



Welcome To Your City Commission Meeting - Please turn off 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. Vietnam Veterans Day-March 29, 2019
 - b. National Library Week – April 7-13, 2019
 - c. Spring Cleanup – April 6, 2019

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from March 12, 2019 Regular Meeting **Action:** Motion (pg. 5)

Second Consideration Ordinance:

3. Second Consideration Ordinance 8098 Chapter 10 Alcoholic Beverage **Action:** Roll Call Vote (pg. 10)

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. Consider Request for Delaware Street Closure-April 28, 2019 **Action:** Motion (pg. 40)

Bids, Contracts and Agreements:

5. Consider Bids for Replacement Police Vehicles **Action:** Motion (pg. 44)
6. Consider Bids for 14th & Pawnee Culvert Replacement Project **Action:** Motion (pg. 49)
7. Consider Sole Source Bid for Repairs to Water Pollution Control Clarifiers **Action:** Motion (pg. 52)
8. Consider Sign Fabrication Agreement with Kansas Department of Corrections **Action:** Motion (pg. 68)

Consent Agenda:

Consent Agenda: 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). **Action:** Motion

Other:

9. Executive Session – Land Acquisition Exception per K.S.A. 74-4319(b)(6) **Action:** Motion (pg. 75)

Adjourn:

Action: Motion

City of Leavenworth, Kansas



Proclamation

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

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

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

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

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

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

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim March 28, 2019 to be:*

Welcome Home Vietnam Veterans Day

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

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

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *libraries are not just about what they have for people, but what they do for and with people; and*

WHEREAS, *libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses, and schools; and*

WHEREAS, *librarians are leaders in their institutions and organizations, in their communities, in the nation, and in the world; and*

WHEREAS, *librarians continue to lead the way in leveling the playing field for all who seek information and access to technologies; and*

WHEREAS, *libraries and librarians look beyond their traditional roles and provide transformative opportunities for education, employment, entrepreneurship, empowerment, and engagement, as well as new services that connect closely with patrons' needs; and*

WHEREAS, *libraries, librarians, library workers, and supporters across America are celebrating National Library Week.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 7-13, 2019 as:*

National Library Week

I encourage all residents to visit the library this week, explore what's new at your library, and engage with your librarian. Because of you and library leaders, Libraries Transform.

IN WITNESS WHEREOF, *I set my hand and affixed the Great Seal of the City of Leavenworth, Kansas this twenty-sixth day of March 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 Leavenworth City Commission is committed to working toward making the City of Leavenworth the most attractive, livable, healthy, and vibrant community possible; and*

WHEREAS, *your elected leaders realize it takes the good will and hard work of all citizens to achieve such lofty visions and are therefore encouraging all Leavenworth citizens to assume responsibility in maintaining a clean and attractive neighborhood environment; and*

WHEREAS, *such collaborative efforts can serve to foster a sense of community, invigorate a sense of pride about the community, serve as an opportunity for organizational and leadership skill development, and reinforce the virtue of personal responsibility, while resulting in a more attractive community with a higher quality of life; and*

WHEREAS, *the "Spring Clean-Up" kick-off will be held on Saturday, April 6, 2019 at 8:30 a.m. with a ceremony at Warren Middle School.*

NOW, THEREFORE, *I Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim April 6, 2019 to be:*

Leavenworth Spring Clean-up Day

I urge all of our citizens to work toward protecting our environment and to join in efforts to preserve the attractiveness of our community.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-sixth day of March 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 Nancy Bauder, Larry Dedeke and Mark Preisinger.

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, City Planner Julie Hurley, Finance Director Ruby Maline, Fire Chief Gary Birch, 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.

PRESENTATIONS AND PROCLAMATIONS:

New Employee Welcome Ceremony: The following newly hired employees were welcomed:

Gabriel Okeke-Police Officer	present
Linda Whitelaw-Police Officer	present
Raylene Williams-Police Officer	not present
Robert Gorrell-Streets Equipment Operator I	not present
Jess White-Streets Equipment Operator I	not present
Christian Kennedy-GIS Technician	not present
Mariah Lietzen-Receivable/License Coordinator	present
Ashely Tapia-Police Officer	present
Shelby Jennings-Police Officer	present
Noah Eastman-Police Officer	present
Joshua Swanbeck-Police Officer	present
Levi Johnson-Firefighter	present
Kodie Thorsen-Firefighter	present
Heather Kietzman-Gabbert-Office Clerk II Inspections	not present
Brandon Walker-Stormwater Equipment Operator II	not present

Proclamation:

Certified Government Financial Manager’s Month – Kevin Gullett from USD 453 was present to accept the Proclamaition.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the February 26, 2019 Regular Meeting as presented. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No 8097 Amending the 2016 Development Regulations – City Manager Paul Kramer presented for second consideration. The final ordinance before the Commission reflects the corrected language discussed on first consideration on February 26, 2019.

Mayor Wilson called the roll and Ordinance 8097 passed 5-0.

NEW BUSINESS:

Citizen Participation: None

General Items:

Mayor's Appointments:

Mayor Wilson moved to recommend the following appointments:

Airport Advisory Board: Appoint Keith Baker to an unexpired term ending December 31, 2021; Board of Zoning Appeals: Reappoint Mike Bogner to a term ending May 1, 2022; City Planning Commission: Reappoint Camalla Leonhard to a term ending May 1, 2022; Leavenworth Preservation Commission: Reappoint Debi Denney and Sherry Hines-Whitson to terms ending April 15, 2022; Sidewalk Advisory Board: Reappoint John Carroll, Phil Martin, Dave Stokka and Stephen Tennant to terms ending March 15, 2022; Sister City Advisory Board: Appoint Kelly Butler and Whitney Moulden to unexpired terms ending December 31, 2021. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

2019 Federal Legislative Program – City Manager Paul Kramer presented the City priorities for the year. The Federal Legislative Program compiles local issues with our federal partners and federal ties to the City. The issues directly impact the City's municipal operations or delivery of services. Mr. Kramer reviewed various sections of the program to include:

- Defense Community Infrastructure Program (DCIP)
- Intergovernmental Services Agreements (IGSA_
- Sustainment, Restoration and Modernization (SRM) Funding
- Renovation Funding for USP-Leavenworth
- A new Veteran Affairs Medical Center (VAMC) hospital
- Chapel of the Veterans closed due to safety concerns; City supports renovation and reopening of the unique facility
- Continuation of Safe community grants
- Water quality regulations; In favor of smart regulations
- Support avoiding government shutdowns regardless of partisan differences
- Support Community Development Block Grants (CDBG) funding direct from federal government without having to go through a state application process

Commissioner Bauder moved to adopt the 2019 Federal Legislative Program. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2218 Set the Public Hearing for Unsafe & Dangerous Structures – City Planner Julie Hurley presented for consideration Resolution B-2218. The resolution sets the time and place as May 14, 2019 in the City Commission Chambers at which time the owners, the owner’s agent, any lien holder of record, and any occupants of the structures may appear and be heard.

Commissioner Griswold moved to approve Resolution B-2218 to set a public hearing date of May 14, 2019 for review of 20 dangerous and unsafe structures. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Property Maintenance Services (Code Enforcement Mowing Rebids) – City Planner Julie Hurley presented for consideration the bids for the services to mow and maintain City owned properties in addition to the Code Enforcement mowing and corrective actions for properties with maintenance violations. Contracts will be issued for a period of two years with the option to renew for an additional two years. Bids were opened on March 1, 2019 and staff recommends awarding the contracts as follows:

Perpetual Lawn Care

Cluster	Contractor	Price per Mowing	Not to Exceed
1	Mow Joe	\$690.00	\$9,600.00
2	Mow Joe	\$380.00	\$5,320.00
3	Yonts Lawn Care	\$170.00	\$2,380.00
4	Mow Joe	\$155.00	\$2,170.00
5	Yonts Lawn Care	\$120.00	\$1,680.00

Property Maintenance

Contractor	Cost per sqft
Yonts Lawn Care	\$0.004
Mow Joe	\$0.0035

Commissioner Griswold moved to approve the bid from Mow Joe for perpetual lawn care not to exceed \$17,150 and property maintenance at a cost of \$0.0035 per sqft and Yonts lawn Care for perpetual lawn care not to exceed \$4,060 and property maintenance at a cost of \$0.004 per sqft. Commissioner Presisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bids for the 2019 Pavement Management (Granite Seal Program) – Public Works Director Mike McDonald presented for consideration the bids for the 2019 Pavement Management Project. Staff

recommends the approval of the low bid for base and alternate by Mid-American Road Builders in the amount of \$505,816.80. Bids were opened on March 6, 2019 and bids were as follows:

<u>Company</u>	<u>City</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
Mid-American Road Builders	St Joseph MO	\$358,772.60	\$147,044.20	\$505,816.80
Harbour Construction	Kansas City KS	\$383,682.35	\$158,172.45	\$541,854.80
Vance Brothers	Kansas City MO	\$528,158.90	\$217,316.30	\$745,475.20
<i>Engineer's Estimate</i>		<i>\$547,588.50</i>		

Commissioner Bauder moved to approve the base and alternate bid from Mid-American Road Builders for the 2019 Granite Seal Project. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bid for Water Pollution Control (WPC) Laboratory Air Handler Replacement Project - Public Works Director Mike McDonald presented for consideration the bid for the Water Pollution Control (WPC) Laboratory Air Handler Replacement Project. Staff recommends the City Commission approve the single bid received from D’Agostino Mechanical in an amount not to exceed \$51,475.00.

Commissioner Griswold moved to approve the bid from D’Agostino Mechanical in an amount not to exceed \$51,475.00. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Chapter 10, Alcoholic Beverage - City Clerk Carla Williamson presented for first consideration an ordinance amending Chapter 10 of the City Code of Ordinances. Effective April 1, 2019 major changes to the state statutes regarding the sale of Cereal Malt Beverage goes into effect. As a result, it was necessary to amend the City ordinance. City Attorney David Waters and Staff took the opportunity to review and amend the entire chapter related to alcoholic beverage to bring the ordinance in line with current state regulations. City Attorney David E. Waters reviewed some of the updates that were made to be in compliance with state regulations.

The Ordinance allows for the sale of enhanced cereal malt beverage, which includes beer containing not more than 6% alcohol by volume. The only change to the ordinance is in Article II Division 2, which would allow for a Special Event Cereal Malt Beverage permit to be issued by the City. Staff would recommend adding this provision and would recommend a permit fee of \$100.00 per event in addition to the State Stamp fee of \$25.00. The ordinance is now placed on first consideration and requires a consensus by the City Commission.

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

City Festival Management Contract – City Manager Paul Kramer presented for consideration a comprehensive management contract with O’Neill Events and Marketing for the 2019 City of Leavenworth Festival. The funding will come from the transient guest taxes collected. Project Fee and Compensation include the following:

Festival Event Management

- \$5,625.00 per month for 8 months - Total \$45,000.00

Financial Management

- \$250.00 per month for 8 months – Total \$2,000.00

Sponsorship Bonus Compensation

- City of Leavenworth will pay O’Neill Events & Marketing a 10% bonus on any cash sponsorships
- City of Leavenworth will pay all commission on any sponsorship agreements secured by O’Neill Events & Marketing regarding Camp Leavenworth
- O’Neill Events & Marketing will bill sponsorship commission separately from monthly management fees, two weeks after the festival

Festival Third Party Software Hard Costs

- O’Neill Events & Marketing will procure and solidify the following third-party software services;
 - Volunteer Management - \$800.00 annually (estimate)
 - Sponsorship Management - \$250.00 annually (estimate)

Terms

- \$5,875.00 due the 15th of each month March – November
- Third Party Software costs and sponsorship commission billed separately

Commissioner Dedeke expressed reservations stating that he thinks it is too expensive especially for the first year and feels that the income and expenses are unrealistically high.

Commissioner Bauder stated that the festival requires additional work the first year and feels that the contract is reasonable.

Commissioner Preisinger stated that he believes the festival will do well if there are no other competing events in the area at the same time.

Commissioner Preisinger moved to approve the comprehensive management contract with O’Neill Events and Marketing for the 2019 City of Leavenworth Festival as presented. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Bauder moved to approve claims for February 23, 2019 through March 8, 2019, in the amount of \$1,570,666.75; Net amount for Payroll #5 effective March 1, 2019, in the amount of \$330,781.39; (No Police & Fire Pension). Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Other:**Adjourn:**

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

Time Meeting Adjourned 8:17 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8098
AMENDING CHAPTER 10, ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES
OF THE CITY'S CODE OF ORDINANCES

MARCH 26, 2019

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the March 12, 2019 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 10, ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE CHAPTER AMENDED.

Since first consideration, Staff, in working with the City Attorney David E. Waters, made the following modifications to the final ordinance. These changes simply puts back into the ordinance the list of City-owned properties that was in the existing code.

Sec. 10-2. - City-owned properties, generally.

- (a) It shall be unlawful for any person to have any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage in his or her possession upon any public street, highway, alley, sidewalk, inside vehicles, or any other public property unless such alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage is in the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed except as authorized hereinafter.
- (b) No person shall drink or consume any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage upon the public streets, alleys, sidewalks, roads or highways of the city or inside vehicles while upon such public streets, alleys, sidewalks, roads or highways, or in City-owned parks or other facilities or properties, unless authorized as provided in this section.
- (c) The above prohibitions shall not apply during events and the designated areas for such events in the City where:
 - (1) a special event CMB permit has been approved in accordance with Article II of this Chapter; or
 - (2) a temporary permit has been approved in accordance with Article III, and the event has been approved by the governing body in accordance with K.S.A. 41-719.
- (d) Notwithstanding the foregoing, and pursuant to K.S.A. 41-719(e), as amended, the drinking or consumption of alcoholic liquor is permitted on the following City-owned properties and facilities

without further approval from the governing body, provided that a temporary permit or a caterer's license has been approved in accordance with Article III:

- (1) The Community Center located on North Esplanade north of Cherokee Street.
- (2) The Leavenworth Landing Park located east and south of above described Community Center.
- (3) The Haymarket Square, located at 7th and Cherokee.
- (4) The Havens Park, located at 22nd and Ottawa.
- (5) The Riverfront Park, located at the east end of Dakota Street.
- (6) Ray Miller Park, located at the corner of 4201 South 4th Street.
- (7) Leavenworth Public Library, located at 417 Spruce Street.
- (8) Performing Arts Center, 500 Delaware Street.

~~(e)~~(e) Notwithstanding the foregoing, cereal malt beverages are allowed to be possessed and consumed (but not served or sold) at city parks ~~and other City-owned premises or facilities,~~ with a permit issued by the director of parks and recreation, subject to the following requirements:

- (1) The premises must have been rented from the City by the applicant; in advance;
- (2) Applicant must be 21 years of age or older and a Leavenworth area resident. Applicant is required to remain on the site throughout the function.
- (3) Applications must be submitted to the parks and recreation office at least five (5) working days prior to the event.
- (4) The director of parks and recreation will notify the police department prior to the permitted event.
- (5) Permits may only be issued for the following types of activities:
 - a. Company picnics.
 - b. Fraternal organization picnics.
 - c. Service club picnics.
 - d. Family reunions.
 - e. Other group functions, subject to the discretion of the director of parks and recreation.

The sale or service of cereal malt beverages on or from City-owned properties shall otherwise require a full cereal malt beverage license or a special event CMB permit.

~~(e)~~(f) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

In addition, a fee for a Special Event Cereal Malt Beverage needs to be established by the Commission. Staff has recommended a fee of \$100.00 per event for a Special Event Cereal Malt Beverage Permit. The State Cereal Malt Beverage Stamp fee in the amount of \$25.00 would still apply.

If approved Ordinance No. 8098 will go into effect on April 1, 2019.

ACTION:

Ordinance No. 8098 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8098

(Summary Publish in the Leavenworth Times on March 29, 2019)

ORDINANCE NO. 8098

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 10, ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES, 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 10, Alcoholic Beverages and Cereal Malt Beverages, is hereby deleted in its entirety and amended to read as follows:

Chapter 10 - ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES

ARTICLE I. – DEFINITIONS AND GENERAL PROVISIONS

Sec. 10-1. – Definitions.

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

Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

Alcoholic liquor means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

Beer, when its meaning is not enlarged, modified or limited by other words, means a beverage containing more than 3.2 percent of alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like having such alcoholic content.

Board means the state alcoholic beverage control board of review.

Caterer means an individual, partnership or corporation which sells alcoholic liquor by the individual drink and provides services related to the serving thereof on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

Cereal malt beverage or *CMB* means any fermented but undistilled liquor brewed or made from malt or from malt or from a mixture of malt or malt substitute, or any flavored malt beverage, but does not include any such liquor which is more than 3.2 percent alcohol by weight.

Class A club means premises which are owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (referred to in this article as "members"), and their families and guests accompanying them.

Class B club means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club means a class A or class B club.

Director means the state director of alcoholic beverage control.

Distributor means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this Chapter, or cereal malt beverage or enhanced cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2701 and amendments thereto.

Domestic table wine means wine which contains not more than 14 percent alcohol by volume and which is manufactured without rectification or fortification from agricultural products grown in this state.

Drinking establishment has the meaning provided by K.S.A. 41-2601 and amendments thereto.

Enhanced cereal malt beverage means cereal malt beverage, as defined herein, and such term shall also include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act and the provisions of this Chapter.

Farm winery means a winery licensed by the director to manufacture, store and sell domestic table wine.

Food establishment has the meaning provided by K.S.A. 65-656 and amendments thereto.

General retailer means a person who has a license to sell enhanced cereal malt beverages at retail.

Legal age for consumption of enhanced cereal malt beverage means 21 years of age, except that legal age for consumption of cereal malt beverage shall mean 18 years of age if at any time the provisions of P.L. 98-363 penalizing states for permitting persons under 21 years of age to consume cereal malt beverage are repealed or otherwise invalidated or nullified.

Limited Retailer means a person who has a license to sell enhanced cereal malt beverages at retail only in original and unopened containers and not for consumption on the premises.

Manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer, enhanced cereal malt beverage, or cereal malt beverage.

Manufacturer means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors, beer, enhanced cereal malt beverage, or cereal malt beverage, regardless of its alcoholic content. *Manufacturer* does not include a farm winery or a microbrewery.

Microbrewery means a brewery licensed by the director to manufacture, store and sell domestic beer.

Microdistillery means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

Minor means any person under 21 years of age.

Nonbeverage User means any manufacturer of any of the products set forth and described in K.S.A. 41-501 and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for non-beverage purposes.

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

Person means any natural person, corporation, partnership or association.

Place of Business means any place at which cereal malt beverages, enhanced cereal malt beverages, or alcoholic beverages or both are sold.

Retailer means a person who sells, at retail, or offers for sale at retail, alcoholic liquors, but does not include a microbrewery, microdistillery, or farm winery.

Sale means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee.

Salesperson means any natural person who:

- (1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage; or
- (2) Is engaged in promoting the sale of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of

alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the of Kansas.

Sell at retail and *sale at retail* means and refers to sales for use or consumption and not for resale in any form, and sales to clubs, licensed drinking establishments, licensed caterers, or holders of temporary permits. *Sell at retail* and *sale at retail* do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer, or a holder of a state temporary permit.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substance.

Supplier means a manufacturer of alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

Temporary permit means a permit issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises open to the public.

To sell means and includes to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell.

Wholesaler or distributor means any individuals, firms, copartnerships, corporations and associations which sell or offer for sale any beverage referred to in this Chapter, to persons, copartnerships, corporations and associations authorized by this chapter to sell enhanced cereal malt beverages or cereal malt beverages at retail.

Wine means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries, or other agricultural products, including such beverages containing added alcohol or spirits, or containing sugar added for the purpose of correcting natural deficiencies.

Sec. 10-2. - City-owned properties, generally.

- (a) It shall be unlawful for any person to have any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage in his or her possession upon any public street, highway, alley, sidewalk, inside vehicles, or any other public property unless such alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage is in the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed except as authorized hereinafter.
- (b) No person shall drink or consume any alcoholic liquor, enhanced cereal malt beverage, or cereal malt beverage upon the public streets, alleys, sidewalks, roads or highways of the city or inside vehicles while upon such public streets, alleys, sidewalks, roads or highways,

or in City-owned parks or other facilities or properties, unless authorized as provided in this section.

- (c) The above prohibitions shall not apply during events and the designated areas for such events in the City where:
 - (1) a special event CMB permit has been approved in accordance with Article II of this Chapter; or
 - (2) a temporary permit has been approved in accordance with Article III, and the event has been approved by the governing body in accordance with K.S.A. 41-719.

- (d) Notwithstanding the foregoing, and pursuant to K.S.A. 41-719(e), as amended, the drinking or consumption of alcoholic liquor is permitted on the following City-owned properties and facilities without further approval from the governing body, provided that a temporary permit or a caterer's license has been approved in accordance with Article III:
 - (1) The Community Center located on North Esplanade north of Cherokee Street.
 - (2) The Leavenworth Landing Park located east and south of above described Community Center.
 - (3) The Haymarket Square, located at 7th and Cherokee.
 - (4) The Havens Park, located at 22nd and Ottawa.
 - (5) The Riverfront Park, located at the east end of Dakota Street.
 - (6) Ray Miller Park, located at the corner of 4201 South 4th Street.
 - (7) Leavenworth Public Library, located at 417 Spruce Street.
 - (8) Performing Arts Center, 500 Delaware Street.

- (e) Notwithstanding the foregoing, cereal malt beverages are allowed to be possessed and consumed (but not served or sold) at city parks with a permit issued by the director of parks and recreation, subject to the following requirements:
 - (1) The premises must have been rented from the City by the applicant; in advance;
 - (2) Applicant must be 21 years of age or older and a Leavenworth area resident. Applicant is required to remain on the site throughout the function.
 - (3) Applications must be submitted to the parks and recreation office at least five (5) working days prior to the event.
 - (4) The director of parks and recreation will notify the police department prior to the permitted event.
 - (5) Permits may only be issued for the following types of activities:
 - a. Company picnics.
 - b. Fraternal organization picnics.
 - c. Service club picnics.
 - d. Family reunions.
 - e. Other group functions, subject to the discretion of the director of parks and recreation.

The sale or service of cereal malt beverages on or from City-owned properties shall otherwise require a full cereal malt beverage license or a special event CMB permit.

- (f) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 nor more than \$200.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 10-3. – Possession and consumption restrictions.

- (a) No person under 21 years of age shall obtain or purchase, or attempt to obtain or purchase, alcoholic liquor or enhanced cereal malt beverages from any person except as authorized by law. Violation of this subsection by a person 18 or more years of age, but less than 21 years of age, is a misdemeanor punishable by a fine of not less than \$100.00 and not more than \$250.00 or by 40 hours of public service, or by both.
- (b) No person under 21 years of age shall possess or consume alcoholic liquor or enhanced cereal malt beverages except as authorized by law. Violation of this subsection by a person 18 or more years of age, but less than 21 years of age, is a misdemeanor punishable:
 - (1) By a fine of not less than \$100.00 and not more than \$250.00 or by 40 hours of public service, or by both, if committed on premises licensed pursuant to K.S.A. 41-2601 *et seq.*, as amended; or
 - (2) By a fine of not less than \$25.00 and not more than \$250.00 or by ten hours of public service, or by both, if committed on any other premises.
- (c) Any person less than 18 years of age who violates subsections (a) or (b) of this section is a juvenile offender under the state juvenile offenders code and, upon adjudication thereof, shall be required as a condition of disposition to pay the fine or perform the public service, or both, specified as punishment for the offense under subsection (a) or (b).
- (d) No person shall knowingly sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of, any alcoholic liquor or enhanced cereal malt beverages to or for any person who is an incapacitated person, or any person who is physically or mentally incapacitated by the consumption of such liquor. Violation of this subsection is a misdemeanor punishable by a fine of not less than \$100.00 and not exceeding \$250.00 or imprisonment not exceeding thirty (30) days, or both.
- (e) No person except a manufacturer, distributor, microbrewery, farm winery or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor or enhanced cereal malt beverages with the same or any other kind or quality of alcoholic liquor. No person shall have in the person's possession for sale at retail any bottles, casks or other containers containing alcoholic liquor or enhanced cereal malt beverages, except in original packages.

Sec. 10-4. - Minors on premises of business.

Except as otherwise provided in this Chapter as to enhanced cereal malt beverages:

- (1) It shall be unlawful for any person under the age of 21 years to remain on any premises where the sale of alcoholic liquor is licensed for on-premises consumption.

- (2) It shall be unlawful for the operator, person in charge, or licensee of any premises licensed for on-premises consumption of alcoholic liquor to permit any person under the age of 21 years to remain on the premises.
- (3) This section shall not apply if the person under the age of 21 years is accompanied by his parent or guardian, or if the licensed or permitted premises derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises, or where a caterer, farm winery, microbrewery, or temporary permit holder is serving alcoholic liquor.

Sec. 10-5. - Possession and transportation.

Subject to the limitations provided in this section, the possession and transportation of alcoholic liquor for other than personal use shall be unlawful.

- (1) No person shall transport in any vehicle upon a highway or street any alcoholic liquor or enhanced cereal malt beverage unless such liquor or beverage is:
 - a. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
 - b. In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
 - c. In the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. 75-1212, or a bus, as defined by K.S.A. 8-1406, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

Violation of this subsection is a misdemeanor punishable by a fine of not more than \$200.00 or by imprisonment for not more than six months, or both.

- (2) It shall be unlawful for any person to transport any alcoholic liquor upon which the tax imposed by the state liquor control act has not been paid or on the containers of which each mark and stamp required by the state liquor control act has not been affixed; provided, that nothing contained in this subsection shall make unlawful the possession and transportation of wine imported solely for use by any church or religious organization for sacramental purposes and uses. Any person who shall violate any of the provisions of this subsection shall, upon conviction thereof, be fined not exceeding \$500.00, or shall be imprisoned not exceeding six months, or both, in the discretion of the court; and in proper cases, the court may order and direct the confiscation of the liquor involved in such transaction as part of the judgment or conviction.

Sec. 10-6. - Open saloons.

It shall be unlawful for any person to own, maintain, operate or conduct, either directly or indirectly, an open saloon within the corporate limits of the city. As used in this section, "open

saloon" means any place, public or private, where alcoholic liquor or enhanced cereal malt beverage is sold or offered or kept for sale by the drink or in any quantity of less than 100 milliliters (3.4 fluid ounces) or sold or offered or kept for sale for consumption on the premises where sold, but does not include any premises where the sale of liquor is authorized by the club and drinking establishment act, as amended, or any manufacturer, microbrewery, microdistillery, or farm winery, if authorized by Kansas statute, or any premises where the sale of enhanced cereal malt beverages are authorized by this Chapter. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00, and by imprisonment for not more than ninety (90) days.

Sec. 10-7. - Revocation; penalties.

- (a) The governing body upon five (5) days' notice to the person holding a license or permit under this Chapter may revoke such license for any one of the following reasons:
- (1) If a licensee or permit holder has fraudulently obtained the license by giving false information in the application therefor.
 - (2) If the licensee or permit holder has violated any of the provisions of this Chapter or any other rules or regulations of the City relating to alcoholic liquor or enhanced cereal malt beverages, or if the licensee or permit holder has violated any law of the state for which violation the City is authorized by law to revoke the license.
 - (3) If the licensee or permit holder has become ineligible to obtain a license or permit under this Chapter.
 - (4) Drunkenness of a person holding such license or permit, drunkenness of a licensee's or permittee's manager or employee while on duty and while on the premises for which the license or permit is issued, or for a licensee or permittee, his or her manager or employee permitting any intoxicated person to remain in such place selling alcoholic liquor.
 - (5) The nonpayment of any license or permit fees or occupation tax.

Additionally, the Police Chief or his/her designee make immediately cancel a temporary permit or a special event CMB permit if the event becomes unruly or if the or permit holder has violated any of the provisions of this Chapter.

- (b) The licensee, within twenty (20) days after the order of the governing body revoking any license or permit, may appeal to the district court of Leavenworth County and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken under this section shall not suspend the order of revocation of the license or permit of any licensee or permittee, nor shall any new license or permit be issued to such person or any person acting for or on his or her behalf, for a period of six (6) months thereafter.
- (c) In addition to the provisions of Section 10-7(a) above, if the licensee or permit holder has violated any of the provisions of this Chapter, the individual holding the license or permit

may be charged in municipal court with a violation of the alcoholic liquor laws of the city and, upon conviction, shall be punished by:

- (1) A fine of not more than \$499.00;
- (2) Imprisonment in jail for not more than 179 days; or
- (3) Both such fine and imprisonment.

Secs. 10-8—10-25. - Reserved.

ARTICLE II. - CEREAL MALT BEVERAGES

DIVISION 1. - RETAILERS.

Sec. 10-26. – License required of retailers.

- (a) It shall be unlawful for any person to sell any enhanced cereal malt beverage at retail without a license for each place of business where enhanced cereal malt beverages are to be sold at retail.
- (b) It shall be unlawful for any person, having a license to sell enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any enhanced cereal malt beverage in any other manner.
- (c) The "cereal malt beverage license" issued by the City pursuant to this Article authorizes the sale of enhanced cereal malt beverages by those retailers in compliance with this Article and such other laws and regulations that may apply.

Sec. 10-27. - Application.

- (a) Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:
 - (1) The name and residence of the applicant and how long he or she has resided within the State of Kansas;
 - (2) The particular place for which a license is desired;
 - (3) The name of the owner of the premises upon which the place of business is located;
 - (4) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
 - (5) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two (2) years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (b) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he or she has inspected the premises to be licensed and that the same comply with the provisions of Chapter 54 of this Code.

- (c) Each application for a general retailer's license must be accompanied by a certificate from the city fire chief certifying that he or she has inspected the premises to be licensed and that the same comply with the provisions of Chapter 50 of this Code.
- (d) The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. One copy of such application shall immediately be transmitted to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The chief shall report to the city clerk not later than five (5) working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

Sec. 10-28. - License application procedures.

