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Call to Order – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Parks and Recreation Month (pg. 2)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from June 25, 2019 Regular Meeting **Action:** Motion (pg. 3)

Second Consideration Ordinance:

3. Second Consideration Ordinance No. 8106 Amending Chapter 122 Vehicles for Hire **Action:** Roll Call (pg. 8)

NEW BUSINESS:

Citizen Participation: (*i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address*)

General Items

4. Review Property at 795 Spruce **Action:** Motion (pg. 16)
5. Budget and Capital Improvement Program (CIP) Presentation (pg. 17)

First Consideration Ordinances:

6. First Consideration Ordinance Amending Development Regulations - Signs **Action:** Consensus (pg. 18)

Consent Agenda:

Claims for June 22, 2019 through July 5, 2019, in the amount of \$1,606,936.60; Net amount for Payroll #14 effective July 5, 2019, in the amount of \$392,007.64; (No Police & Fire Pension). **Action:** Motion

Other:

Adjourn **Action:** Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the mental and emotional health of all citizens, and contributing to the economic and environmental well-being of a community and region; they build active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled; and*
- WHEREAS,** *parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*
- WHEREAS,** *parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and*
- WHEREAS,** *our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature; and*
- WHEREAS,** *the U.S. House of Representatives has designated July as Parks and Recreation Month; and*
- WHEREAS,** *the City of Leavenworth recognizes the benefits derived from parks and recreation resources.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas do hereby proclaim the month of July 2019 as:*

Leavenworth Parks & Recreation Month

in the City of Leavenworth and I call upon all citizens and civic organizations of Leavenworth to observe this month, as sanctioned by the U.S. Congress, with appropriate ceremonies and activities.

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

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Mayor Pro-Tem Myron J. (Mike) Griswold, Commissioner Mark Preisinger. Not present: Commissioners Nancy Bauder and Larry Dedeke.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Human Resources Director Lona Lanter, Parks & Recreation Director Steve Grant, Park Superintendent Brian Bailey, Fire Chief Gary Birch, Public Information Officer Melissa Bower, Leavenworth Housing Authority Housing Manager Andrea Cheatom, Deputy City Clerk Cary L. Collins, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson opened the meeting with the pledge of allegiance followed by silent meditation.

PRESENTATIONS:

Mayor’s Awards

Rimsie McConiga was presented the Mayor’s Award for over 21 years of work at the Leavenworth Times.

Tisha Swart-Entwistle was presented the Mayor’s Award for creating and promoting the annual First City Film Festival.

New Employee Welcome

The following newly hired employees were present and introduced:

- | | |
|-------------------|---------------------------------------|
| Jordan Green | Police Officer |
| Joshua Parrott | Police Officer |
| Paul Lednicki | Police Officer |
| Kirby Jones | Animal Control Officer |
| Nancy Martinez | Telecommunications Specialist |
| Luke Hailey | Police Officer |
| Matthew Holek | Firefighter |
| Joanna Fuimaono | Administrative Clerk – Streets |
| Michael Maldonado | Traffic Control Tech |
| Antoine Mitchell | Riverfront Community Center Custodian |

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Preisinger moved to approve the minutes from the June 11, 2019 regular meeting as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8102 Amending Chapter 103 Stormwater– City Manager Paul Kramer recapped the changes in the definitions of Multifamily dwelling units and Duplex dwelling units. There have been no changes to the ordinance since it was first introduced on June 11, 2019. Ordinance No. 8102 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8102 was unanimously approved 3-0.

Second Consideration Ordinance No. 8103 Amending the Schedule of Fees – City Manager Paul Kramer recapped the changes lowering the fee for Multifamily dwelling units (3 or more units) to \$42.00 per unit. A line for Duplex dwelling units was added outlining the fee as \$84.00 per unit. There have been no changes to the ordinance since first introduced on June 11, 2019. Ordinance No. 8103 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8103 was unanimously approved 3-0.

Second Consideration Ordinance No. 8104 Amending Sec. 2-26 Composition; Election; Term of Office – City Manager Paul Kramer recapped the changes which will change the date elected officials take office to the first Tuesday in December. There have been no changes to the ordinance since first introduced on June 11, 2019. Ordinance No. 8104 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8104 was unanimously approved 3-0.

Second Consideration Ordinance No. 8105 Amending Chapter 74 Parks and Recreation – City Manager Paul Kramer stated that there have been no changes to the ordinance since first introduced on June 11, 2019. Ordinance No. 8105 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8105 was unanimously approved 3-0.

NEW BUSINESS:

Citizen Participation:

Resolutions:

Consider Resolution B-2227 Amending Resolution B-2217 – City Clerk Carla Williamson presented for consideration Resolution No. 2227 to amend Resolution No. B-2217, adopted by the Governing Body on February 26, 2019. Resolution No. B-2217 gave notice of the Governing Body’s official intent to issue bonds to finance improvements to Thornton Street and 10th Avenue in an estimated maximum amount of \$5,650,800.00. Resolution B-2222 increasing the estimated amount of the project to \$6,040,000.00 and amending section 1 of Resolution No. B-2217 was adopted by the Governing Body on May 19, 2019. Since

that time, Phil Wolfe, the city’s bond attorney advised that an additional amendment should be adopted to amend sections 2 and 3 of the original resolution to avoid any confusion.

Commissioner Preisinger moved to adopt Resolution B-2227 as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor then declared the motion carried 3-0.

Bids Contracts and Agreements:

Consider Bids for Bob Dougherty Park Basketball Court Surfacing – City Manager Paul Kramer reviewed the item and gave a history on the project in the Capital Improvement Project (CIP). Parks Superintendent Brian Bailey presented for consideration the bids for the project. Staff recommends the bid from Riggs Recreation Equipment for installation of the ProBounce System in the amount of \$113,732.00 Bids were opened on June 18, 2019 and are as follows:

<u>Bidder</u>	<u>Resurfacing Type</u>	<u>Bid</u>	<u>Fence Add Alternate</u>
Riggs Recreation Equipment Inc.	ProBounce System	\$113,732	NA
Multicon	Post-Tensioned Concrete Court	\$130,000	\$35,000

Commissioner Preisinger moved to approve the bid from Riggs Recreation Equipment Inc. for the installation of the ProBounce System in the amount not to exceed \$113,732.00. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0.

Consider Bids for Replacement of Air Handler and Preheat Loop Pump at Planters II – Planters II Housing Manager Andrea Cheatom presented for consideration the bids for the project. Staff recommends approval of the low bid from Daikin in the amount of \$34,668.00. The following bids were received:

<u>Bidder</u>	<u>Bid</u>
Daikin	\$34,668.00
D'Agostino	\$50,314.15
Kansas City Mechanical	\$52,367.49

Commissioner Griswold moved to approve the bid from Daikin in the amount of \$34,668.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried

Consider Renewal of Eastern Kansas Multi-County Task Force Inter-Local Agreement – Fire Chief Gary Birch presented for consideration the renewal of the Eastern Kansas Multi-County Task Force Reciprocal Investigation Intergovernmental Local Agreement. The original agreement was approved in 1993. A new agreement was approved in March 2018 that added Miami County. The new agreement before the Commission today has been revised and reformatted.

Commissioner Preisinger moved to approve the renewal of the inter-local agreement as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0.

Consider Design Contract with Water Resource Solutions for Independence Court Bank Stabilization Project - Public Works Director Mike presented for consideration the design contract with Water Resource Solutions. At the May 21, 2019 Study Session the City Commission provided a consensus to move forward with a contract for the design of the Independence Court Bank Stabilization. The contract amount is \$101,833.00.

Commissioner Griswold moved to approve the contract with Water Resource Solutions for design of the Independence Court Bank Stabilization Project in an amount not to exceed \$101,833.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0.

Consider Contract with Stantec for Pavement Evaluation - Public Works Director Mike McDonald presented for consideration a contract with Stantec for Pavement Evaluation. The contract cost is \$40,000.00

Commissioner Preisinger moved to approve the contract Stantec Pavement Evaluation in an amount not to exceed \$40,000.00. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0

First Consideration Ordinances:

First Consideration Ordinance Amending Chapter 122 Vehicles for Hire – City Clerk Carla Williamson presented for first consideration an ordinance amending Chapter 122 Vehicles for Hire. At the June 4, 2019 Study Session the City Commission agreed by consensus to amend Chapter 122.

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

CONSENT AGENDA:

Commissioner Griswold moved to approve claims for June 8, 2019 through June 21, 2019, in the amount of \$849,890.70; Net amount for Payroll #13 effective June 21, 2019, in the amount of \$363,120.24; (Includes Police & Fire Pension in the amount of \$11,572.36). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 3-0.

Other:

Commissioner Preisinger:

- Asked about Thornton and 10th Avenue projects and when the bids open
 - Public Works Director Mike McDonald responded that the bid openings are July 10th
- Commissioner Preisinger then asked about trucks and work being done near the river
 - Parks Superintendent Brian Bailey responded that Central State Pipeline is doing repair work to their pipes and using the area as a staging area. The work is all being done up river

City Manager Kramer:

- No Study Session July 2, 2019

Adjourn:


Commissioner Preisinger moved to adjourn the meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 7:46 p.m.


Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8106
AMENDING CHAPTER 122 VEHICLES FOR HIRE
OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH**

JULY 9, 2019



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the June 25, 2019 City Commission meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LEAVENWORTH, KANSAS, CHAPTER 122 VEHICLES FOR HIRE, PROVIDING
SUBSTITUTE PROVISIONS AND REPEALING THE CHAPTER AMENDED.**

There have been no changes since first consideration.

Ordinance No. 8106 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8106

(Summary Published in the Leavenworth Times on July 12, 2019)

ORDINANCE NO. 8106

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 122 VEHICLES FOR HIRE, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE CHAPTER AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 122, Vehicles for Hire, is hereby deleted in its entirety and amended to read as follows:

Chapter 122 - VEHICLES FOR HIRE

ARTICLE I – GENERALLY

Sec. 122-01 Definitions.

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

City means the City of Leavenworth

City Clerk means the city clerk of the City of Leavenworth or person designated by the city clerk.

Cruising means the continuous or repeated operation over the streets of a vehicle for hire in search of picking up or solicitation of prospective passengers.

Driver's license means the license issued by the City of Leavenworth to the driver of a vehicle for hire.

Meter means an instrument or device attached to the vehicle, which measures the distance driven and the waiting time upon which the fare is based.

Owner's license means a license issued by the City of Leavenworth to the owner of a vehicle for hire.

Police Chief means the police chief of the City of Leavenworth or person designated by the police chief.

Street means street, avenue, boulevard, thoroughfare, trafficway, alley and any other public way for vehicular travel.

Vehicle for hire as used in this chapter shall mean any public passenger motor vehicle, taxicab or shuttle, which is for hire by a passenger for a fee, except that the following shall not be considered:

- (1) Vehicles as defined and operating under K.S.A. 8-2701 et. seq. Transportation Network Companies.
- (2) Vehicle operated by the Leavenworth County Council on Aging
- (3) Motor buses and motor vehicles engaged exclusively in the transportation of students to and from school, commonly known as school buses.
- (4) Vehicle operated by a person or company and used to transport persons who are the employees, patrons, guests, residents or customers of the person or company and where the provision of such transportation is incidental to the business or such person or company.
- (5) Group riding or an arrangement between individuals whereby they pool their private transportation resources, either by using the personal automobile of one member of the group with the others contributing to the costs of operation same, or by rotating the use of their personal automobiles with joint contributions to the cost by the other members of the group, or when any employer provides transportation for his employees, and for none other, for a charge.

Sec. 122-02. Required; fee; term.

No person, whether acting as owner, principal, agent, employee, lessee or licensee, shall operate or permit to be operated upon the streets of the city any vehicle for hire without first having obtained an owner's license or driver's license as provided in this chapter.

Owners and drivers of vehicles for hire licensed under this chapter shall pay to the city clerk a yearly fee for such license, at the time of application for each calendar year or part thereof, as provided in the city fee schedule. Application fees are not prorated, refundable, or transferable except as provide in Sec. 122-34. Such license shall be valid from January 1 to December 31 of each calendar year. All licenses shall be issued by the city clerk with the concurrence and approval of the police chief or their designees.

Sec. 122-03 Stop and inspection.

Vehicles for hire and drivers licensed under this chapter shall be subject to reasonable stop and inspection by the police for conformance with the requirements of this ordinance.

Sec. 122-04 Seating capacity.

No vehicle for hire shall carry a greater number of person, including the driver or operator, than its manufacture rated seating capacity.

Sec. 122-05 Cruising and solicitation of passengers or business.

When not being operated in driving to or in returning from a specific destination while employed in rendering transportation service, vehicles for hire shall be subject to call at the usual place of business maintained by the owner or operator. No vehicle for hire shall be operated over the streets of the city

in service without a specific destination. No owner or driver shall solicit, employ or engage any other person to solicit patronage on the streets, sidewalks or public ways within the city.

It shall be unlawful for the owner, driver or operator to park for the purpose of soliciting business or passengers for hire in any street or alley in the city, except to load or unload such vehicle for hire, and except as hereinafter provided; driver occupied cabs shall be permitted to remain legally parked in the city, for return fare.

Sec. 122-06. Severability.

In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter shall remain in full force and effect.

Sec. 122-07 – 122-30. Reserved.

ARTICLE II – OWNER’S LICENSE

Sec. 122-31 Liability insurance; required; amount; conditions.

- (1) It shall be unlawful to operate a vehicle for hire or permit the same to be operated without proof of continuing liability protection for each vehicle to be operated being on file in the office of the city clerk. The requirement for liability protection shall be as follows:
- (2) The licensee or applicant shall maintain commercial automobile liability insurance on each vehicle with liability limits of at least \$60,000 Combined Single Limit for injury to, or death of, one or more persons, and for damage to property, including baggage or other property of a passenger carried in or on said vehicle, resulting from any single accident, by reason of the carelessness or negligence of the driver or operator of such vehicle, with a property damage deductible, if any, not to exceed \$500 above which all claims shall be referred to the insurance company for handling.
- (3) The commercial liability insurance required to be maintained under the provisions of this section shall be issued by an insurance carrier who offers proof that it (1) is authorized and licensed to do business in the State of Kansas and has and maintains a local office or agent in the State of Kansas upon whom service of process may be had; (2) carries a Best's policy holder rating of A or better; and (3) carries at least a class X financial rating; or (4) is a company mutually agreed upon by the City and the licensee.
- (4) The commercial liability insurance required to be maintained under the provisions of this section shall be a policy of insurance under which the insurance company obligates itself to handle claims under the coverage thereof and to indemnify the licensee, owner, lessee, operator, and driver, as applicable, and pay to the claimant all amounts which the insured becomes legally obligated to pay under the policy in excess of any applicable deductible. A certificate of insurance reflecting all endorsements shall be filed with the City Clerk.
- (5) The liability insurance policy shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon.
- (6) The liability insurance policy shall contain a separate endorsement requiring the insurance company to notify the city clerk in writing of any change in coverage, or cancellation of said policy at least ten (10) days prior thereto.

- (7) The liability insurance policy shall list each and every vehicle to be insured under the policy.
- (8) Nothing contained in the policy or any endorsement thereof shall release the company from liability for payment of any judgment due to any violation on the part of the insured of the provisions of the policy.

Sec. 122-32. Application

Application for an owner's license shall be made on a form provided by the city clerk. Such application shall contain the full name and address of the owner of the vehicle(s) to be operated, a description of the vehicle(s) including year, make, model, vehicle identification number, the number of persons the vehicle is constructed to carry and state license number.

At the time of application, the owner shall also provide the following:

- (1) Current registration establishing ownership of the vehicle
- (2) Proof of inspection by an ASE certified mechanic within the past 30 days. Such form shall be provided to the applicant by the city clerk. The mechanic's signature shall certify it to be in a thoroughly safe condition regarding the operability and condition of the vehicle's brakes, suspension. Steering, tires, wheels, muffler and exhaust system, glazing and mirrors, windshield wipers, defrosters, door latch and release mechanisms, fuel tank and lines, seat belts, exterior and signal lights and horn.
- (3) Proof of Insurance as required in sec. 122-31.

Within two business days of receipt of a completed application and applicable fee, the city clerk shall forward such application to the police chief for review. The police chief shall return the application with recommendation back to the city clerk within two business days.

Sec. 122-33. Issuance; form; display; duplicate.

- (1) Upon approval of the application, the city clerk shall issue an owner's license for each vehicle to the applicant. The license shall be approximately three inches high and five inches wide and include the license number, amount of the license fee, the date of issuance, complete information as to the make of car as shown by the application, the vehicle license number, the name of the company carrying liability insurance on such, and the policy number. The license shall be signed by the city clerk or designee and shall be in the form as provided by the city clerk.
- (2) When issued, such owner's license shall be carried in the vehicle at all times. Such license shall be presented for review upon demand to any law enforcement officer or passenger of such taxicab.
- (3) In case of a loss of a vehicle for hire owner's license, the owner shall file with the city clerk a sworn statement of the facts concerning such loss, and if the city clerk is satisfied that the facts justify the issue of a replacement therefor. The city clerk shall, upon payment of a fee provided in the city fee schedule issue a duplicate license. Such license to be plainly marked "Duplicate" in red across the face and the number of the original and duplicate to be furnished to the police chief.

Sec. 122-34 Transfer.

If the owner of a vehicle upon which an owner's license has been issued desires to have the license transferred to another car, the owner shall make an application to the city clerk of such transfer and pay the fee provided in the city fee schedule. Such application shall show the disposition of the vehicle previously licensed and all other information provided for in the original application. If the city clerk determines that the application is made in good faith and that the vehicle for which the license was issued shall no longer be used by the licensee in the vehicle for hire business, the city clerk shall have the authority to transfer the owner's license for the term issued for the vehicle described in the application. No owner's license shall be transferred or assigned by any licensee nor shall any owner's license be used by or in the vehicle for hire of any person than the one to whom issued.

Sec. 122-35 Grounds for suspension or revocation.

The license may be suspended or revoked at any time for violations of any of the provisions of this chapter or of any other ordinance of the city, or of any law of the state to include the following:

- (1) The licensee shall be responsible for the continued maintenance and repair of the mechanical system of such vehicles. If the vehicle is found to be in dangerous condition, the license of such vehicle shall be subject to suspension of the license by the police chief or city clerk until repairs are made.
- (2) The license of such vehicle shall be automatically suspended by the city clerk at any period of time in which insurance is not maintained as required in the chapter.

Sec. 122-36–122-50. Reserved.

ARTICLE III. DRIVER'S LICENSE

Sec. 122- 51 Application for vehicle for hire driver's license.

Application for a driver's license shall be made on a form provided by the city clerk. Such application shall contain the following:

- (1) Name, address and telephone number;
- (2) Applicant's weight, height, sex, color of hair and eyes;
- (3) Copy of a current valid driver's license issued by the state of Kansas or valid for operating a vehicle in Kansas and the experience the applicant has had in driving a motor vehicle.
- (4) The name of the person or business by whom the applicant is employed.
- (5) Whether or not the applicant has previously been licensed in any state or city as a driver of a vehicle for hire, if so, when, what state or city. If such license is now or ever has been revoked or suspended and if so, the date/dates and reason for such suspension or revocation.
- (6) The number of times and places the applicant has been arrested or convicted for traffic violations.
- (7) Whether or not the applicant has ever been convicted of a felony or misdemeanor, giving particulars of each such conviction.

Each applicant shall furnish at the time of application a motor vehicle record obtain within fourteen (14) days of the date of application.

In addition, a photograph of the applicant will be taken by the city clerk at the time the application is submitted. One copy of the photograph will be kept on file with the application and one copy will be displayed on the license.

Sec. 122-52 Examination of application by police; approval.

The chief of police or his designee shall cause each applicant for a vehicle for hire driver's license to be examined as to the applicant's criminal and driving record through appropriate law enforcement channels. The application shall be approved or disapproved based upon the information on the application, the applicant's criminal and driving history and any other reliable information at his/her disposal. Reasons for disapproval shall include but may not be limited to the following:

- (1) Any felony conviction in the last five years, which is of a sexual or violent nature;
- (2) Any felony theft or crime of moral turpitude conviction in the last five years.
- (3) Any misdemeanor conviction in the last three years, which is of a violent or sexual nature.
- (4) Any misdemeanor theft or crime of moral turpitude conviction in the last three years.
- (5) Any DUI or open container conviction in the last three years.
- (6) Conviction for three moving violations within the last 18 months.
- (7) Any omission or falsification of information on the applicant form.

Sec. 122-53. Issuance; form; display; duplicate.

- (1) Upon approval of the application, the city clerk shall issue a license to the applicant in a format prescribed by the city clerk. The license shall include the number of the license, date of issuance, the age, height, weight, sex of the applicant, color of the applicant's hair and eyes, and attached thereto a photograph of the applicant. The license shall be signed by the city clerk or designee. No license shall be subject to transfer or assignment to any person other than the one to whom it was issued.
- (2) The license shall be conspicuously displayed in such a manner that the entire license is visible from the rear seat of the vehicle. The only driver's license displayed shall be the one belonging to the driver who is on duty at that time. The driver shall be responsible for keeping the license in a good condition and legible at all times.
- (3) In case of a lost license, the owner of such lost license shall file with the city clerk a sworn statement of the facts concerning such loss. If the city clerk is satisfied that the facts justify the issue of a replacement, the city clerk shall upon payment of the fee provided in the city fee schedule issue a duplicate license. Such duplicate license shall be plainly marked "Duplicate" in red across the face and the number of the original and duplicate shall be furnished to the police chief.

Sec. 122-54 Suspension or revocation.

A vehicle for hire driver's license may be suspended or revoked at any time by the police chief for a violation of any of the provisions of this article or any other ordinance of the city or any law of the state, or for any immoral, indecent or offensive conduct.

Any such suspension shall be noted on the license so suspended, together with a statement of the reasons therefor, and the driver shall thereupon immediately surrender the license to the police chief to be retained during the period of such suspension.

A second suspension for the same reason as the first suspension, or a third suspension for any cause, shall automatically revoke the license.

No driver whose license shall have been revoked shall again be licensed as a driver of a vehicle for hire except upon presentation of reasons satisfactory to the city manager. No part of any driver's license fee shall be refunded upon revocation of any such license and such license shall be purchased and issued upon the conditions set out in this division.

Sec 122-55 Appeals.

Upon receipt of a written request delivered to the City Clerk, an appeal of the denial, suspension or revocation shall be heard by the City Manager within thirty (30) days of the denial, suspension or revocation. The licensee may submit evidence at the hearing, which is relevant and material to the specific basis for suspension or revocation. The city manager shall make a final determination as to denial, suspension or revocation.

Anyone who has been denied a vehicle for hire license or who has had a license revoked or suspended pursuant to Sec. 122-54 may appeal the decision of such written order of the city manager to the Leavenworth County District Court as provided in K.S.A 8-235.

Section 2. REPEAL. Chapter 122, Vehicles for Hire of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force upon publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 9th day of July 2019.

Jermaine Wilson, Mayor

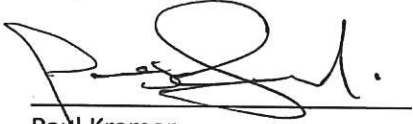
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ATTEST:

Carla K. Williamson, CMC, City Clerk

Policy Report
Review of property at 795 Spruce
July 9, 2019

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.


Paul Kramer
City Manager

Issue:

Mayor Wilson has placed a review of the property at 795 Spruce on the agenda. At the time this policy report was written, the issue was still pending judgement on an injunction request filed by the property's representatives, as well as still being scheduled for demolition the week of July 8-10.

Policy Report
Presentation of Proposed 2020 Operating Budget and the
2024 Capital Improvements Program (CIP)
July 9, 2019

Prepared by:



Paul Kramer
City Manager

Subject:

I will make a brief presentation of the proposed operating budget for fiscal year 2020 (January 1, 2020 to December 31, 2020) and the Capital Improvements Program (CIP) for 2020-2024. A copy of the presentation will be handed out at this meeting.

As a reminder, budget work sessions are scheduled for Thursday July 11 from 9 a.m. to noon and 1-5 p.m. and Friday, July 12 from 9 a.m. until complete in the City Hall Commission Chambers.

POLICY REPORT
First Consideration Ordinance
Development Regulations Text Amendments

JULY 9, 2019

SUBJECT:

Place on first consideration ordinance to adopt text amendments to Development Regulations.



Prepared By:
Julie Hurley
Director of Planning and
Community Development



Reviewed By:
Paul Kramer
City Manager

DISCUSSION:

The City Commission discussed the topic of political signs at the November 20, 2018 Study Session meeting. At that time, there was a consensus to add a provision to allow political signs to be displayed no sooner than 45 days prior to an election. Currently, there is no time limit regarding how early political signs may be displayed. This change was inadvertently omitted from the annual update to the Development Regulations which was approved by the City Commission in February of this year. Proposed political sign regulations are as follows:

Section 8.04.C – Signs Excluded From Permit

23. *Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. No political signs are permitted on public right-of-way or on public property. In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed 3 square feet per face. Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs may not be erected more than 45 days prior to an election, and must be removed within 3 days after the election.*

ACTION:

Place an ordinance on first consideration to amend Development Regulations as presented.

(Summary Publish in the Leavenworth Times on _____, 2019)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SEC 8.04, PERMITS OF APPENDIX E OF THE CODE OF ORDINANCES, DEVELOPMENT REGULATIONS, OF THE CITY OF LEAVENWORTH, KANSAS BY AMENDING AND PROVIDING ADDITIONAL AND SUBSTITUTE PROVISIONS.

Whereas, an ordinance of the City of Leavenworth, Kansas, Amending Sec. 8.04 of Appendix E; Development Regulations of the Code of Ordinances; repealing any and all other ordinances and parts of ordinances in conflict therewith.

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

Section 1. That the following amendments to Sec. 8.04, of the Appendix E, Development Regulations of the Code of Ordinance of the City of Leavenworth, Kansas is hereby deleted in its entirety and amended to read as follows:

8.04. - Permits.

A. Permits required.

1. Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, modify, alter, or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for such sign as required by this chapter. Issuance of a permit is contingent upon the sign being in compliance with all applicable laws and regulations of the city.
2. Every sign permit issued by the director shall become null and void if installation is not commenced within 120 days from the date of approval of such permit. If work authorized by such permit is suspended or abandoned for 120 days from the date of permit approval, a new permit shall be required for such work, even if no changes have been made to the original sign plan.
3. *Required information.* Application shall be made upon forms furnished by the planning and community development department and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city.

B. Fee increase for failure to obtain permit. If the director discovers or is informed of a sign constructed or being constructed that requires a permit that has been constructed, installed, or erected without a permit according to this sign code, s/he shall collect three times the permit fee specified for the type of sign in question.

C. Signs excluded from permit. The following signs are not required to have a permit; however, these signs shall otherwise comply with this section and all other applicable provisions of the sign code.

1. Directional signs.
2. Holiday decorations.
3. Home security and neighborhood watch signs.
4. Identification signs.
5. Official signs.
6. Name plate signs. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.
7. Window signs, as further described in section 8.10 F. of this chapter.
8. Contractor signs: One free standing, non-illuminated contractor's sign, not to exceed eight square feet of sign surface, shall be permitted for each contractor if the property is zoned residential, or not to exceed 32 square feet if the property is zoned other than residential. The sign shall not be installed before commencing work on the project or the issuance of a building permit for the project and the sign shall be removed upon completion of the project.
9. Public interest signs that do not exceed the size limitations.
10. Address signs.
11. Commercial real estate signs not exceeding 32 square feet in area per sign face with two faces permitted. Signs shall not exceed eight feet in height. Signs are limited to one sign per street frontage, with a maximum of two signs for each project. Signs must be located at least ten feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
12. Residential real estate signs not exceeding three square feet in area. Signs are limited to one on-premises sign per street frontage, and two off-premises signs permitted only with permission of property owner. Signs must be located at least ten feet from the edge of the curb or behind any existing public sidewalks and may not be illuminated or have an electronic changeable face.
13. Garage sale signs may only be placed at the site of the sale. All garage sale signs shall be removed immediately upon completion of the sale. Garage sale signs include sample and yard sale signs. Garage sale signs shall not exceed four square feet per sign, with two faces per sign permitted. A garage sale permit shall be obtained as required by city code of ordinances.
14. Signs carried by a person.
15. Costumed people promoting a business or event.
16. Flags, pennants, emblems, memorial tablets, cornerstone etches, monuments and insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device; provided that not more than three flags, pennants or insignia shall be displayed on any building, structure or premises, unless

specifically herein provided. Any other provisions as applicable regarding display of the American flag as contained in Title 4, U.S. Code.

17. Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.
18. Decorative landscape markers, which may include logos or trademarks.
19. Signs attached to a currently licensed, operational and legally parked or legally moving vehicle.
20. Temporary signs containing non-commercial messages at churches, synagogues and other similar places of worship, community centers, public and private schools and buildings or structures owned or leased and used by other public, semi-public, or civic organizations.
21. Special event signs shall be exempt from a permit as follows: Signs of a temporary nature for campaigns, drives, seasonal events of civic or philanthropic organizations not to exceed 32 square feet. These signs must be placed on private property and must be removed within three days after the event.
22. A new sign permit shall not be required unless (a) the existing sign base, pole, or face is nonconforming to these regulations or, (b) the existing sign base or pole is going to be relocated, changed, or enlarged.
23. Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. No political signs are permitted on public right-of-way or on public property. In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed three square feet per face. Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs may not be erected more than 45 days prior to an election, and must be removed within three days after the election.
24. Contractor signs as further defined in section 8.07 D.
25. Decorative light pole banners, which may not include any business or advertising information.

Section 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section

2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force upon publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this ___ day of _____, 2019.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, CMC
City Clerk