by Commissioner Homan; however, the commissioners did not vote on that motion.

Commissioner Stephens stated a vote was not made on his first motion to table the issue so he now wants to withdraw his motion.

Chairman Wiedower states that a new motion was made by Commissioner Burks to recommend denial of the rezoning, and seconded by Commissioner Stephens. Chairman Wiedower called for a roll call. The motion to recommend denial to the City Commission on the rezoning request carries 3-1. Chairman Wiedower voted nay.

Chairman Wiedower stated he wants the citizens present tonight to understand this is the Planning Commission, and we have heard your concerns and have assessed the total situation. Further stating the applicant still has the right to request an appeal of this board's decision to recommend denial to the City Commission.

Ms. Hurley responded this is not an appeal. The Planning Commission's recommendation goes to the City Commission on Tuesday, August 23, 2022, and so (inaudible with too many people speaking over her).

Commissioner Stephens stated the people would have public comment during that time to share their concerns.

Chairman Wiedower stated to the audience present that the City Commission could reverse the Planning Commission's recommendation of denial.

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 2101 AND 2013 VILAS STREET FROM LOW DENSITY SINGLE FAMILY RESIDENTIAL (R1-25) TO MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL (R1-9).

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 1st day of August 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 14th day of June 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 denial of the request Rezoning of 2101 and 2013 Vilas Street, Leavenworth Kansas from Low Density Single Family Residential (R1-25) to Medium Density Single Family Residential (R1-9); 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 Low Density Single Family Residential (R1-25) to Medium Density Single Family Residential (R1-9).

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 ADMINISTRATIVE PLAT WEST LIMIT ACRES, A SUBDIVISION OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS; THENCE N88°41'37"E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 661.60 FEET; THENCE S00°50'04"E, A DISTANCE OF 298.88 FEET; THENCE S88°46'05"W, A DISTANCE OF 661.84 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N00°47'08"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 298.02 FEET TO THE POINT OF BEGINNING. CONTAINING 4.54 ACRES MORE OR LESS.

And more commonly referred to as 2101 and 2013 Vilas 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 _____ 2022.

Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk