



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

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, MARCH 28, 2023 6:00 P.M.**

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

**CALL TO ORDER** – Pledge of Allegiance Followed by Silent Meditation

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**PROCLAMATIONS:**

1. Proclamations: (pg. 02)
  - a. Welcome Home Vietnam Veterans Day March 29, 2023
  - b. National Child Abuse Prevention Month
  - c. Fair Housing Month
  - d. Barbershop Harmony Month

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from March 14, 2023 Regular Meeting **Action:** Motion (pg. 06)

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**NEW BUSINESS:**

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

**General Items:**

3. Mayor's Appointment **Action:** Motion (pg. 10)
4. Recognition Sign Discussion **Action:** Consensus (pg. 11)

**Resolutions:**

5. Resolution B-2330 Setting Public Hearing for Unsafe Structure 1015 Ottawa Street **Action:** Motion (pg. 17)

**Bids, Contracts and Agreements:**

6. Consider Award of Bid for Poly-Carts **Action:** Motion (pg. 21)
7. Consider Award of Bid for Crack Sealing and Micro-Surfacing Project **Action:** Motion (pg. 30)
8. Consider Award of Bid for Stormwater Truck (Cab & Chassis and Crane Body) **Action:** Motion (pg. 36)

**First Consideration Ordinances:**

9. First Consideration Ordinance for Special Use Permit 113 Seneca to allow Two-Family Dwelling in CBD Zoning **Action:** Consensus (pg. 41)
10. First Consideration Ordinance Rezoning 3523 10<sup>th</sup> Avenue from R-MF to R1-9 **Action:** Consensus (pg. 48)

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**Consent Agenda:**

Claims for March 11, 2023 through March 24, 2023, in the amount of \$812,950.71; Net amount for Payroll #06 effective March 24, 2023, in the amount of \$366,959.62 (Includes Police & Fire Pension in the amount of \$10,383.15).

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

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

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

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

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

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

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

**NOW, THEREFORE,** *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim March 29, 2023 to be:*

## Welcome Home Vietnam Veterans Day

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

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

\_\_\_\_\_  
*Jermaine Wilson, Mayor*

ATTEST:

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

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *our children are our most valuable resources and will shape the future of our communities; and*

**WHEREAS,** *the majority of child abuse and neglect occurs when people find themselves in stressful situations that are preventable, but without community resources and support, they don't know how to cope; and*

**WHEREAS,** *child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking; and*

**WHEREAS,** *child abuse and neglect is a community problem that can be reduced by making sure each family has the support of prevention programs created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and*

**WHEREAS,** *together we can strengthen and support families in raising their children in a safe, nurturing environment.*

**NOW, THEREFORE,** *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2023 as:*

## National Child Abuse Prevention Month

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

\_\_\_\_\_  
*Jermaine Wilson, Mayor*

ATTEST:

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

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *the Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and*

**WHEREAS,** *the City of Leavenworth is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today many realty companies and associations support fair housing laws; and*

**WHEREAS,** *the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and*

**WHEREAS,** *equal housing opportunity is a condition of life in the City of Leavenworth that can and should be achieved.*

**NOW, THEREFORE,** *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2023 to be:*

## **Fair Housing Month** *Celebrating 55 Years of Fair Housing*

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

\_\_\_\_\_  
*Jermaine Wilson, Mayor*

ATTEST:

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

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS**, *the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America (SPEBSQSA), now known as the Barbershop Harmony Society, was founded in April 1938 and is celebrating its 85th anniversary; and*

**WHEREAS**, *the Barbershop Harmony Society promotes singing and harmonious relations in the United States and in many countries throughout the world; and*

**WHEREAS**, *the Cody Choraliers of the Leavenworth Chapter of the Barbershop Harmony Society are celebrating 53 years of barbershop harmony and community service in the Leavenworth area; and*

**WHEREAS**, *the Cody Choraliers work with the community to promote music education in the Leavenworth schools and entertain residents of and visitors to the First City of Kansas.*

**NOW, THEREFORE**, I, *Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2023 to be:*

## Barbershop Harmony Month

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

\_\_\_\_\_  
*Jermaine Wilson, Mayor*

ATTEST:

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



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

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Planning & Community Development Director Julie Hurley, Deputy Public Works Director Earl Wilkinson, Chief Building Inspector Harold Burdette, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Hingula moved to approve the minutes from the February 28, 2023 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*  
None.

**General Items:**

**Consider Updates to the City Fee Schedule** – City Manager Paul Kramer explained that the City Fee Schedule will need to be updated to incorporate the Grease Discharge Permit and late fee based on City Commission approval of Grease Trap/Interceptor Regulations passed on December 13, 2022. The following updates were presented:

- Add fees for Grease Discharge Permit of \$25.00
- Add late fee for Grease Discharge Permit of \$25.00 for payments received after April 30th and every month a Grease Discharge Permit is not current

Commissioner Bauder moved to approve the amendments to the City Fee Schedule as presented to be effective March 15, 2023. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Resolutions:**

**Resolution B-2329 Approving a Loan from Kansas Public Water Supply Loan Fund for Leavenworth Waterworks** – City Manager Paul Kramer introduced the item for consideration. The process requires that the City as the “owner” of the system approve the action requested by the Waterworks Board. Joel Mahnken General Manager of Leavenworth Waterworks was invited to discuss the project with the Commission.

Mr. Mahnken:

- Project is to install an additional water storage tank
- Originally financed the project for \$5,800,000 but the cost increased significantly to \$7,000,000 requiring a new loan
- Revenue from the utility will go to repay the loan

Commissioner Martin:

- Asked what were the main reasons for the cost increase

Mr. Mahnken:

- 9% inflation last year and 6% this year caused the increase

Commissioner Martin moved to approve Resolution B-2329 approving a loan from the Kansas Public Water Supply Loan Fund for Leavenworth Waterworks. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

### **Bids, Contracts and Agreements:**

**Consider Approval of Scope & Fee for Services for the Wilson Avenue Project**– City Manager Paul Kramer introduced this item for consideration. This project was identified during ARPA discussions to improve commercial and industrial access on Wilson Avenue with a wider roadway that includes more pavement properly designed for the heavier loads. This will better accommodate supply and delivery trucks as they access companies along this section of Wilson Avenue. Mr. Kramer invited Randy Reinhardt, CEO and David Funk, COO from Zephyr Products to speak.

Mr. Reinhardt:

- Looking to double the capacity for their business
- Addressed current issues of Wilson Avenue
- Appreciative of the City considering making the roadway better and safer

Mayor Wilson:

- Asked about wrecks on the roadway

Mr. Reinhardt:

- Accidents have occurred that end up blocking the roadway

Mr. Funk:

- Mentioned a few instances where trucks have been stuck in the ditch

Deputy Public Works Director Earl Wilkinson presented the following to the Commission:

- Stormwater will be improved
- Thickness of roadway will be considered
- Width of the street will be considered
- A sidewalk will be added on 1 side of the roadway
- Reviewed the two scope options

Mr. Kramer:

- The design portion of the project can be funded with ARPA dollars

Commissioner Bauder moved to approve the selected scope and fee choice with Wilson & Company for the Wilson Avenue Project, and the Mayor be authorized to execute a contract in an amount not to exceed \$114,000.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Leavenworth Land Bank:**

Commissioner Hingula moved to recess as the Leavenworth City Commission and convene as the Leavenworth Land Bank Board of Trustees. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Conveyance of Property to Leavenworth Land Bank 310-312 Delaware Street** – City Manager Paul Kramer introduced this item for consideration. This property was formerly used as the Youth Achievement Center. This piece of property was part of an agreement between the City and the Youth Achievement Board about 25 years ago when the City provided some funding for that. The Youth Achievement Center has ceased operations and the Youth Achievement Board has signed over a Deed to give the property to the Leavenworth Land Bank. Planning & Community Development Director Julie Hurley advised the Youth Achievement Center is conveying the property at 310-312 Delaware Street to the Leavenworth Land Bank as it is the best place to place properties that the City is taking ownership of for tax purposes. The intent is to figure out what to do with the property, similar to how the 600 Cherokee property was handled.

Commissioner Hingula moved to accept the conveyance of property to the Leavenworth Land Bank 310-312 Delaware Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Mr. Kramer:

- Advised staff will go in to assess the building and structural issues and provide a status report and discuss next steps after that

Commissioner Martin moved to adjourn as the Leavenworth Land Bank Board of Trustees and reconvene as the Leavenworth City Commission. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Consent Agenda:**

Commissioner Bauder moved to approve claims for February 25, 2023 through March 10, 2023, in the amount of \$2,683,805.75; net amount for Payroll #05 effective March 10, 2023, in the amount of \$359,872.01 (No Police & Fire Pension). Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

**Other:**

City Manager Paul Kramer:

- Reminder the study session next week will be two presentations on the proposals for Fire Station #3 and the Water Pollution Control administrative building

Commissioner Hingula:

- Reminded everyone to come out to the St. Patrick's Day Parade on Friday

Commissioner Martin:

- Have a good week

Commissioner Bauder:

- Parade starts at noon, hope everyone comes out

Mayor Wilson:

- God bless, be safe

**Adjournment:**

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

Time Meeting Adjourned 6:25 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**MAYOR'S APPOINTMENTS**

**MARCH 28, 2023**

**Mayor Wilson**

*"Move to*

*Appoint to the **Convention & Tourism Committee** Jordan Throckmorton to an unexpired term ending January 31, 2024.*

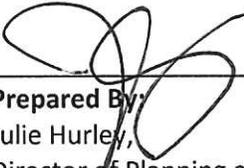
**Requires a second and vote by the Governing Body.**

**POLICY REPORT**  
**Recognition Sign Discussion**

**MARCH 28<sup>TH</sup>, 2023**

**SUBJECT:**

Discuss proposed design of directional sign for Recognition Sign installation at Ray Miller Park

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

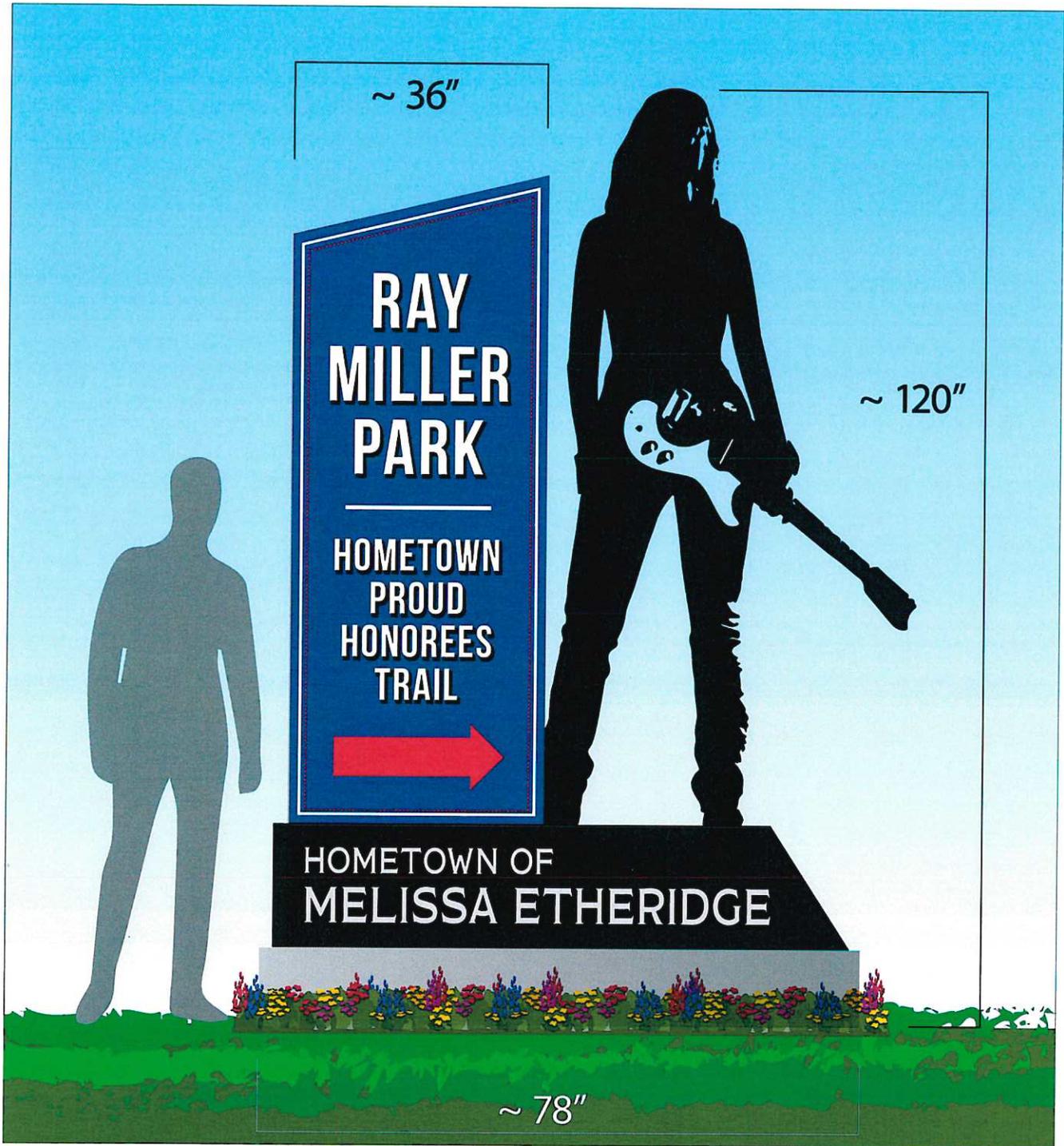
  
\_\_\_\_\_  
**Reviewed By:**  
Paul Kramer,  
City Manager

**DISCUSSION:**

During two Study Sessions in 2022, the Commission reviewed the existing Sign Recognition Policy and recommended changes. An updated draft of the Policy creates consistent and streamlined nomination criteria, as well as provides for a specific means of placing signs for currently recognized honorees inside Ray Miller Park rather than throughout the Right of Way on 4<sup>th</sup> Street. The draft policy also maintains City Commission approval on the inclusion of future honorees.

Local sign vendor, Young Sign Company, has worked with staff to create several conceptual designs for the new recognition signs. The Commission reviewed the conceptual designs during the September 20, 2022 Study Session and provided consensus for staff to move forward with obtaining cost estimates from Young Sign Company on two of the proposed concepts.

During the March 7<sup>th</sup> Study Session, the Commission reviewed two final conceptual designs and cost estimates as provided by Young Sign Company. As part of the proposed installation, a directional sign identifying the location of the display may also be installed. Young Sign Company has provided a proposed concept for the directional sign to be placed along 4<sup>th</sup> Street, which is before the Commission for discussion and consideration.

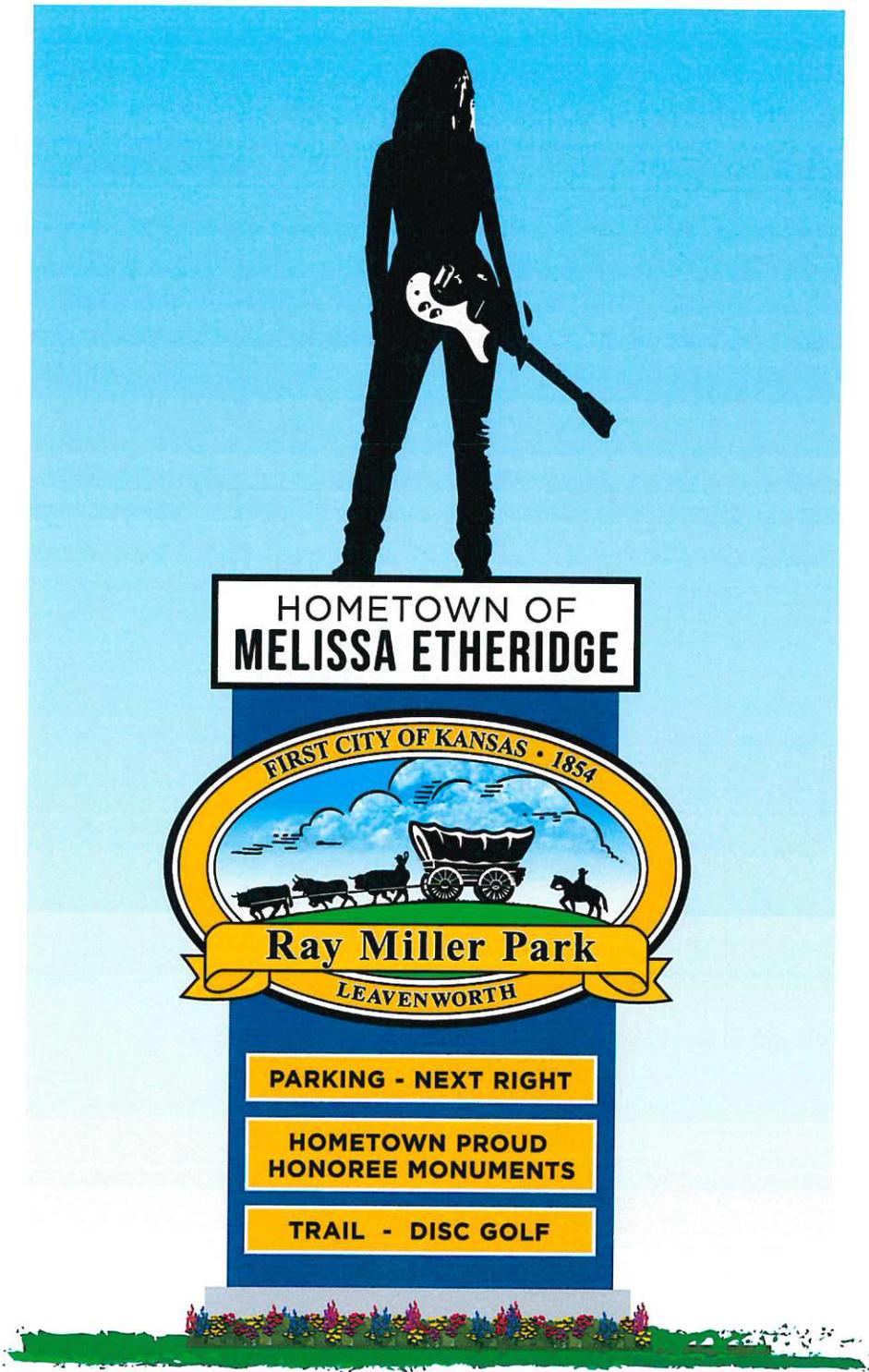


**LEAV HOMETOWN DIRECTIONAL CONCEPT**

Scale : For Presentation Only

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**LEAV HOMETOWN DIRECTIONAL CONCEPT 2**

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## CITY OF LEAVENWORTH

### HOMETOWN PROUD SIGN RECOGNITION POLICY

Draft – March 28, 2023

The City of Leavenworth is home to many individuals and groups with high levels of success and service. The City has established the following policy to evaluate honoring those community members that have attained the highest levels of achievement or that bring lasting renown to the City through a recognition sign. The selection of such qualifying achievements that should be included with long-term signage must be approved by the City Commission and should meet the following criteria:

1. The honoree (individual or group) should have been either born in Leavenworth, raised in Leavenworth (for example, graduated from a Leavenworth high school), or have had a longtime presence within the Leavenworth community. Priority will be given to individuals/groups who have achieved success on the international or national level and made contributions to the Leavenworth community throughout their lifetime. Other types of City recognition may be considered for worthy individuals/groups whose success has an important but shorter-term impact to the City's reputation, such as mayoral proclamations and temporary signage.
2. The highest levels of achievement or lasting renown to the City may result from success in various fields such as civic, academic, artistic/entertainment, athletic or the military. Other applicable service or distinctions may be approved by the City Commission.
3. Separate or additional signage is authorized for Sister/Brother City relationships as approved by the City Commission.
4. Hometown Proud recognition signs will be placed inside Ray Miller Park near the Veterans Affairs Hospital entrance area to encourage simplified viewing of all honorees and to allow City visitors access to additional honoree information through technology (ex. QR codes).
5. Honorees with City recognition signs in place before the establishment of the Leavenworth Hometown Proud Sign Recognition Policy will be included with new signage.
6. Honorees approved for inclusion in the Sign Recognition Program may be presented with their recognition signs during a City Commission meeting or a separate ceremony when the sign is placed at Ray Miller Park, up to City Commission determination.

7. No specific time frame will be placed on the length of time that honorees are included in the signage. If the signage must be removed or replaced due to damage, improper placement, or the need to update those honored, the City Commission can elect to do so without justification.
8. Signs will be commissioned by the City of Leavenworth following the standardized Hometown Proud design and created at the City's expense.
9. To request the placement of a recognition sign in the City of Leavenworth, a written request should be formally submitted to the City Clerk. The request shall include background information and justification on why a recognition sign is appropriate. City Commission approval for each honoree is required.

POLICY REPORT PWD NO. 23-16

RESOLUTION SETTING HEARING DATE FOR UNSAFE STRUCTURE  
1015 OTTAWA STREET

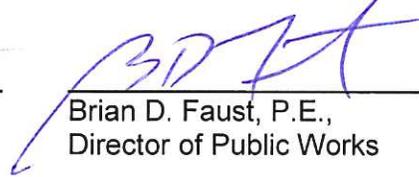
MARCH 28, 2023

Prepared by:



Harold D. Burdette,  
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Paul Kramer,  
City Manager

**ISSUE:**

Consider a resolution setting May 9, 2023 as the date of a public hearing regarding the unsafe or dangerous structure located at 1015 Ottawa Street.

**BACKGROUND:**

A fire significantly damaged this structure on November 10, 2022. Inspection staff has spoken with the owner, who was considering demolition of the structure, but no requests for demolition or renovation permits have been received.

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

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

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

At the public hearing, the Commission will receive testimony for and against ordering the demolition of the structure. At the conclusion of the May 9, 2023 public hearing, the City Commission findings are adopted by resolution.

**RECOMMENDATION:** Motion to adopt Resolution No. B-2330 setting May 9, 2023 as the date for the public hearing regarding the unsafe structure located at 1015 Ottawa Street.

**ATTACHMENT:**

Resolution No. B-2330  
Photos of Exterior of 1015 Ottawa Street

*(To Be Published in the Leavenworth Times on March 31, 2023 and April 7, 2023)*

**RESOLUTION B-2330**

**A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING AT WHICH TIME AND PLACE THE OWNER, HIS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE FIRE DAMAGED STRUCTURE LOCATED AT 1015 OTTAWA STREET AND HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, pursuant to K.S.A 12-1750 et seq., as amended, the enforcing officer of the City of Leavenworth, Kansas, did on the 8<sup>th</sup> day of February 2023, file with the governing body of said city a statement in writing that the structure hereinafter described is dangerous and hazardous and should be ordered by the governing body to be demolished or repaired; and

**WHEREAS**, on November 10, 2022 the hereinafter structure, described in Section 1 was damaged by fire; and

**WHEREAS**, the City of Leavenworth Governing Body is acting under Chapter 20, Article V of the City Code of Ordinances.

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

**Section 1.** That a Public Hearing shall be held on the 9<sup>th</sup> day of May 2023, before the Governing Body of the City of Leavenworth, Kansas, at 6:00 p.m. at the City Commission Room, 100 N 5<sup>th</sup> Street, Leavenworth, Kansas, at which time the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structure should or should not be condemned as a dangerous or hazardous structure and ordered repaired or demolished.

**Section 2.** The structure is described as: A single-family structure located at **1015 Ottawa Street**. The property is legally described as:  
BLOCK 4, LOT 15, EWING, ROELOFSON & CO. SUBDIVISION

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

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

b. This resolution shall be published for two consecutive weeks; once on March 31, 2023 and once on April 7, 2023.

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

**PASSED AND ADOPTED** by the City Commission of the City of Leavenworth, Kansas this 28<sup>th</sup> day of March 2023.

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Jermaine Wilson, Mayor

{SEAL}

ATTEST:

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Sarah Bodensteiner CMC, City Clerk

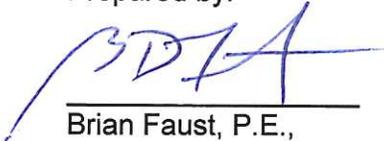


POLICY REPORT NO. PWD 23-13  
PUBLIC WORKS DEPARTMENT – SOLID WASTE DIVISION

CONSIDER AWARD OF POLY-CART CONTRACT

March 28, 2023

Prepared by:



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

Reviewed by:



Paul Kramer,  
City Manager

**Issue:**

Consider approval of the bid for the purchase of 2-wheel carts (poly-carts) for the Solid Waste Division.

**Background:**

Based on the recommendation from the Solid Waste Citizens Task Force, the City Commission directed staff to transition the City's refuse collection from an unlimited bagged or loose collection to a hybrid approach. With the hybrid approach, residents will receive a poly-cart (unless they opt out) and they will also be able to use trash bags if needed. The Solid Waste (Refuse) Division budgeted \$900,000 for the purchase of 11,000 poly-carts in the 2023 CIP.

Bid specifications were developed for both a 65+/- gallon and a 95+/- gallon poly-carts. All residents will receive a 95-gallon cart UNLESS they either opt out of receiving a cart or opt to receive the 65-gallon size. The vendor will create a website for residents to access their choice to either opt out or opt for the smaller size option. The City will send out mailers or a brochure (TBD) to all current residential customers regarding the new poly-carts.

Based on the number of customers and uncertainty on how many residents may opt out or opt for the smaller size, the bid was for 7,575 95-gallon carts and 2,525 65-gallon carts (a 75/25 split). Total number of carts in the bid was 10,100. Price per cart is not dependent on the number of carts ordered.

**Bids:**

Bid opening was March 7, 2023.

Rehrig-Pacific Company	Desoto, MO	\$582,762.50
Sahafer Plastics North America, LLC	Charlotte, NC	\$639,573.00
Toter, LLC	Statesville, NC	\$641,734.00
Otto Environmental Systems	Charlotte, NC	\$675,653.75
2023 CIP (for 11,000 carts) actual bid was for 10,100 carts.		\$900,000.00

The bid includes the website, manufacture, delivery to the City, assembly and final delivery to the customers. It also includes approximately 100 extra carts to be stored at the Municipal Service Center.

**Budget Impact:**

The 2023 CIP included ARPA funding in the amount of \$900,000 for the 2-wheeled carts (poly-carts). The exact price for the total number of carts is unknown as some residents may opt out of the program or may want the smaller size. Final cost will be determined based on the responses received from the mailer and website.

**Examples:**

All 10,000 customers take the larger size:	Final cost is: \$596,650
If only 7,500 customers want carts and ½ are smaller size:	Final cost is: \$424,375

**Staff Recommendations:**

Staff recommends that the City Commission approve the purchase of 2-wheeled carts (poly-carts) from Rehrig-Pacific Company for \$582,762.50 with the understanding that the final cost will change based on the exact number of carts purchased.

**Attachments:**

- Bid Tab
- 2023 CIP Sheet for Poly-Carts
- Bids from the four vendors
- Residential Trash Cart FAQ



**Capital Improvements Program  
2023 - 2027  
Refuse - Poly-Carts and Carp Tippers**

**Purpose:**

This allocation provides for the purchase of 11,000 poly-carts (one for each household) for residential trash service. Approximately 25% will be 64 gallon and 75% will be 96 gallon. The allocation also provides funding to retrofit the refuse trucks with cart-tippers. If poly-carts and cart tippers are purchased, the City will save approximately \$250,000 annually on trash bags.

Source	Comments	Year	Requested	Projected
Refuse Fund Operating Budget	Purchase price of poly-carts and cart tippers	2023	970,000	970,000
Refuse Fund Operating Budget	Savings created by not purchasing trash bags	2023	(250,000)	(250,000)
		2024	-	-
		2025	-	-
		2026	-	-
		2027	-	-
			<b>\$ 720,000</b>	<b>\$ 720,000</b>

Uses	Comments	Year	Requested	Projected
Solid Waste Collection	Purchase 11,000 poly-carts	2023	\$ 900,000	\$ 900,000
Solid Waste Collection	Purchase cart tippers to retro-fit refuse trucks	2023	70,000	70,000
Solid Waste Collection	Apply savings from not purchasing trash bags	2023	(250,000)	(250,000)
		2026	-	-
		2027	-	-
			<b>\$ 720,000</b>	<b>\$ 720,000</b>



**City of Leavenworth, KS  
2023 Poly-Cart/Roll-off 2-Wheel Carts**

**BID: 01RF-2023-05  
March 7, 2023**

Item	Number	Unit Price	Extended Price
95 to 96 Gallon Cart	7575	\$54	\$409,050
64 to 65 Gallon Cart	2525	\$48.50	\$122,462.50
Mailers (includes website) See notes below	10,000		
Assembly/Delivery to all Residential customers See notes below	10,000	\$4.50	\$45,000
Cart Delivery to City Facility	100	Included	
<b>Total Cost:</b>			<b>\$582,762.50</b>

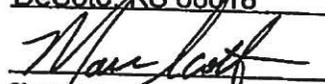
Website/Mailer	Website Set Up Fee	1	\$3,500.00	\$ 3,500.00
	Website Hosting Fee (Maximum 100 per month)	1	\$ 400.00	\$ 400.00
*Additional copies provided for bid preparation	Website Processing Fee (per submission)	2,000	\$ 0.50	\$ 1,000.00
	Post Card Processing Fee (per submission)	1,000	\$ 0.70	\$ 700.00
	Postage Resident Reply (per submission)	1,000	\$ 0.65	\$ 650.00
	Percent (except taxes)	1		include

NOTE: Changes in quantities shall not change unit cost.

Firm Submitting Bid: Rehrig Pacific Company

Address: 8875 Commerce Dr.

City, State & Zip Code: DeSoto, KS 66018

X Authorized Signature:  VP, Environmental Sales  
Signature Title

Telephone Number: +1 (219) 743-1435 Email: bmeyers@rehrig.com

Date: 3/1/23 Date Bid Expires: 3/7/23

Special Notes: (add additional sheets as needed)

Website/Mailer pricing breakdown listed in page X of bid. Also, A&D pricing reflects every cart delivered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**City of Leavenworth, KS  
2023 Poly-Cart/Roll-off 2-Wheel Carts**

**BID: 01RF-2023-05  
March 7, 2023**

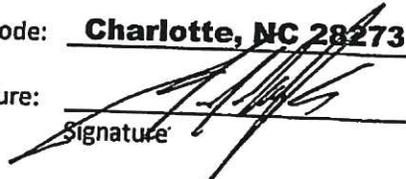
<u>Item</u>	<u>Number</u>	<u>Unit Price</u>	<u>Extended Price</u>
95 to 96 Gallon Cart	7575	\$56.98	\$431,623.50
64 to 65 Gallon Cart	2525	\$51.98	\$131,249.50
Mailers (includes website)	10,000	\$1.40	\$14,000.00
Assembly/Delivery to all Residential customers	10,000	\$6.27	\$62,700.00
Cart Delivery to City Facility	100	0.00	0.00
<b>Total Cost:</b>			<b><u>\$639,573.00</u></b>

NOTE: Changes in quantities shall not change unit cost.

Firm Submitting Bid: **Schaefer Plastics North America, LLC**

Address: **10301 Westlake Drive**

City, State & Zip Code: **Charlotte, NC 28273**

Authorized Signature:  **CFO**  
Signature Title

Telephone Number: **704-588-2150 x 5534\***

Email: **travis.mcalister@ssi-plastic.com\***

Date: **March 2, 2023**

Date Bid Expires: **June 6, 2023**

Special Notes: (add additional sheets as needed)

**\*Please direct bid related communications to Travis McAlister, Municipal Bid Manager.**

City of Leavenworth, KS  
2023 Poly-Cart/Roll-off 2-Wheel Carts

BID: 01RF-2023-05  
March 7, 2023

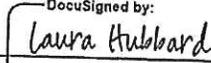
Item	Number	Unit Price	Extended Price
95 to 96 Gallon Cart	7575	\$55.59	\$421,094.25
64 to 65 Gallon Cart	2525	\$50.59	\$127,739.75
Mailers (includes website)	10,000	\$3.43	\$34,300.00
Assembly/Delivery to all Residential customers	10,000	\$5.85	\$58,500.00
Cart Delivery to City Facility	100	\$1.00	\$100.00
<b>Total Cost:</b>			<b><u>\$641,734.00</u></b>

NOTE: Changes in quantities shall not change unit cost.

Firm Submitting Bid: Toter, LLC

Address: 841 Meacham Rd.

City, State & Zip Code: Statesville, NC 28677

Authorized Signature:  Director of Municipal Sales  
DocuSigned by: Signature ID: 017597BB0940B... Title

Telephone Number: 800-424-0422 Email: kclark@toter.com

Date: February 27, 2023 Date Bid Expires: May 6, 2023

Special Notes: (add additional sheets as needed)

Please see Toter's attached "Notes to Pricing" and "Price Adjustments".

Pricing includes freight.

**City of Leavenworth, KS  
2023 Poly-Cart/Roll-off 2-Wheel Carts**

**BID: 01RF-2023-05  
March 7, 2023**

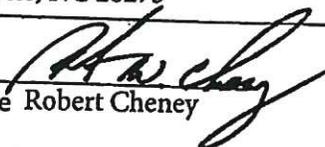
<u>Item</u>	<u>Number</u>	<u>Unit Price</u>	<u>Extended Price</u>
95 to 96 Gallon Cart	7575	\$60.20	\$456,015.00
64 to 65 Gallon Cart	2525	\$57.75	\$145,818.75
Mailers (includes website)	10,000	\$2.00	\$20,000.00
Assembly/Delivery to all Residential customers	10,000	\$4.78	\$47,800.00
Cart Delivery to City Facility	100	95 gallon cart \$60.20 unit price	\$6,020.00
<b>Total Cost:</b>			<u>\$675,653.75</u>

NOTE: Changes in quantities shall not change unit cost.

Firm Submitting Bid: Duramax Holdings LLC dba: Otto Environmental Systems

Address: 12700 General Drive

City, State & Zip Code: Charlotte, NC 28273

Authorized Signature:  Chief Commercial Officer  
Signature Robert Cheney Title

Telephone Number: 800-795-6886

Email: municipal.department@otto-usa.com

Date: 03/03/2023

Date Bid Expires: 180 days from bid due date

Special Notes: (add additional sheets as needed)

Sample containers have been sent.

## Residential Trash Cart FAQ

The City's Solid Waste Division collects trash from residential customers on a weekly basis. Starting in the summer of 2023, single-family residences will receive a trash cart (poly-cart/roll-off cart) provided by the city. The exact date that carts will be delivered to residences is not known at this time.

**(1) What size cart will we get?** Each residence will automatically receive a 95 to 96-gallon cart unless that owner/occupant:

- opts for a smaller (64 to 65-gallon) size, or
- opts out of receiving a trash cart.

Residences will receive a mailer for opting for a smaller size or opting out of receiving a cart. If the mailer is not returned, you will receive a 95 to 96-gallon cart. Mailers will be sent out towards the end of April 2023.

**(2) Is the cart the property of the city or the residence?** The cart is the property of the City of Leavenworth. Please do not take the trash cart with you when you move to a different address. The city is responsible for the maintenance and repair of the carts. However, the city will charge owner or occupant a fee for any necessary repair or replacement due to the owner's or occupant's abuse, misuse or neglect of the cart. The replacement fee for each cart is commensurate with the cost of replacement.

**(3) Who pays for the cart?** The city will supply the cart at no charge to the residence.

**(4) If I opt for the smaller cart or opt out of receiving a cart, will my monthly bill be less?** No – the monthly fee for trash service will be the same for all residences.

**(5) If I put out more trash than can fit in my cart, will I be charged for the extra trash?** If the extra trash is contained within trash bags and is less than 60 lbs, the city will pick up both the trash cart and the trash bags at no additional cost. The city strongly encourages recycling which will help reduce the amount of curbside trash. The City's recycling center is located at 1720 Lawrence Avenue.

**(6) Can I use my trash cart to set out recycling material?** The city does not have curbside recycling. Anything placed within the trash cart will be disposed of in a landfill.

**(7) What can I put in the trash cart?** All regular household trash can be placed into the cart. The City requests that items like concrete, bricks and dirt not be placed into the cart as their weight may cause damage to the cart. Household trash should be bagged and placed into the trash cart. Loose items, like a pizza box, or small scraps of wood, or similar can be placed loosely into the cart. Sharp items like broken glass and needles should still be placed into a small container prior to placing in the trash cart.

**(8) Can I leave my trash cart at the street during the week?** No – carts are not to be placed at the curb until 24 hours prior to the day of collection. You should return the cart to within approximately 3 to 5 feet of the residence (home or garage) on the same day the trash is collected.

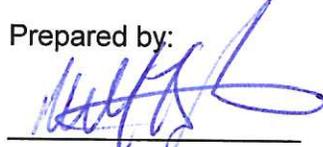
POLICY REPORT PWD NO. 23-15

CONSIDER APPROVAL OF LOW BID FOR  
THE 2023 PAVEMENT MANAGEMENT PROJECT  
(CRACK SEALING & MICRO-SURFACING PROGRAM)

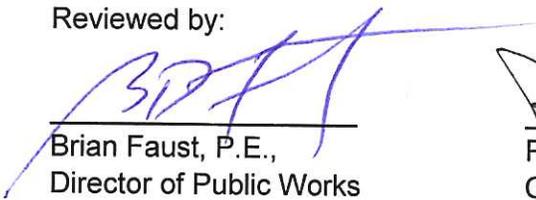
City Project 2022-990

March 28, 2023

Prepared by:

  
Michael Stephan,  
Project Manager

Reviewed by:

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

  
Paul Kramer,  
City Manager

**ISSUE:**

Consider bids received and possible award of the 2023 Pavement Management – Crack Sealing & Micro-Surfacing Program.

**BACKGROUND:**

On September 13, 2022, the City Commission approved a design contract with Alfred Benesch & Company for the design of the 2023 Pavement Management Program.

For 2023, the City Commission authorized a combination of General Improvement Bonds and Sales Tax for the annual maintenance of public streets. The components of the 2023 program include micro-surfacing, mill and overlay, parking lot upgrades and major repair and maintenance work beyond the scope of the Streets Division. The funding for 2023 covers the costs of the 2023 construction of the various components, along with the next phase of a Comprehensive Pavement Management Program. Inspection will be by City Staff.

The Crack Sealing and Micro-Surfacing Program for 2023 includes the City streets highlighted on the attached map. City forces have been working on patching potholes and trimming limbs on the streets ahead of this year's program.

The project plans were prepared by Alfred Benesch & Company and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Like several of the surface preservation processes, micro-surfacing has a limited number of contractors that do this type of work. Bids were opened on March 21, 2023 and the bid results are shown below and in the attached bid tabulation. Based on the bids received, staff is recommending all alternates be completed with this year's project.

Company	City	Base Total Bid	Alternate Total Bid	Combined Total Bid
Vance Brothers, Inc.	Kansas City, MO	\$365,313.93	\$142,476.11	<b>\$507,790.04</b>
Pavement Management, LLC	Kansas City, MO	\$443,979.50	\$184,488.40	\$628,467.90
Engineer's Estimate		\$398,931.50	\$176,133.50	\$575,065.00

Vance Brothers was the low bidder and met all bidding requirements. Vance Brothers completed the Granite Seal Program for the City in previous years and last year's Micro-Surfacing Program. The prior work was completed within the required timeframe and

specifications. The company has completed numerous micro-surfacing projects for other cities in Kansas and Missouri and has the experience to satisfactorily perform this work for the City of Leavenworth.

Crack sealing and base repairs are expected to begin in June with the actual micro-surfacing starting in August with a September completion.

**POLICY:**

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. While there were only two bidders, the low bid from Vance Brothers was under the engineer's estimate and the contractor is extremely well qualified for this work.

**BUDGET IMPACT:**

The 2023 budget included \$2M for the Pavement Management Program. The remaining funds will be used for the 2023 mill/overlay program and repairs to a portion of the parking lot located east of city hall.

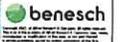
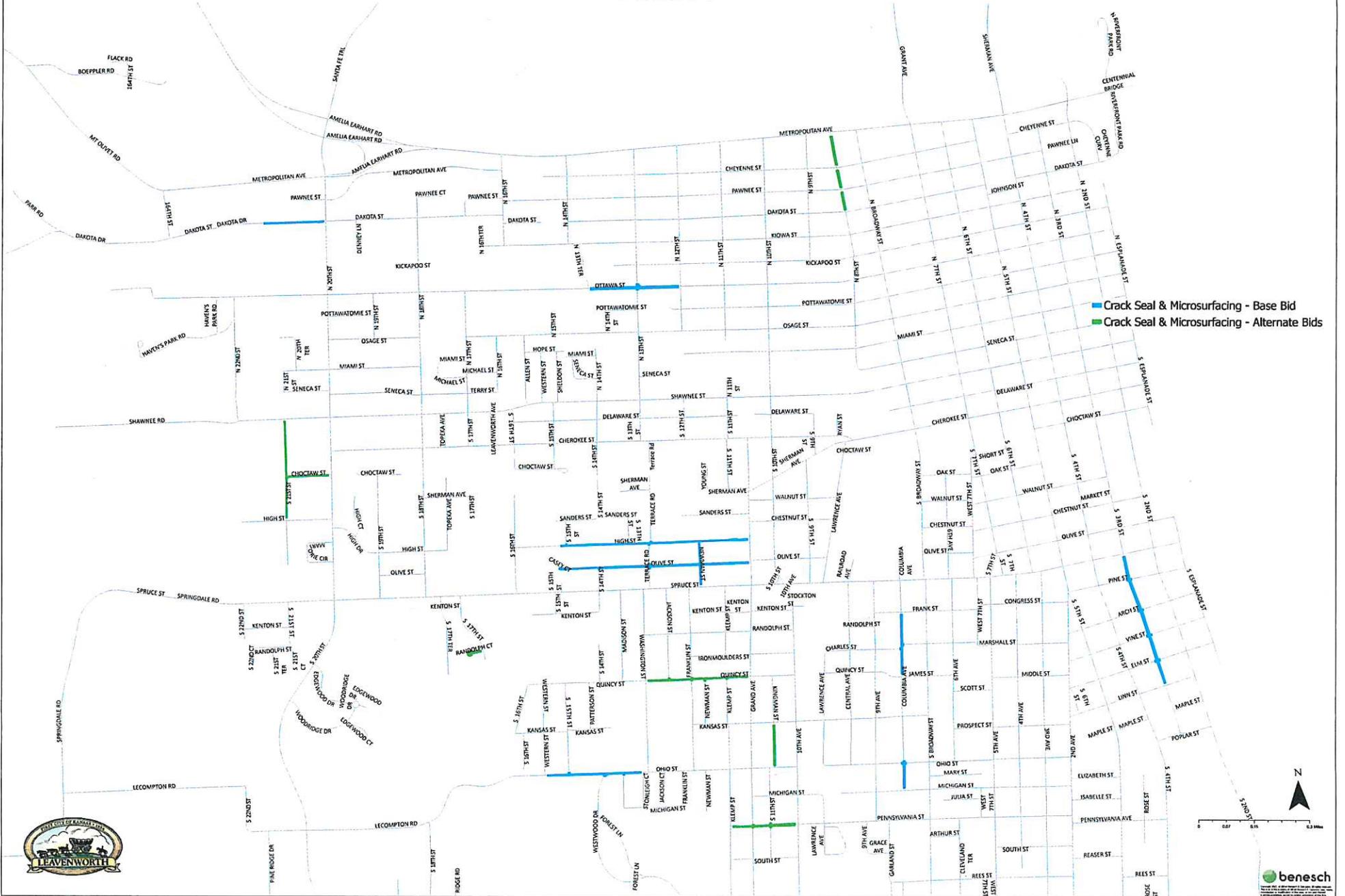
**RECOMMENDATION:**

Staff recommends that the City Commission award the 2023 Pavement Management – Crack Sealing and Micro-Surfacing (Base & Alternates) to Vance Brothers for the amount of \$507,790.04.

**ATTACHMENTS:**

Project Street Maps (North & South)  
Bid Tab  
2023 CIP Sheet

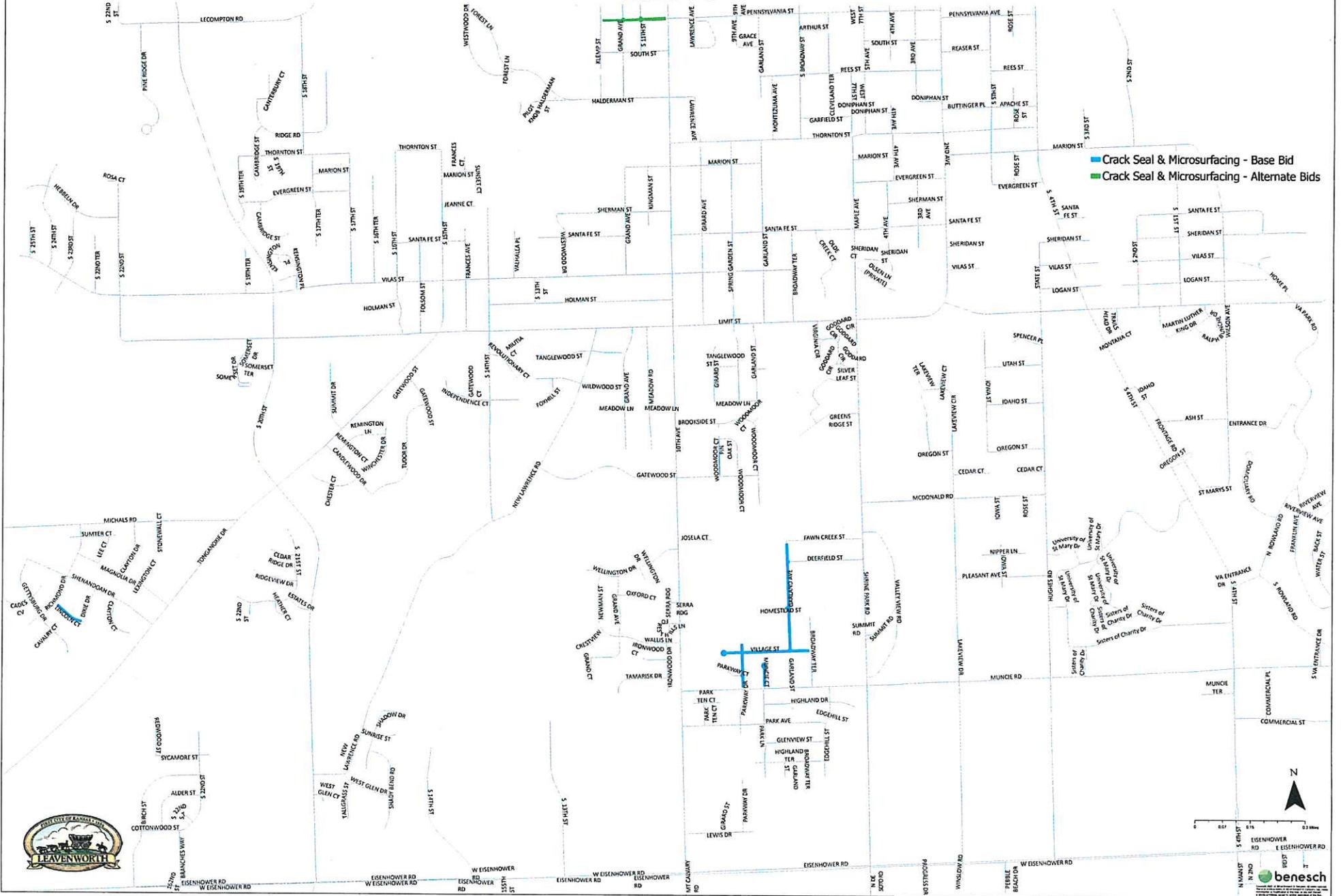
# City of Leavenworth Crack Seal & Microsurfacing Projects - North Half 2023 FY



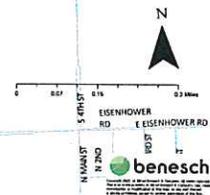
# City of Leavenworth

## Crack Seal & Microsurfacing Projects - South Half

### 2023 FY



- Crack Seal & Microsurfacing - Base Bid
- Crack Seal & Microsurfacing - Alternate Bids





CITY OF LEAVENWORTH  
Project No. 2022-999  
2023 PMP - Crack Sealing & Micro-Surfacing  
March 21, 2023

BASE BID									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$35,000.00	\$35,000.00	\$20,000.00	\$20,000.00	\$43,695.00	\$43,695.00
2	Traffic Control	LS	1	\$30,000.00	\$30,000.00	\$10,000.00	\$10,000.00	\$26,625.00	\$26,625.00
3	Crack Sealing	SY	49,415	\$1.50	\$74,122.50	\$1.81	\$89,441.15	\$1.45	\$71,651.75
4	Micro-Surfacing	SY	49,415	\$4.00	\$197,660.00	\$3.63	\$179,376.45	\$4.45	\$219,896.75
5	Micro-Surfacing Crack Fill (Est)	LF	247	\$12.00	\$2,964.00	\$17.60	\$4,347.20	\$28.00	\$6,916.00
6	Full Depth Patch (Est)	TON	107	\$380.00	\$40,660.00	\$541.59	\$57,959.13	\$495.00	\$52,965.00
7	6" Granular Subbase, Ab-3 Compacted	SY	247	\$75.00	\$18,525.00	\$17.00	\$4,199.00	\$90.00	\$22,230.00
14	Asphalt Oil Price Adjustment	LS	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BASE BID:				\$398,931.50		\$365,313.93		\$443,979.50	

Add Alternate No. 1 - 8th Street (Dakota to Metropolitan)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00
3	Crack Sealing	SY	3,698	\$1.50	\$5,547.00	\$1.81	\$6,693.38	\$1.45	\$5,378.61
4	Micro-Surfacing	SY	3,698	\$4.00	\$14,792.00	\$3.63	\$13,414.84	\$4.45	\$16,322.60
5	Micro-Surfacing Crack Fill (Est)	LF	18	\$12.00	\$216.00	\$17.60	\$316.80	\$28.00	\$504.00
6	Full Depth Patch (Est)	TON	8	\$380.00	\$3,040.00	\$541.59	\$4,332.72	\$495.00	\$3,960.00
7	6" Granular Subbase, Ab-3 Compacted	SY	18	\$75.00	\$1,350.00	\$17.00	\$306.00	\$90.00	\$1,620.00
8	4" Solid Yellow Line (Multi Component Epoxy)	LF	88	\$1.50	\$132.00	\$3.24	\$285.12	\$3.75	\$330.00
9	24" White Line (Multi Component Epoxy)	LF	33	\$18.00	\$594.00	\$21.60	\$712.80	\$25.00	\$825.00
ALTERNATE Sub-Total:				\$33,940.00		\$28,907.38		\$36,880.20	

Add Alternate No. 2 - Kingman Street (Ohio to Kansas)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00
3	Crack Sealing	SY	1,953	\$1.50	\$2,929.50	\$1.81	\$3,535.03	\$1.45	\$2,846.35
4	Micro-Surfacing	SY	1,953	\$4.00	\$7,812.00	\$3.63	\$7,125.69	\$4.45	\$8,735.35
5	Micro-Surfacing Crack Fill (Est)	LF	10	\$12.00	\$120.00	\$17.60	\$176.00	\$28.00	\$280.00
6	Full Depth Patch (Est)	TON	4	\$380.00	\$1,520.00	\$541.59	\$2,166.36	\$495.00	\$1,980.00
7	6" Granular Subbase, Ab-3 Compacted	SY	10	\$75.00	\$750.00	\$17.00	\$170.00	\$90.00	\$900.00
ALTERNATE Sub-Total:				\$21,686.50		\$16,191.08		\$22,741.70	

Add Alternate No. 3 - Quincy Street (Washington to Grand)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00
3	Crack Sealing	SY	3,015	\$1.50	\$4,522.50	\$1.81	\$5,457.15	\$1.45	\$4,371.75
4	Micro-Surfacing	SY	3,015	\$4.00	\$12,060.00	\$3.63	\$10,944.45	\$4.45	\$13,417.75
5	Micro-Surfacing Crack Fill (Est)	LF	15	\$12.00	\$180.00	\$17.60	\$264.00	\$28.00	\$420.00
6	Full Depth Patch (Est)	TON	7	\$380.00	\$2,660.00	\$541.59	\$3,791.13	\$495.00	\$3,465.00
7	6" Granular Subbase, Ab-3 Compacted	SY	15	\$75.00	\$1,125.00	\$17.00	\$255.00	\$90.00	\$1,350.00
ALTERNATE Sub-Total:				\$29,047.50		\$23,711.73		\$28,023.50	

Add Alternate No. 4 - Pennsylvania Street (Klemp to 10th)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
3	Crack Sealing	SY	2,090	\$1.50	\$3,135.00	\$1.81	\$3,764.80	\$1.45	\$3,031.00
4	Micro-Surfacing	SY	2,090	\$4.00	\$8,360.00	\$3.63	\$7,550.40	\$4.45	\$9,255.00
5	Micro-Surfacing Crack Fill (Est)	LF	10	\$12.00	\$120.00	\$17.60	\$176.00	\$28.00	\$280.00
6	Full Depth Patch (Est)	TON	5	\$380.00	\$1,900.00	\$541.59	\$2,707.95	\$495.00	\$2,475.00
7	6" Granular Subbase, Ab-3 Compacted	SY	10	\$75.00	\$750.00	\$17.00	\$170.00	\$90.00	\$900.00
8	4" Solid Yellow Line (Multi Component Epoxy)	LF	948	\$1.50	\$1,422.00	\$3.24	\$3,071.52	\$3.75	\$3,555.00
9	6" Solid White Line (Multi Component Epoxy)	LF	105	\$1.50	\$157.50	\$5.40	\$567.00	\$25.00	\$2,625.00
10	12" Yellow Line (Multi Component Epoxy)	LF	30	\$10.00	\$300.00	\$10.80	\$324.00	\$12.50	\$375.00
11	Left Turn Arrow Pavement Marking (Multi Component Epoxy)	EA	2	\$350.00	\$700.00	\$324.00	\$648.00	\$375.00	\$750.00
ALTERNATE Sub-Total:				\$25,189.50		\$25,979.67		\$29,732.00	

Add Alternate No. 5 - 21st Street (High to Shawnee)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$750.00	\$750.00	\$2,500.00	\$2,500.00
3	Crack Sealing	SY	3,698	\$1.50	\$5,547.00	\$1.81	\$6,693.28	\$1.45	\$5,347.60
4	Micro-Surfacing	SY	3,698	\$4.00	\$14,792.00	\$3.63	\$13,387.44	\$4.45	\$16,411.60
5	Micro-Surfacing Crack Fill (Est)	LF	18	\$12.00	\$216.00	\$17.60	\$316.80	\$28.00	\$504.00
6	Full Depth Patch (Est)	TON	8	\$380.00	\$3,040.00	\$541.59	\$4,332.72	\$495.00	\$3,960.00
7	6" Granular Subbase, Ab-3 Compacted	SY	18	\$75.00	\$1,350.00	\$17.00	\$306.00	\$90.00	\$1,620.00
ALTERNATE Sub-Total:				\$33,990.00		\$28,768.24		\$33,343.20	

Add Alternate No. 6 - Choctaw Street (21st to 20th)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00
3	Crack Sealing	SY	1,434	\$1.50	\$2,151.00	\$1.81	\$2,595.54	\$1.45	\$2,079.30
4	Micro-Surfacing	SY	1,434	\$4.00	\$5,736.00	\$3.63	\$5,205.42	\$4.45	\$6,381.30
5	Micro-Surfacing Crack Fill (Est)	LF	7	\$12.00	\$84.00	\$17.60	\$123.20	\$28.00	\$196.00
6	Full Depth Patch (Est)	TON	3	\$380.00	\$1,140.00	\$541.59	\$1,624.77	\$495.00	\$1,485.00
7	6" Granular Subbase, Ab-3 Compacted	SY	7	\$75.00	\$525.00	\$17.00	\$119.00	\$90.00	\$630.00
ALTERNATE Sub-Total:				\$18,136.00		\$11,667.93		\$16,771.60	

Add Alternate No. 7 - Randolph Court (Cul-de-sac to 17th)									
Item	Description	Unit	Quantity	Engineer's Estimate		VANCE BROTHERS		PAVEMENT MANAGEMENT	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Alternate Mobilization	LS	1	\$5,500.00	\$5,500.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
2	Alternate Traffic Control	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00
3	Crack Sealing	SY	918	\$1.50	\$1,377.00	\$1.81	\$1,661.58	\$1.45	\$1,331.10
4	Micro-Surfacing	SY	918	\$4.00	\$3,672.00	\$3.63	\$3,332.34	\$4.45	\$4,085.10
5	Micro-Surfacing Crack Fill (Est)	LF	5	\$12.00	\$60.00	\$17.60	\$88.00	\$28.00	\$140.00
6	Full Depth Patch (Est)	TON	2	\$380.00	\$760.00	\$541.59	\$1,083.18	\$495.00	\$990.00
7	6" Granular Subbase, Ab-3 Compacted	SY	5	\$75.00	\$375.00	\$17.00	\$85.00	\$90.00	\$450.00
ALTERNATE Sub-Total:				\$14,744.00		\$9,250.10		\$14,996.20	
Total Alternates:				\$178,133.50		\$142,478.11		\$184,488.40	
Grand Total w/All Alternates:				\$577,065.00		\$507,790.04		\$628,467.90	

**Capital Improvements Program  
2023 - 2027  
Streets - Pavement Management Program**

**Purpose:**

This allocation provides for the resurfacing of streets throughout the City. It is an allocation based on Ordinance 56 which allows for an amount up to 28% of the previous year's ad valorem receipts to be issued in G.O. bonds for this purpose. When identified projects are complete, FFE funds will be used for the pavement management program, decreasing our reliance on bond proceeds for this program.

Source	Comments	Year	Requested	Projected
Bond Proceeds		2023	\$ 750,000	\$ 750,000
Sales Tax		2023	600,000	600,000
Capital Reserves		2023	650,000	650,000
Bond Proceeds		2024	750,000	750,000
Sales Tax		2024	600,000	600,000
Capital Reserves		2024	650,000	650,000
Bond Proceeds		2025	750,000	750,000
Sales Tax		2025	600,000	600,000
FFE Funds		2025	350,000	350,000
Capital Reserves		2025	300,000	300,000
Bond Proceeds		2026	750,000	750,000
Sales Tax		2026	600,000	600,000
FFE Funds		2026	450,000	450,000
Capital Reserves		2026	200,000	200,000
Bond Proceeds		2027	750,000	750,000
Sales Tax		2027	600,000	600,000
FFE Funds		2027	450,000	450,000
Capital Reserves		2027	200,000	200,000
			<b>\$ 10,000,000</b>	<b>\$ 10,000,000</b>

Uses	Comments	Year	Requested	Projected
Public Works	Street resurfacing, projects are identified annually	2023	\$ 2,000,000	\$ 2,000,000
Public Works	Street resurfacing, projects are identified annually	2024	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2025	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2026	\$ 2,000,000	2,000,000
Public Works	Street resurfacing, projects are identified annually	2027	\$ 2,000,000	2,000,000
			<b>\$ 10,000,000</b>	<b>\$ 10,000,000</b>



POLICY REPORT NO. PWD 23-14

CONSIDER AWARD OF  
ONE (1) 2022 FORD F-550 CAB & CHASSIS  
ONE (1) CRANE BODY

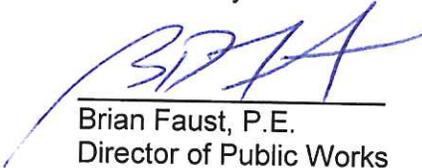
PUBLIC WORKS DEPARTMENT – STORMWATER DIVISION

March 28, 2023

Prepared by:

\_\_\_\_\_  
Derek Burleson,  
Superintendent of City Operations

Reviewed by:

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

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

**Issue:**

Consider approval of the quotes received for the purchase of one (1) 2022 Ford F-550 Cab and Chassis and (1) Crane Body.

**Background:**

The 2023 CIP included funding in the amount of \$85,000 for the replacement of a 2008 Ford F-350 with a crane body. The existing vehicle has 98,231 miles and is experiencing both mechanical and electrical issues.

Staff developed detailed specifications for the vehicle. On three separate occasions the City requested bids for this vehicle. Despite the three separate requests and sending the specifications to vendors along with calling vendors, no bids were received. Staff was told that while we could get a service (crane) body, no truck manufacturer would provide a quote for a truck. Staff's only option was to search for an already manufactured cab/chassis and work with an equipment company for the service body and crane installation.

Staff was able to locate a new 2022 F-550 cab/chassis at Olathe Ford and American Equipment provided a quote for the manufacture and installation of the body with crane.

**Budget Impact:**

The 2023 CIP contained \$85,000 for this vehicle. As with all equipment, costs have increased significantly over the last year. Actual price is \$96,179. The overage of \$11,179 will be covered by reserves in the CIP Sales Tax Fund.

**Staff Recommendations:**

Staff recommends that the City Commission accept the quotes from Olathe Ford for the 2022 Ford F-550 cab and chassis for \$49,775 and from American Equipment for the crane body for \$46,404. Total cost of the vehicle is \$96,179.

The City Commission can either approve or reject the quotes from Olathe Ford and American Equipment.

**Attachments:**

- Quote from Olathe Ford
- Quote from American Equipment
- 2023 CIP Equipment Sheet

C22728

OHI-000813

KS

9-NORMAL, HD, 100813, HK141 686

ULM | CERT | CERT | CERT | TRD | RAMP | BUMP | CAMP | BOOK | EXPL | ROTA

008877  
36/337

1FDUF5GN9 NDA24288 NB

BU02



Go Further  
ford.com

VEHICLE DESCRIPTION

**SUPER DUTY**

2022 F550 4X2 REG CHASSIS  
XL 160" WB CHASSIS CAB  
7.3L DEVOT NA PFI V8 ENGINE  
10-SPEED AUTOMATIC

ND **A24288**

EXTERIOR  
OXFORD WHITE  
INTERIOR  
MEDIUM EARTH GRAY VINYL

EPA  
DOT

Fuel Economy and Environment

**FUEL ECONOMY RATINGS NOT  
REQUIRED ON THIS VEHICLE**

84 cab to axle

**fueleconomygov**

Calculate personalized estimates and compare vehicles



STANDARD EQUIPMENT INCLUDED AT NO EXTRA CHARGE

- |  |   |  |  |
|--|---|--|--|
| <p><b>EXTERIOR</b></p> <ul style="list-style-type: none"> <li>HEADLAMPS - AUTOLAMP (ON/OFF)</li> <li>HEADLAMPS - WIPER ACTIVATED</li> <li>ROOF CLEARANCE LIGHTS</li> <li>TOW HOOKS</li> <li>TRAILER SWAY CONTROL</li> <li>TRAILER TOW WIRE HARNESS</li> <li>WIPERS - INTERMITTENT</li> </ul> | <p><b>INTERIOR</b></p> <ul style="list-style-type: none"> <li>AIR COND, MANUAL FRONT</li> <li>BLACK VINYL FLOOR COVERING</li> <li>OUTSIDE TEMP DISPLAY</li> <li>PARTICULATE AIR FILTER</li> <li>STEERING - TILT/TELESCOPIC WHEEL WITH AUDIO</li> <li>UPFITTER SWITCHES</li> <li>VINYL SUN VISORS</li> </ul> | <p><b>FUNCTIONAL</b></p> <ul style="list-style-type: none"> <li>4-WHEEL ANTILOCK BRAKE SYS</li> <li>FORDPASS™ CONNECT</li> <li>HILL START ASSIST</li> <li>JEWEL EFFECT HEADLAMPS</li> <li>MONO BEAM COIL SPRING FRNT SUSPENSION W/STAB BAR</li> <li>STABILIZER BAR, FRONT/REAR</li> <li>SYNCO WITH APPLINKO</li> </ul> | <p><b>SAFETY/SECURITY</b></p> <ul style="list-style-type: none"> <li>ADVANCETRACT™ WITH RSCO</li> <li>AIRBAGS - SAFETY CANOPYO</li> <li>BELT-MINDER CHIME</li> <li>DRIVER/PASSENGER AIR BAGS</li> <li>SOS POST-CRASH ALERT SYS™</li> </ul> <p><b>WARRANTY</b></p> <ul style="list-style-type: none"> <li>3YR/36,000 BUMPER / BUMPER</li> <li>5YR/60,000 POWERTRAIN</li> <li>5YR/60,000 ROADSIDE ASSIST</li> <li>6YR/100,000 DIESEL ENGINE</li> </ul> |
|--|---|--|--|

INCLUDED ON THIS VEHICLE

(MSRP)

- OPTIONAL EQUIPMENT/OTHER**
- PREFERRED EQUIPMENT PKG.660A 10-SPEED AUTOMATIC NO CHARGE
  - 225/70R19.5G TRACTION TIRES 100.00
  - 4.88 RATIO LIMITED SLIP AXLE 395.00
  - PAYLOAD PLUS PACKAGE UPGRADE 1,155.00
  - POWER EQUIPMENT GROUP 1,100.00
  - TELESCOPIC TT MIRR-POWER/HTD SIG
  - FRONT LICENSE PLATE BRACKET NO CHARGE
  - XL DECOR PACKAGE NO CHARGE
  - PLATFORM RUNNING BOARDS 320.00
  - TIRE INFLATION MONITOR DELETE
  - 4G LTE WI-FI HOTSPOT REMOVAL - 20.00
  - 19500# GVWR PACKAGE
  - 60 STATE EMISSIONS NO CHARGE
  - 110V/900W OUTLET 175.00
  - TRAILER BRAKE CONTROLLER 300.00
  - CENTER HIGH MOUNT STOP LAMP NO CHARGE
  - FOG LAMPS 130.00
  - JACK 55.00
  - UTILITY LIGHTING SYSTEM 160.00
  - BRIGHT ORBLE NO CHARGE
  - 40 GAL. AFT OF AXLE FUEL TNK NO CHARGE
  - 397 AMP ALTERNATOR NO CHARGE
  - ADVANCED SECURITY PACK REMOVAL 115.00
  - DUAL BATTERY NO CHARGE
  - REAR VIEW CAMERA & PREP KIT 415.00
  - PRE COLLISION ASSIST W/AEB 115.00
  - DAYTIME RUNNING LIGHTS 45.00
  - XL VALUE PACKAGE 395.00
  - CRUISE CONTROL

PRICE INFORMATION

(MSRP)

BASE PRICE \$46,285.00  
TOTAL OPTIONS/OTHER 4,993.00  
TOTAL VEHICLE & OPTIONS/OTHER \$51,280.00  
DESTINATION & DELIVERY 1,795.00

QA 215 City of  
Leavenworth  
\$ 49,775<sup>00</sup>

This label is affixed pursuant to the Federal Automobile Information Disclosure Act. Gasoline, License, and Title Fees, State and Local taxes are not included. Dealer installed options or accessories are not included unless listed above.

**TOTAL MSRP \$53,075.00**

Whether you decide to lease or finance your vehicle, you'll find the choices that are right for you. See your dealer for details or visit [www.ford.com/finance](http://www.ford.com/finance).

**SPECIAL ORDER**  
NK141 N RB 2X 275 000813 10 14 22



The FordPass™ Connect modern is active and sending vehicle data (e.g., diagnostics) to Ford.™ See in-vehicle settings for connectivity options.

\*Based on 1977-2021 CY total sales.  
\*\*FordPass Connect (optional on select vehicles), the FordPass App and complementary Connected Service are required for remote features (see FordPass Terms for details). Connected service and features depend on compatible AT&T network availability. Evolving technology/cellular network availability may limit functionality and prevent operation of connected features. Connected service includes Wi-Fi hotspot.



Insist on Ford Protect! The only extended service plan fully backed by Ford and honored at every Ford dealership in the U.S., Canada and Mexico. See your Ford dealer or visit [www.FordOwner.com](http://www.FordOwner.com).

**WARNING:** Operating, servicing and maintaining a passenger vehicle, pickup truck, van, or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to [www.P65Warnings.ca.gov/passenger-vehicle](http://www.P65Warnings.ca.gov/passenger-vehicle).

SCAN QR TEXT 1FDUF5GN9NDA24288 TO 80808

How to Data rates may apply. For help see help

[www.ford.com/privacy/terms/](http://www.ford.com/privacy/terms/)

# American

EQUIPMENT CO.  
 3250 Harvester Road  
 Kansas City, Kansas 66115  
 (Phone) 913-342-1450 (Fax) 913-342-1377  
 sales@americanequipment.us

## QUOTATION

DATE	Quotation #
3/14/2023	031423/18JB

NAME / ADDRESS
City of Leavenworth Purchasing Office 100 North 5th, City Hall Leavenworth, KS 66048

TO CONFIRM ORDER
Quote Accepted by _____
Date _____
P.O. # _____

LEAD TIME	TERMS	REP	FOB	PHONE	FAX #
18 to 22 weeks	Due on Rece...	JLB		913-758-6611	913-682-0282

QTY	ITEM	DESCRIPTION	U/M	COST	Total
1	RBW-Equip...	2023/224 Ford F-350 DRW 84" CA  Reading MM220 — 11' CRANE BODY: - Raised compartment with bottle holders (curb side front) - Master Locking - LED strip lighting inside compartments & (4) LED work lights - TORSION BOX UNDERSTRUCTURE - ADJUSTABLE SHELVING - Sam-action tailgate features one-handed opening Workbench Storage Bumper w/Trailer Hitch - 25" Overall Length with lockable Storage. - Hitch: 18,000 GTWR, 1,800 VTWR rated. [1/] - Notched to integrate S40 dual outrigger - White inside & out Dual Outrigger (4K) - Designed for up to 4,000 lb crane applications. - Bolt-on installation to MM120/MM220 body. - Manual operation. Curbside extends and lowers LIFTMOORE CRANE 3612REE-15 WP: - 12,000 ft.-lb. moment rating and 3,600 lb. max capacity - Power elevation from -5 degrees to + 75 degrees. - Power extension from 9 ft.-15 ft is standard. - Load sensor & anti two-block is standard. - All cylinders have a integrally mounted counterbalance valve. - 2,000 lb. single line capacity planetary gear winch with 2.7		42,104.00	42,104.00

Quoted by John Blogin	<b>Total</b>
-----------------------	--------------

# American

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 Kansas City, Kansas 66115  
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LEAD TIME	TERMS	REP	FOB	PHONE	FAX #
18 to 22 weeks	Due on Rece...	JLB		913-758-6611	913-682-0282

QTY	ITEM	DESCRIPTION	U/M	COST	Total
		Hp motor. - 62 ft. of 1/4" galvanized aircraft cable is standard. Minimum 7,000 lb. breaking strength. - Mud flaps & 7 way R/V trailer plug NOT INSTALLED OPTION: Headache rack (ADD \$ 825)			
1	300	labor to install		4,300.00	4,300.00

Quoted by John Blogin	<b>Total</b>	\$46,404.00
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This quote is valid for 30 days. Applicable taxes not included.

**Capital Improvements Program  
2023 - 2027  
Public Works - Street Equipment**

**Purpose:**

This allocation provides funding for replacement of several pieces of streets equipment through 2026.

Source	Comments	Year	Requested	Projected
Sales Tax	4-ton trailer-mounted hot box	2023	\$ 45,170	\$ 45,170
Sales Tax	Street sweeper	2023	230,000	230,000
Sales Tax	Tandem axle dump truck	2023	195,000	195,000
Sales Tax	1-ton single axle w/boom	2023	85,000	85,000
Sales Tax	2-ton aerial truck	2024	95,000	95,000
Sales Tax	Crack seal machine	2024	30,000	30,000
Sales Tax	Tandem axle dump truck	2025	165,000	165,000
Sales Tax	Flush truck	2025	85,000	85,000
Sales Tax	Vactron tow behind	2025	35,000	35,000
Sales Tax	Single axle dump truck	2026	165,000	165,000
Sales Tax	Single axle dump truck	2026	165,000	165,000
			<b>\$ 1,295,170</b>	<b>\$ 1,295,170</b>

Uses	Comments	Year	Requested	Projected
Public Works	4-ton trailer-mounted hot box	2023	\$ 45,170	\$ 45,170
Public Works	Street sweeper	2023	230,000	230,000
Public Works	Tandem axle dump truck	2023	195,000	195,000
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Public Works	Single axle dump truck	2026	165,000	165,000
Public Works	Single axle dump truck	2026	165,000	165,000
			<b>\$ 1,295,170</b>	<b>\$ 1,295,170</b>



Crack Seal Machine



Tandem Axle Dump Truck



Flush Truck



4-ton Hot Box



Street Sweeper

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2023-04-SUP  
113 SENECA STREET**

**MARCH 28<sup>TH</sup> 2023**

**SUBJECT:**

Place on first consideration an ordinance to approve 2023-04-SUP to allow a two-family dwelling in the CBD zoning district.



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



**Reviewed By:**  
Paul Kramer,  
City Manager

**ANALYSIS**

The applicant, NLG LLC, is requesting a Special Use Permit to allow a two-family dwelling in the CBD zoning district, located at 113 Seneca Street. Two-family dwellings are allowed in the downtown redevelopment overlay district with the approval of a Special Use Permit.

The structure has evidence of previously functioning as a two-family dwelling based on separate entrances and electric boxes, but has been vacant for over 2 years. Previously the structure was considered an existing legal nonconforming use. Section 1.05.D of the adopted Development Regulations states:

*When a nonconforming use is abandoned for a period of twenty-four (24) consecutive months any subsequent use or occupancy of such land after this period shall comply with the regulations of the zoning district in which such land is located.*

The applicant intends to renovate and restore the structure to its previous use, to include new electrical, plumbing, HVAC, walls, ceilings, doors, windows, fixtures, cabinetry, and flooring.

**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.

*Currently the property is vacant. If approved, the property will fill a need in the community by providing a two-family housing option. Restoring the property to its previous use will continue to fill that need.*

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

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

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

*No new structures or building modifications are proposed as part of this special use permit. The property will continue to function as it did previously.*

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission considered this item at their March 6<sup>th</sup> 2023 meeting and voted 6-0 to recommend approval of the Special Use Permit.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

**ACTION:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling in the CBD zoning district located at 113 Seneca Street.
- Deny the Special Use Permit request to allow two-family dwelling in the CBD zoning district located at 113 Seneca Street.
- Remand the Special Use Permit request to allow a two-family dwelling in the CBD zoning district located at 113 Seneca Street to the Planning Commission for further consideration.

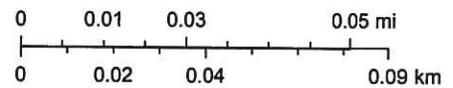
# 2023-04-SUP



3/23/2023, 10:55:37 AM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- Address (Points)
- Missouri River
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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

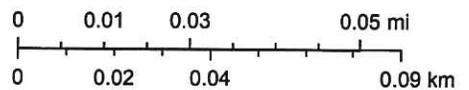
# 2023-04-SUP - Zoning



3/23/2023, 10:57:42 AM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- CBD
- Address (Points)
- R-MF
- Missouri River
- R1-6
- Leavenworth City Limits
- R1-9
- City Right-of-Way
- RoadCenterline



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.: 2023-04 SUP

Application No.	<u>12614</u>
Fee (non-refundable)	<u>Pa</u> \$350.00
Filing Date	<u>1/9/2023</u>
Received By	<u>Bmf</u>
Hearing Date	<u>3/6/2023</u>
Publication Date	<u>2/9/2023</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: Residential Multi Family -  
"2 Family Dwelling" per owner

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

Subject Property:	<u>113 Seneca Street, Leavenworth KS 66048</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:			
Zoning:	<u>CSD</u>	Historic District:	<u>N/A</u>

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

Name(s) of Owner (print):	<u>NLG LLC</u>		
Owner Address:	<u>601 Cottonwood Drive Lansing KS 66043</u>		
Contact No.	<u>973-789-4532</u>	Email:	<u>Nlg112006@gmail.com</u>
Signature of Owner(s):	<u>[Signature]</u>		

State of Kansas  
County of Leavenworth (SEAL)



Signed or attested before me on: January 9, 2023

Notary Public: [Signature]

My Appointment Expires: 01/23/2025

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...

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

(Summary Published in the Leavenworth Times on \_\_\_\_\_)

**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A CENTRAL BUSINESS DISTRICT ZONING DISTRICT LOCATED AT 113 SENECA STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

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

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 6<sup>th</sup> day of March 2023 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 9<sup>th</sup> day of February 2023; and

**WHEREAS**, the City Planning Commission did hear on the 6<sup>th</sup> day of March 2023 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a Central Business District zoning district located at 113 Seneca Street, Leavenworth, Kansas; and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

**Section 1.** That a special use permit be issued for a two-family dwelling on the following described property:

Lot 13, Block 17, LEAVENWORTH CITY PROPER, a subdivision in the City of Leavenworth, Leavenworth County, Kansas; and more **commonly referred to as 113 Seneca Street**, Leavenworth, Kansas.

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

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_\_ day of April 2023.

\_\_\_\_\_  
Jermaine Wilson, Mayor

{Seal}

ATTEST:

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

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2023-07 REZ  
3523 10<sup>TH</sup> AVENUE**

**MARCH 28<sup>TH</sup>, 2023**

**SUBJECT:**

Place on first consideration an ordinance to rezone the property located at 3523 10<sup>th</sup> Avenue from R-MF, Residential Multi Family District, to R1-9, Medium Density Single Family Residential District.



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



**Reviewed By:**  
Paul Kramer,  
City Manager

**ANALYSIS:**

The owner and applicant, Nicholas Tevebaugh, is requesting a rezoning of their property located at 3523 10<sup>th</sup> Avenue from R-MF, Residential Multi Family District, to R1-9, Medium Density Single Family Residential District. The property is 2.8 acres in size and is occupied by a single family home. The owner is requesting the rezoning in order to bring the zoning of the property into conformance with the actual use of the property for marketing purposes to aid in the sale of the property. The property is identified as appropriate for Single Family uses on the Future Land Use map, and no development is proposed as part of this rezoning application.

**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 2.8 acres in size and is located on 10<sup>th</sup> Avenue, just south of Gatewood Street. There are a mix of uses nearby, including single family, multi family, a mobile home park, and the Richard Warren Middle School campus across 10<sup>th</sup> Street.*

- b) The zoning and use of properties nearby;

*The properties directly to the north are zoned R-MF, Residential Multi Family District, and are developed with single family homes. Further to the north is the Pin Oak Acres apartment complex, which is zoned PUD, Planned Unit Development. The property is zoned MP, Mobile Home Park District, and is developed with the Woodmore Court mobile home park. The property directly to the south is zoned R1-9, Medium Density Single Family Residential District, and is vacant and currently owned by the City of Leavenworth. The properties further to the south are zoned R1-9 and are developed with single family homes. The property to the west, across 10<sup>th</sup> Avenue, is zoned R1-9, and is occupied by the Richard Warren Middle School campus.*

- c) The suitability of the subject property for the uses to which it has been restricted;  
*The subject property is occupied by a single family home and has been identified as appropriate for single family uses on the Future Land Use map.*
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;  
*The proposed rezoning should have no detrimental effect upon surrounding properties, as there is no development proposed as part of the rezoning request.*
- e) The length of time the subject property has remained vacant as zoned;  
*The subject property is not vacant.*
- 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 will have a neutral impact on economic development, public health, safety, and welfare, as there is no development proposed as part of the rezoning request.*
- g) The recommendations of permanent or professional staff;  
*Staff recommends approval of the rezoning request.*
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;  
*The area is identified as appropriate for single family residential uses on the Comprehensive Land Use Plan.*
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.  
*No other factors*

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received one call from a notified property owner to clarify the property being included in the request. No other comments have been received.

The Planning Commission considered this item at their March 6<sup>th</sup>, 2023 meeting and voted 6-0 to recommend approval of the Special Use Permit.

**REZONING ACTION/OPTIONS:**

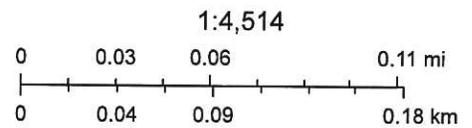
- Place an ordinance on first consideration to approve the rezoning request from R-MF to R1-9 for the property located at 3523 10<sup>th</sup> Avenue
- Deny the rezoning request from R-MF to R1-9 for the property located at 3523 10<sup>th</sup> Avenue.
- Remand the rezoning request from R-MF to R1-9 for the property located at 3523 10<sup>th</sup> Avenue to the Planning Commission for further consideration.

# 2023-07 REZ



3/2/2023, 11:21:25 AM

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



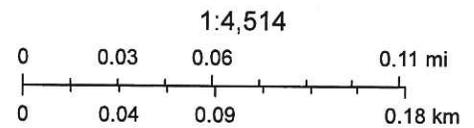
Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

# 2023-07 REZ - Zoning



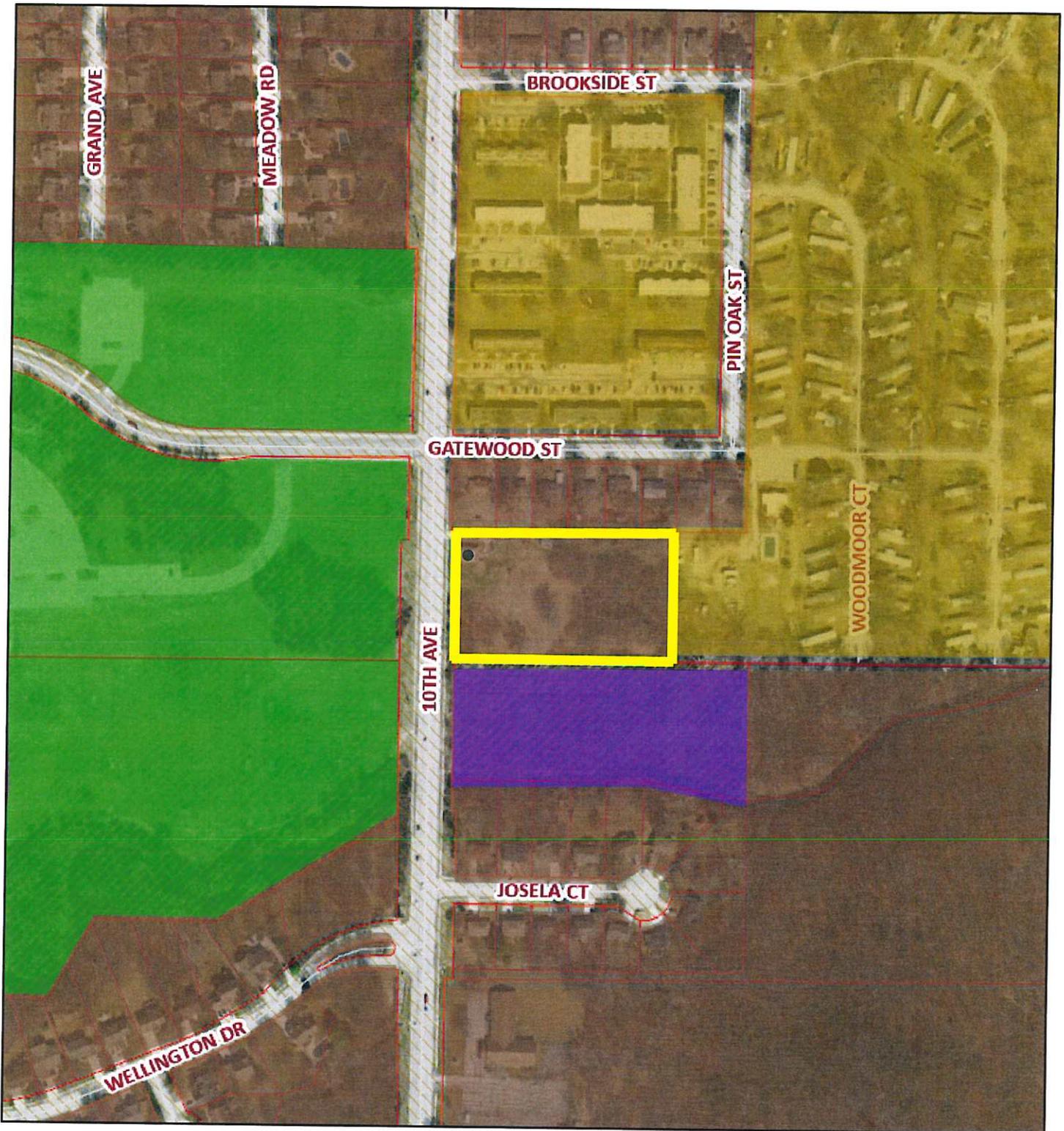
3/2/2023, 11:19:04 AM

- Override 1
- R1-9
- Zoning\_CURRENT  Parcels (City Owned)
- MP
- PUD
- R-MF
- R15φ
- Parcels\_Current
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



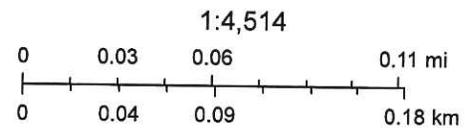
Platte County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

# 2023-07 REZ - Future Land Use



3/2/2023, 11:20:20 AM

- Override 1
- Future Land Use (Comp Plan 2030)
- Multi-Family
- Park
- 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., USGS, EPA



**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2023-07 REZ

Application #	<u>12645</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>1/20/23</u>
Received By	
Hearing Date	<u>3/6/23</u>
Publication Date	<u>2/9/23</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>3523 10th Ave Leavenworth KS 66048</u>		
Rezoning:	Present classification of: <u>R-MF</u>	district to: <u>R1-9</u>	
Legal Description:	<u>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</u>		
Real Estate PID #	<u>052-101-11-0-10-04-037</u>	Historic District:	<u>NO</u>

I/We, Nicholas Tevabaugh 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>Nicholas A Tevabaugh</u>		
Address:	<u>613 Meadowdale Rd Lansing KS 66043</u>		
Contact No.:	<u>816-654-4670</u>	Email:	<u>nich+1986@hotmail.com</u>
Signature of Owner(s):	<u>Nicholas A Tevabaugh</u>		

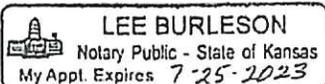
NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of Kansas )  
County of Leavenworth ), SS

Signed or attested before me on January 20, 2023 by Nicholas Tevabaugh  
(date) (name(s) of person(s))

Notary Public: Lee Burleson My Appointment Expires: 7/25/2023

(SEAL)



LEE BURLESON  
Notary Public - State of Kansas  
My Appt. Expires 7-25-2023

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

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

Use of Single Family  
on 2.8 acres

Briefly describe the intended use and character of the property:

to sell as single  
family

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

Shown on future land use as single family

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

Shown on future land use as single family  
and many single family residential  
surrounds it.

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

N/A

Check List:	
<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input checked="" type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Full legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site plan drawn to scale (see General Instructions)
<input type="checkbox"/>	Supporting documentation (see General Instructions)

**ORDINANCE NO. XXXX**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 3523 10<sup>th</sup> AVENUE FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-MF) TO MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (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 6<sup>th</sup> day of March 2023 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 9<sup>th</sup> day of February 2023 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 3523 10<sup>th</sup> Avenue, Leavenworth Kansas from Multiple Family Residential District (R-MF) to Medium Density Single Family Residential District (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 Multiple Family Residential District (R-MF) to Medium Density Single Family Residential District (R1-9).

A part of the Northeast 1/4 of Section 11, Township 9, Range 22 bounded as follows Beginning at the Southwest corner of said 1/4 Section, thence East on the 1/4 Section line 500 feet, thence North at right angles 261 36/100 feet; thence West parallel with the South line of said 1/4 Section 335 feet; thence South parallel with the West line of said 1/4 Section 132 feet; thence West parallel with the South line of said 1/4 Section 165 feet; thence South on the 1/4 Section line 129 36/100 feet to the place of beginning. Also beginning at a point on the West line of the Northeast 1/4 Section 11, Township 9, Range 22, 129 36/100 feet North of the Southwest corner of said Northeast 1/4; thence North on said 1/4 Section line 132 feet; thence East parallel with the South line of said 1/4 Section, 165 feet; thence South parallel with the West

line of said 1/4 Section, 132 feet; thence West 165 feet to the place of beginning, EXCEPTING a private road or right away along the North side of said 1/2 acre tract reserved in Deed dated December 7, 1892 from John Jones and wife to William Verner and recorded in Book 148, Page 214 of records in the office of the Register of Deeds, AND ALSO EXCEPT any part thereof taken or used for road purposes. And **more commonly referred to as 3523 10<sup>th</sup> Avenue**, Leavenworth, Kansas

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

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

**PASSED and APPROVED** by the Governing Body on the \_\_\_\_\_ day of April 2023.

\_\_\_\_\_  
Jermaine Wilson, Mayor

{Seal}

ATTEST:

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