



Welcome To Your City Commission Meeting - Please turn off or silence all cell phones during the commission meeting.  
*Meetings are televised everyday on Channel 2 at 7 p.m. and midnight*

**Call to Order – Pledge of Allegiance Followed by Silent Meditation**

**PROCLAMATIONS:**

- 1. Proclamations (pg. 2)
  - a. Barbershop Harmony Month
  - b. National Child Abuse Prevention Month
  - c. Fair Housing Month
  - d. National Public Safety Telecommunicator’s Week

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

- 2. Minutes from March 26, 2019 Regular Meeting **Action:** Motion (pg. 6)

**NEW BUSINESS:**

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

**General Items:**

- 3. Mayor’s Appointment **Action:** Motion (pg. 10)
- 4. Authorize City Manager to Sign Flood Related Documents **Action:** Motion (pg. 11)

**Bids, Contracts and Agreements:**

- 5. Consider Rejecting Bids for Refuse Bags **Action:** Motion (pg. 12)

**First Consideration Ordinance:**

- 6. First Consideration Ordinance Amending Chapter 14 Amusements & Entertainments **Action:** Consensus (pg. 15)

**Consent Agenda:**

Consent Agenda: Claims for March 23, 2019 through April 5, 2019, in the amount of \$; Net amount for Payroll #7 effective March 29, 2019, in the amount of \$; (No Police & Fire Pension). **Action:** Motion

**Other:**

**Adjourn** **Action:** Motion

# 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 81st 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 50 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 2019 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 ninth day of April in the year of two-thousand and nineteen.*

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

ATTEST:

\_\_\_\_\_  
*Carla K. Williamson, 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 2019 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 ninth day of April in the year of two-thousand and nineteen.*

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

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, 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 2019 to be:*

## Fair Housing Month & Celebrating 51 Years of Fair Housing

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

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

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and
- WHEREAS, when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and
- WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Leavenworth police-fire communications center; and
- WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and
- WHEREAS, Public Safety Dispatchers of the Leavenworth Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and
- WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 14-20, 2019 as:

## National Public Safety Telecommunicators Week

*In honor of the men and women whose diligence and professionalism keep our city and citizens safe.*

IN WITNESS WHEREOF, I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this ninth day of April 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, Commissioners Larry Dedeke and Mark Preisinger; not present: Commissioner Nancy Bauder.

**Others present:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, WPC Superintendent Chuck Staples, Operations Superintendent Curtis Marks, Streets Foreman Becky Beaver, Finance Director Ruby Maline, Police Chief Pat Kitchens, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

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

**PROCLAMATIONS:**

**Vietnam Veterans Day – March 29, 2019** – Lynn Rolf was present to accept the proclamation.

**National Library Week – April 7-13, 2019** – Leavenworth Public Library Director Matt Nojonen was present to accept the proclamation.

**Leavenworth Spring Clean-up Day – April 6, 2019** – Public Information Officer for the City Melissa Bower was present to accept the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Preisinger moved to approve the minutes from the March 12, 2019 Regular Meeting as presented. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No 8098 Amending Chapter 10; Alcoholic Beverage** – City Clerk Carla Williamson presented for second consideration. The ordinance was placed on first consideration at the March 12, 2019 City Commission meeting. The ordinance before the Commission includes a change to Sec. 10-2 that was not included in the draft presented on March 12, 2019. Staff had also recommended a Special Event Cereal Malt Beverage fee of \$100.00 per event. There was a consensus by the City Commission to approve the \$100.00 fee recommended by Staff.

Mayor Wilson called the roll and Ordinance 8098 passed 4-0.

**NEW BUSINESS:**

**Citizen Participation:**

Leavenworth High School Theatre Director Jennifer Morgan discussed Theater in Schools month. Students Thomas Yambo Rios and Michelle Denney spoke and gave a personal perspective of theatre.

**General Items:**

**Consider Request for Delaware Street Closure- April 28, 2019** – City Clerk Carla Williamson and Police Chief Pat Kitchens presented for consideration the closure of the 400 and 500 blocks of Delaware on Sunday, April 28, 2019 from 12:01 a.m. to 7:00 p.m. for the Cool Hand Luke Gravel Grinder bike race. The event will include food trucks and a beer tent. Grinders High Noon will provide the beer tent. They currently hold a state and city brewer and caterer’s license so no additional licensing is required. The area of beer consumption is required to be clearly marked off. Additional barricades will be placed on 5<sup>th</sup> Street for the safety of the racers and will be monitored by the police department. Brendan Sheehan addressed the Commission and discussed the race and the benefits of having the race begin and end in the downtown area. There was discussion as to the need for a resolution to close the street for the event and allow beer. City Clerk Williamson stated that discussions with Kansas Alcohol Beverage Control determined that a resolution was not required because Grinders High Noon holds a brewer and caterer’s license. City Attorney Waters recommended that a resolution be approved in the motion and the Mayor could sign the resolution before the event.

Commissioner Griswold moved to approve a resolution authorizing the closure of streets for the Cool Hand Luke Gravel Grinder event and approve the sale and consumption of beer during the event as presented in the 400 block of Delaware. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Bids, Contracts and Agreements:**

**Consider Bids for Replacement of Police Vehicles** – Police Chief Pat Kitchens presented for consideration the purchase of four (4) 2019 Dodge Charger police patrol sedans. A single bid was received from Landmark Dodge in the total amount of \$115,992.00. The breakdown of the bid is as follows:

<u>Item</u>	<u>Quantity</u>	<u>Price Per</u>	<u>Total</u>
2109 Dodge Charger Police Patrol Sedans (Black)	3	\$28,555.00	\$85,665.00
2019 Dodge Charger Police Patrol Aedan ( Black & White)	1	\$29,942.00	\$29,942.00
Service Manual	1	\$385.00	\$385.00
			<u>\$115,992.00</u>

Commissioner Griswold moved to approve the purchase of four 2019 Dodge Charger 4-door sedans from Landmark Dodge at a total price of \$115,992.00. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Consider Bids for the 14<sup>th</sup> & Pawnee Culvert Replacement Project** – Public Works Director Mike McDonald presented for consideration the bids for the Project. Staff recommends the approval of the low bid from Cohorst Enterprises in the amount of \$552,393.00. Bids were opened on March 20, 2019 and bids were as follows:

<b>Company</b>	<b>City</b>	<b>Total Bid</b>
Cohorst Enterprises	Wellsville KS	\$552,393.00
LEXECO	Leavenworth KS	\$583,927.75
Hoy Excavating	Kansas City MO	\$589,374.00
Linaweaver Construction	Lansing KS	\$645,738.00
Engineer's Estimate:		\$522,310.00

Commissioner Griswold moved to approve the low bid received from Cohorst Enterprises for the 14<sup>th</sup> & Pawnee Culvert Replacement Project in the amount of \$552,393.00. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Consider Sole Source Bid for repairs to Water Pollution Control (WPC) Clarifiers** – WPC Superintendent Chuck Staples presented for consideration repairs to primary clarifier #3 and final clarifier #1. Staff contacted Clear Stream Environmental and received three bids and options. Staff recommends option 1 in the amount of \$61,100.00, which includes a permanent repair to primary clarifier #3 and a temporary repair to final clarifier #1. The temporary repairs will be further evaluated for further repair or replacement as part of the WPC budget process.

Commissioner Preisinger moved to approve option 1 for \$61,100.00 from Clear Stream Environmental for the permanent repair to primary clarifier #3 and a temporary repair to final clarifier #1. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Consider Sign Fabrication Agreement with Kansas Department of Corrections** – Public Works Director Mike McDonald presented for consideration an agreement with Kansas Department of Corrections for sign fabrications services. Staff is preparing to implement a program to install new street name signs. Staff has had conversations with Kansas Correctional Industries (KCI) to use their program to produce signs for the city. Specifics of the agreement are still being discussed. Staff recommends the City Commission authorize the City Manager to approve the final sign fabrication agreement.

Debra Gillespie with KDOC was also present to answer any questions from the Commission.

- Self-supporting organization
- Sell to governmental entities only - no private entities per statute

Commissioner Griswold moved to authorize the City Manager to approve a sign fabrication agreement with the Kansas Department of Corrections. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**CONSENT AGENDA:**

Commissioner Preisinger moved to approve claims for March 9, 2019 through March 22, 2019, in the amount of \$711,460.42; Net amount for Payroll #6 effective March 15, 2019, in the amount of \$333,482.68; (Includes Police & Fire Pension in the amount of \$11,572.36). Commissioner Griswold seconded the motion and was unanimously approved. The Mayor declared the motion carried 4-0.

**Other:**

**Flood Update:**

Mike McDonald gave an update on the recent flooding, which included the following:



- 2<sup>nd</sup> highest flood recorded at 31.3 feet
- Highest recorded was in 1993 at 35.3 feet
- The Riverfront Community Center (RFCC) did not flood
- RFCC operations inside ceased Saturday afternoon when the building sewer could not drain properly
- City forces were informed Friday March 22 that flooding would rise to a level higher than anticipated by Saturday
- City forces from all departments were involved in making sandbags, installing sandbags and preparing for the worst case scenario
- Help from members of the community
- Wastewater Treatment Plant (WWTP) did not flood
- WWTP was staffed 24/7 from Friday to Monday
- WWTP only suffered minor damage to some equipment
- Wastewater did overflow from one basin during the event into Five-Mile Creek for a period of 24 hours – KDHE was informed
- Airport completely flooded to the roof and closed until further notice
- 2<sup>nd</sup> Street will reopen as the water recedes
- Brush Disposal Site closed until further notice
- Riverfront Park parking lot and campground closed until further notice; Leavenworth Waterworks is also blocking the roadway related to pumping water in the water intake structure
- Three-Mile Creek Trail closed until further notice
- Animal Control was not affected by the flood in any way due to the new higher location

#### **Executive Session:**

#### **Executive Session – Land Acquisition Exception per K.S.A. 75-4319(b)(6)**

Mayor Wilson moved to recess into executive session to discuss the acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception per K.S.A. 75-4319 (b) (6). The open meeting to resume in the City Commission Chambers at 8:41 by the clock in the City Commission Chambers. City Manager Paul Kramer, Assistant City Manager Taylor Tedder and City Attorney David Waters are requested to be present during the Executive Session. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:41 p.m.

Mayor Wilson moved that the City Commission decline its right to match the offered price of Lots 9 and 10, Block 44 owned by the Leavenworth Youth Achievement Center, we are under the impression that the funds will be used for youth activities. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

#### **Adjourn:**

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

Time Meeting Adjourned 8:44 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

---

---

## CITY OF LEAVENWORTH

---

---

**TO:** CITY COMMISSIONERS  
**FROM:** JERMAINE WILSON, MAYOR  
**SUBJECT:** CITY APPOINTMENTS  
**DATE:** APRIL 9, 2019

---


I move to recommend the following appointment:

**Community Development Advisory Board:**

- Appoint Ralph Taylor to an unexpired term ending August 31, 2019

**POLICY REPORT  
AUTHORIZE CITY MANAGER TO  
SIGN ALL FLOOD RELATED DOCUMENTS**

**APRIL 9, 2019**

  
Carla K. Williamson, CMC City Clerk

  
Paul Kramer, City Manager

**ISSUE:**

Give authority to the City Manager to sign all flood related documents.

**BACKGROUND:**

On April 3, 2019, City Staff met with representative from The Federal Emergency Management Agency (FEMA) and Steve Thurman, National Flood Insurance Program (NFIP) adjuster. The team visited the Bridger Tenders building located in Landing Park directly behind the River Front Community Center.

The adjuster advised us that they need a letter from the Governing Body authorizing someone in the city to sign all flood related documents. This will cover any claims to include flood damage to the buildings insured by the City at the Municipal Airport.

**ACTION:**

Authorize the City Manager Paul Kramer to sign all flood related documents for the City of Leavenworth.

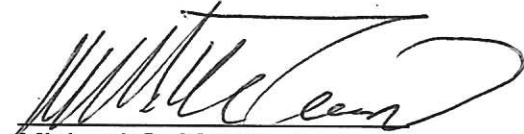
**POLICY REPORT PWD NO. 19-22**

**CONSIDER REJECTING ALL BIDS RECEIVED FOR  
REFUSE BAGS**

**April 9, 2019**

Prepared by:

Reviewed by:



Michael G. McDonald  
Director of Public Works



Paul Kramer,  
City Manager

**ISSUE:**

Consider rejecting all bids received for refuse bags.

**BACKGROUND:**

The City of Leavenworth requests bids for 1,150,000 refuse bags each year provided to customers.

The specifications have had minor modifications over the years but are essentially unchanged for the last thirty or more years. The key components are:

- Size
- Color
- Thickness (1.6 mil)
- Rolled with spool (not flat)
- Open on the End (not on the side)
- Other technical specifications

Several companies generally bid on these bags, and the low bid has been as shown on the attached sheet.

Advertisement for bids this year were prepared and distributed in the normal manner, and opened on 03/25/19. Bids were received from the following companies, with the following results:

**1. Jadcore – Rejected**

The company did not submit the required sample rolls of bags by the timeframe allotted for the city to verify compliance

**2. Dyna-Pak – Rejected**

The company submitted bags without the spool, stating that they could provide the bags on a spool if awarded the bid

**3. Waste Zero – Rejected**

Bags submitted measured by outside firm and independently by several city staff averaged 1.0mil

**4. Central Poly Bags Corporation – Rejected**

Bags submitted measured by outside firm and independently by several city staff averaged 1.0mil

The test results have been reported to the Purchasing Agent of the Finance Department. Both the Finance Director and Deputy Finance Director have reviewed the circumstances for rejection and concurred that this is appropriate. They have communicated this information with the various bidders, and at least two of the bidders have filed "Bid Protests"

Staff recognizes that this is a difficult situation for the bidders. City staff opinion is that failure of all bidders to meet substantive portions of the bid specifications is sufficient reason to reject all bids. It is proposed that the bids be re-advertised within the next 30 days.

Several alternatives for modifications to the bidding process have been evaluated by staff and rejected:

- Staff recommends keeping the requirement for submittal of samples
- The close connection between cost of bags and the cost of raw materials precludes any simple effort to have multiple years on the contract, or to provide for extension of the order
- Citizens have expressed their expectations that the bags be rolled on a spool and open on the end, and this should not be changed
- Staff recommends no changes to any of the size, thickness or other technical specifications at this time

**RECOMMENDATION:**

Staff recommends the City Commission reject all bids and direct staff to rebid for refuse bags.

**City of Leavenworth  
Refuse Bag Bid Awards  
2003-2018**

2018	JADCORE, INC	\$.112	\$5.56	\$127,880.00
2017	JADCORE, INC	\$.107	\$5.35	\$123,050.00
2016	JADCORE, INC	\$.1014	\$5.07	\$116,610.00
2015	JADCORE, INC	\$.0928	\$4.64	\$106,720.00
2014	JADCORE, INC	\$.0939	\$4.695	\$108,000.00
2013	WASTE ZERO	\$.0873	\$4.365	\$100,395.00
2012	DYNA-PAK CORP	\$.0888	\$4.44	\$102,120.00
2011	JADCORE, INC.	\$.0802	\$4.01	\$100,250.00
2010	DYNA-PAK CORP	\$.0762	\$3.81	\$ 76,200.00
2009	JADCORE, INC.	\$.0770	\$3.85	\$ 96,250.00
2008	DYNA-PAK CORP	\$.0808	\$4.04	\$ 80,800.00
2007	DYNA-PAK CORP	\$.0714	\$3.57	\$ 89,237.50
2006	DYNA-PAK CORP	\$.0792	\$4.125	\$ 99,000.00
2005	DYNA-PAK CORP	\$.0826	\$4.13	\$103,250.00
2004	JADCORE, INC	\$.0568	\$2.84	\$ 56,800.00
2003	DYNA-PAK CORP	\$.0578	\$2.89	\$ 57,800.00

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE TO  
AMEND CHAPTER 14, AMUSEMENTS AND ENTERTAINMENTS  
OF THE CODE OF ORDINANCES**

**APRIL 9, 2019**

  
Carla K. Williamson, CMC City Clerk

  
Paul Kramer, City Manager

**ISSUE:**

Consider amending Chapter 14 of the Code of Ordinances.

**BACKGROUND:**

In a review of various chapters of the Code of Ordinances, staff recommends the following amendments to Chapter 14:

**Automatic Music & Amusement Devices:**

Recommend deletion of the requirement to license and register automatic music and amusement devices in the city. City staff has received an inquiry from a business wanting to open family fun centers. The requirement to license and pay \$40.00 per amusement device has caused the business to re-think opening the business in the City of Leavenworth. The annual licensing period for this license is March 1-February 28 of each year. If the commission decides to eliminate this license it would be the recommendation of staff to refund all 2019 Automatic Music and Amusement Device license fees.

**Dances:**

Recommend deletion of the requirement to obtain a permit to have a dance in the City of Leavenworth.

**Pool and Billiards:**

Recommend deletion of these sections from the City Code. This section has been in the City Code since the 1920's. It is unnecessary to include this in the code as gambling is prohibited and enforceable through federal and state regulations. In addition, the majority of pool tables are in establishments that also allow alcohol and the police department has right of entry based on liquor licensing.

**Carnivals, Circuses and Street Shows:**

Amend language to further define the permit process and add in provision for insurance requirements.

**Amusement Rides:**

Recommend language that rides are to be operated and maintained in accordance with federal, state and local regulations and list the state statute.

**ACTION:**

Place on first consideration Ordinance amending Chapter 14, Amusements and Entertainments

**ATTACHMENTS:**

- Draft Ordinance redline and clean copy



## Chapter 14 - AMUSEMENTS AND ENTERTAINMENTS

### ARTICLE I. – DEFINITIONS & GENERAL PROVISIONS

#### Sec. 14-1 Definitions.

*Carnival* shall be defined as a traveling enterprise offering amusement activities, mechanical and/or electrical rides, booths for the conduct of games of skill or sideshows.

*Circus* shall be defined as a show or performance that includes, but is not limited to, feats of physical skill and daring, animal acts, or performances by jugglers or clowns.

*Street Show* shall be defined as the act of performing in public places for gratuities.

*Amusement Rides* shall be defined as (a) (1) any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;

(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) "Amusement ride" does not include:

(A) Games, concessions and associated structures;

(B) any single passenger coin-operated ride that: (i) is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;

(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;

(D) antique amusement rides;

(E) limited-use amusement rides;

(F) registered agritourism activities;

(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or

(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

*Antique amusement ride* means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

#### Sec. 14-2. 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 which shall remain in full force and effect.

Secs. 14-3—14-35. Reserved.

## ARTICLE II. - CARNIVALS, CIRCUSES AND STREET SHOWS

Sec. 14-36. Permit required.

It shall be unlawful for any person, firm, partnership or corporation, other than the City of Leavenworth, to operate an exhibition of any product, merchandise or service for profit anywhere within the city, or to operate any carnival, circus, street show or similar public performance or amusement enterprise providing any amusement rides, or dispensing of food and beverage within the city, without first securing a permit from the city clerk for the operation of such exhibition, carnival, circus, amusement enterprise or street show. Fees are not prorated, refundable or transferable. Any application made, fees paid, and permits obtained under the provision of this chapter shall be in addition to and not in lieu of any other fees, permits, or licenses required to be paid or obtained under any other ordinances of the city.

Sec 14-37. Permit procedure.

- (1) Any person, firm, partnership or corporation desiring to secure a permit as provided for in this article shall make an application to the city clerk on a form provided by the city clerk for issuance of a permit at least sixty (60) days prior to the event. Each application shall be accompanied by a permit fee set forth in the city fee schedule.
- (2) Each application for a permit shall be accompanied by a plot plan specifying the location of such exhibition, carnival, circus, amusement enterprise or street show in relation to existing buildings, drive areas, location on the tract and the amount of space available for off-street parking of vehicles.
- (3) The city clerk will forward the application to the city manager, police chief or designee, fire chief or designee and the director of public works or designee for review and approval of the application.
- (4) The city clerk shall issue or deny the permit within fourteen (14) days following the application.
- (5) It is unlawful for any person, firm, partnership or corporation, other than the city to operate and maintain an exhibition, carnival, circus, amusement enterprise or street show other than in compliance with all terms, conditions and regulations of the permit as granted by the city clerk. Failure to comply with any such terms, conditions and regulations of a permit shall immediately void the permit.

Sec. 14-38. Appeal.

Upon receipt of 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. The permittee shall submit evidence at the hearing, which is relevant and material to the specific basis for the denial, suspension or revocation. The city manager shall make final determination.

Sec. 14-39. Insurance required.

A certificate of insurance shall accompany the permit application provided the following:

General Liability

- (1) Minimum limits of liability for commercial general liability insurance shall be \$5,000,000 each occurrence if amusement rides or other similar devices are used on the premises or \$1,000,000 for each occurrence if amusement rides or other similar devices are not in use on the premises.
- (2) Coverage is from an insurance carrier who is licensed to do business in the State of Kansas and carries a policyholder rating of A or better.
- (3) The certificate shall list in the description of operations the City of Leavenworth, its assigned, officers and affiliates as additional insured on a primary and non-contributory basis and include the name of the event and dates of the event.
- (4) The permittee, upon receipt of notice of any claim in connection with the permit, shall promptly notify the city with full details thereof including an estimate of the amount of loss or liability.

Sec. 14-40. Inspection of area by city staff.

An inspection of the location where the exhibition, carnival, circus, street show or similar amusement enterprise is to operate will be performed by city staff upon set up and prior to the start of the event. Inspections will include but not be limited to inspections by the city building inspector, city fire marshal and chief of police or their designees.

Sec. 14-41. Duty of permittee to restore location and bond required.

The permittee shall clean and restore the location where the exhibition, carnival, circus, street show or similar amusement enterprise operates during the term of the permit to the condition which existed thereon prior to the occurrence of the event. A cash bond in the amount of \$1,000.00 shall be deposited to guarantee property cleanup of the area.

The area will be inspected by city staff and any fees associated with the cleanup of the area required by the city will be deducted from the cash bond on file.

Any unused portion of the cash bond will be returned via check to the permittee within 14 days of the last day of the event.

Secs. 14-42—14-59. Reserved.

ARTICLE III. - AMUSEMENT RIDES

Sec. 14-60. Operations.

It shall be unlawful for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, as defined in K.S.A. 44-1601 and amended thereto, to knowingly operate, or cause to be operated, any amusement ride without a valid permit issued by the State of Kansas. All Amusement rides shall be operated and maintained in accordance with all federal, state and local regulations, including but not limited to K.S.A. 44-1601 et seq.

Violation of this article is a Class B public offense.

Secs. 14-61—14-80. - Reserved.

Chapter 14 - AMUSEMENTS AND ENTERTAINMENTS

ARTICLE I. - ~~IN GENERAL~~ DEFINITIONS & GENERAL PROVISIONS.

Secs. 14-1—~~14-25.~~ Reserved Definitions.

Carnival shall be defined as a traveling enterprise offering amusement activities, mechanical and/or electrical rides, booths for the conduct of games of skill or sideshows.

Circus shall be defined as a show or performance that includes, but is not limited to, feats of physical skill and daring, animal acts, or performances by jugglers or clowns.

Street Show shall be defined as the act of performing in public places for gratuities.

Amusement Rides shall be defined as (a) (1) any mechanical or electrical device that carries or conveys<sup>(cw1)</sup> passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;

(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) "Amusement ride" does not include:

(A) Games, concessions and associated structures;

(B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;

(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;

(D) antique amusement rides;

(E) limited-use amusement rides;

(F) registered agritourism activities;

(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or

(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

Antique amusement ride means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

Sec. 14-2 Severability[cw2].

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 remain portions or sections of this chapter which shall remain in full force and effect.

Secs. 14-3—14-25. Reserved.

ARTICLE II. —AUTOMATIC MUSIC AND AMUSEMENT DEVICES

Sec. 14-26. —Definitions.

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

~~*Automatic mechanical amusement device* means a machine which, upon the insertion of a coin, slug or similar object, or by any other method, operates or may be operated or used for a game, contest or amusement of any description, such as, by way of example but not by way of limitation, pinball games; bowling games; radio ray rifle games; baseball, football, racing or boxing games; excluding, however, any such device which is so constructed mechanically that its operation violates the laws of the state or the ordinances of the city; and excluding any and all such devices which:~~

- ~~(1) —Have been designated by the federal government or any department thereof as a gaming device and for which a federal gaming device license is required;~~
- ~~(2) —Are so constructed mechanically that their operation violates any of the laws of the state or ordinances of the city;~~

~~and declaring the amusement devices included in subsections (1) and (2) of this definition illegal.~~

~~*Automatic music device* means a machine which, upon the insertion of a coin, slug or similar object, operates or may be operated to produce music therefrom.~~

~~*Business of operating* means the person in whose place of business the automatic music or automatic mechanical amusement devices are operated.~~

Sec. 14-27. —License required; fee.

~~Every person engaged in the business of operating an automatic music device or an automatic amusement device for profit or gain, whether as a single business or in conjunction with other businesses, is hereby required to obtain an annual license for each such device. The fee for such annual license shall be as prescribed in appendix F.~~

Sec. 14-28. —Gambling prohibited.

~~It is hereby declared unlawful for any person to make any wagers, bets, or to gamble in any other manner in connection with the operation of any automatic mechanical amusement device within the city, or for the person engaged in the business of operating such machines to permit any form of gambling in connection with their operation or to pay any gift, prize, award or anything of value to anyone who plays or operates such device.~~

Sec. 14-29. —Violations; confiscation of gaming devices.

~~Every person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and any of the gaming devices which have been declared illegal shall be confiscated forthwith.~~

Secs. 14-30—14-50. —Reserved.

~~ARTICLE III. POOL AND BILLIARDS~~<sup>(cw3)</sup>

~~Sec. 14-51. Unobstructed view.~~

~~The room where any billiard or pool hall is conducted, operated and maintained shall not be subdivided by any partition, and the windows and doors of such room shall not be covered or screened with curtains or glass, stained or painted, but shall at all times be maintained so as to afford a full and unobstructed view of the interior of such room.~~

~~Sec. 14-52. Gambling prohibited.~~

~~No gambling of any character, especially gambling or betting of money or anything of value on the result of any game of billiards or pool in such billiard or pool hall shall be permitted, and any proprietor or manager, agent or employee of such proprietor who shall permit gambling or the betting of money or of anything of value on the result of any game of billiards or pool played in such billiard or pool hall shall be deemed guilty of an offense and a violator of the provisions of this article.~~

~~Sec. 14-53. Inspections.~~

~~All billiard and pool halls in the city shall at all times be subject to the inspection of the police officers and other officers of the city.~~

~~Secs. 14-54—14-75. Reserved.~~

~~ARTICLE IV. DANCES~~

~~DIVISION 1. GENERALLY~~

~~Sec. 14-76. Definitions.~~

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

~~*Dance* means any dance for which an admission charge is directly or indirectly made or permitted.~~

~~Secs. 14-77—14-85. Reserved.~~

~~DIVISION 2. PERMIT~~

~~Sec. 14-86. Required.~~

~~No person shall hold or conduct a dance without first obtaining a permit therefor from the city.~~

~~Sec. 14-87. Fee.~~

~~The permit fee for holding or conducting any dance shall be as set out in appendix F.~~

~~Secs. 14-88—14-110. Reserved.~~

~~ARTICLE V-III. - CARNIVALS, CIRCUSES AND STREET SHOWS~~

~~Sec. 14-36. Permit required.~~

It shall be unlawful for any person, firm, partnership or corporation, other than the City of Leavenworth, to operate an exhibition of any product, merchandise or service for profit anywhere within the city, or to operate any carnival, circus, street show or similar public performance or amusement enterprise

providing any amusement rides, or dispensing of food and beverage within the city, without first securing a permit from the city clerk for the operation of such exhibition, carnival, circus, amusement enterprise or street show. Fees are not prorated, refundable or transferable. Any application made, fees paid, and permits obtained under the provision of this chapter shall be in addition to and not in lieu of any other fees, permits, or licenses required to be paid or obtained under any other ordinances of the city.

Sec 14-37. Permit procedure.

- (1) Any person, firm, partnership or corporation desiring to secure a permit as provided for in this article shall make an application to the city clerk on a form provided by the city clerk for issuance of a permit at least sixty (60) days prior to the event. Each application shall be accompanied by a permit fee set forth in the city fee schedule.
- (2) Each application for a permit shall be accompanied by a plot plan specifying the location of such exhibition, carnival, circus, amusement enterprise or street show in relation to existing buildings, drive areas, location on the tract and the amount of space available for off-street parking of vehicles.
- (3) The city clerk will forward the application to the city manager, police chief or designee, fire chief or designee and the director or public works or designee for review and approval of the application.
- (4) The city clerk shall issue or deny the permit within fourteen (14) days following the application.
- (5) It is unlawful for any person, firm, partnership or corporation, other than the city to operate and maintain an exhibition, carnival, circus, amusement enterprise or street show other than in compliance with all terms, conditions and regulations of the permit as granted by the city clerk. Failure to comply with any such terms, conditions and regulations of a permit shall immediately void the [cw4] permit.

Sec. 14-38. Appeal.

Upon receipt of 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. The permittee shall submit evidence at the hearing, which is relevant and material to the specific basis for the denial, suspension or revocation. The city manager shall make final determination.

Sec. 14-39. Insurance [required][cws].

A certificate of insurance shall accompany the permit application provided the following:

General Liability

- (1) Minimum limits of liability for commercial general liability insurance shall be \$5,000,000 each occurrence if amusement rides or other similar devices are used on the premises or \$1,000,000 for each occurrence if amusement rides or other similar devices are not in use on the premises.
- (2) Coverage is from an insurance carrier who is licensed to do business in the State of Kansas and carries a policyholder rating of A or better.
- (3) The certificate shall list in the description of operations the City of Leavenworth, its assigned, officers and affiliates as additional insured on a primary and non-contributory basis and include the name of the event and dates of the event.

(4) The permittee, upon receipt of notice of any claim in connection with the permit, shall promptly notify the city with full details thereof including an estimate of the amount of loss or liability.

Sec. 14-40. Inspection of area by city staff.

An inspection of the location where the exhibition, carnival, circus, street show or similar amusement enterprise is to operate will be performed by city staff upon set up and prior to the start of the event. Inspections will include but not be limited to inspections by the city building inspector, city fire marshal and chief of police or their designees.

Sec. 14-41. Duty of permittee to restore location and bond required.

The permittee shall clean and restore the location where the exhibition, carnival, circus, street show or similar amusement enterprise operates during the term of the permit to the condition which existed thereon prior to the occurrence of the event. A cash bond in the amount of \$1,000.00 shall be deposited to guarantee property cleanup of the area.

The area will be inspected by city staff and any fees associated with the cleanup of the area required by the city will be deducted from the cash bond on file.

Any unused portion of the cash bond will be returned via check to the permittee within 14 days of the last day of the event.

~~DIVISION 1. — GENERALLY~~

~~Sec. 14-111. — Exemption from article provisions.~~

~~This article shall not apply to permanent amusement centers.~~

~~Sec. 14-112. — Parades; license fee.~~

~~Street parades in connection with any exhibition licensed under this article shall be on streets to be designated by the police chief. The license fee for such parades shall be as prescribed in appendix F.~~

~~Secs. 14-113 — 14-125. — Reserved.~~

~~DIVISION 2. — LICENSE~~

~~Sec. 14-126. — Required.~~

~~Carnival companies, street shows, circuses, dog and pony shows or other like exhibitions are required to obtain a license from the city.~~

~~Sec. 14-127. — Approval of police chief.~~

~~No license shall be issued under this division without the approval of the police chief. The chief shall grant such license if the activity or business to be licensed will comply with all applicable ordinances.~~

~~Sec. 14-128. — Bond prerequisite to issuance.~~



~~No license shall be issued under this division without the applicant posting a cash bond in the sum of \$1,000.00 to guarantee the proper cleaning of the show grounds.~~

~~Sec. 14-129. — Fee.~~

~~The license fee under this division shall be as prescribed in appendix F.~~

~~Secs. 14-130—14-150. — Reserved.~~

## ARTICLE ~~VI~~ III. - AMUSEMENT RIDES

### ~~DIVISION 1. — GENERALLY~~

~~Secs. 14-151-142—14-160-59. - Reserved.~~

### ~~DIVISION 2. — LICENSE~~

~~Sec. 14-161. — Exemption from division.~~

~~This division shall not apply to permanent amusement centers.~~

~~Sec. 14-162. — Required.~~

~~Ferris wheels, merry-go-rounds, gliders and other devices providing rides for pleasure or business promotion require a city license under this division.~~

~~Sec. 14-163. — Bond prerequisite to issuance.~~

~~No license shall be issued under this division without the applicant posting a cash bond in the sum of \$1,000.00 to guarantee the proper cleaning of the show grounds.~~

~~Sec. 14-164. — Fee.~~

~~The license fee under this division shall be as prescribed in appendix F.~~

~~Secs. 14-165—14-185. — Reserved.~~

~~Sec. 14-60. Operations[cw6].~~

~~It shall be unlawful for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, as defined in K.S.A. 44-1601 and amended thereto, to knowingly operate, or cause to be operated, any amusement ride without a valid permit issued by the State of Kansas. All amusement rides shall be operated and maintained in accordance with all federal, state and local regulations, including but not limited to K.S.A. 1601 et seq.~~

~~Violation of this article is a Class B public offense.~~

~~Secs. 14-61—14-80. - Reserved.~~