- (a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk ten (10) days in advance of the governing body meeting at which they will be considered.
- (b) The city clerk's office shall notify the applicant of an existing license thirty (30) days in advance of its expiration.
- (c) The clerk's office shall provide copies of all applications to the police department, to the fire department, and to the city-county health department, when they are received. The police department will run a records check on all applicants and the fire department and health department will inspect the premises in accord with Chapters 50 and 54 of this Code. The departments will then recommend approval, or disapproval, of applications within five (5) working days of the department's receipt of the application.
- (d) The governing body will not consider any application for a new or renewed license that has not been submitted ten (10) days in advance and been reviewed by the above city departments.
- (e) An applicant who has not had a cereal malt beverage license or enhanced cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.
- (f) Pursuant to K.S.A. 41-2703a, as amended, any limited liability company applying for a license under the Kansas cereal malt beverage act shall submit a copy of its articles of organization and operating agreement to the director in such form and manner as prescribed by the director.

Sec. 10-29. – License fees; term.

- (a) The license fees for selling enhanced cereal malt beverages shall be as prescribed in appendix F. Such fee shall be in addition to such fees as are to be remitted to the Division

of Alcohol Beverage Control pursuant to K.S.A. 41-2701, as amended. License fees are non-refundable and non-transferable.

- (b) The full amount of the license fee shall be required regardless of the time of year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

Sec. 10-30. - Examination; approval; disqualification.

If the application made under this Article is in proper form and accompanied by the license fee, the governing body shall examine the application, and if the applicant is qualified as provided by law the governing body shall approve the granting of a license to the applicant; provided, that no license shall be issued to:

- (1) A person who has not been a resident in good faith of the state of Kansas for at least one (1) year immediately preceding application and a resident of Leavenworth County for at least six (6) months prior to filing of such application.
- (2) A person who is not a citizen of the United States.
- (3) A person who is not of good character and reputation in the community in which he or she resides.
- (4) A person who, within two (2) years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
- (5) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
- (6) A corporation or a limited liability company if any member, manager, officer or director thereof, or any stockholder or member owning in the aggregate more than twenty-five percent (25%) of the stock or the ownership interests of such corporation or limited liability company would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.
- (7) A corporation or a limited liability company, if any member, manager, officer or director thereof, or any stockholder or member owning in the aggregate more than twenty-five percent (25%) of the stock or the ownership interests of such corporation or limited liability company, has been an officer, manager or director, or a stockholder owning in the aggregate more than twenty-five percent (25%) of the stock or the ownership interests of a corporation or limited liability company which: (A) Has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

- (8) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
- (9) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (9) shall not apply in determining eligibility for a renewal license.

Sec. 10-31. - Issuance; transfer; posting.

If the license is granted, the governing body shall direct the city clerk to issue a license by order of the governing body, and the minutes of the governing body shall show the action taken. The license shall not be transferable. The license shall state that it is not transferable and shall also show the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the licensee's place of business.

Sec. 10-32. – Restrictions upon location.

- (a) No license shall be granted to sell at retail enhanced cereal malt beverages on premises which are located in areas not zoned for such purpose, or if the premises do not comply with other city laws, including building and health codes.
- (b) No license shall be granted to sell at retail enhanced cereal malt beverages at any place of business or location within 300 feet of any public or parochial school, college, church, nursing home, library or hospital; provided, that if any such facility shall be established within 300 feet after such premises have been licensed, then such premises shall be an eligible location for licensing. The distance shall be measured from the nearest property line of the school, college, church, nursing home, library or hospital to the nearest portion of the building occupied by the business selling or serving the beverages.
- (c) The prohibition set out in subsection (b) of this section shall not apply to properties that are located in the Central Business District or areas zoned General Business District, or to establishments located within the 300-foot limit as of the latest effective date of this section, so long as the license is and has been continuously held without allowing cancellation or lapse for a period of thirty (30) days or more.
- (d) The prohibition set out in subsection (b) of this section shall further not apply to any business that obtains an enhanced cereal malt beverage, club, drinking establishment, caterer, temporary permit, farm winery, or microbrewery license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation from the governing body. The governing body shall grant such waiver only following notice to property owners within such 300-foot distance (in such manner as the city may require) and a public hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.

Sec. 10-33. – Change of location.

If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed

location as in the case of an original application. Such application shall be accompanied by a fee equal to the amount of the application or license fee then charged by the City. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the year for which a current license is held by the licensee.

Sec. 10-34. – Suspension of license.

The chief of police, upon five (5) days written notice, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this chapter or other laws pertaining to cereal malt beverages or enhanced cereal malt beverages, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

Sec. 10-35. – General conduct of business.

- (a) The holder of a license under the provisions of this Article shall conduct the business in an orderly manner, and it shall be unlawful for any licensee or agent or employee of the licensee to allow intoxicated persons to remain in such place of business or serve any enhanced cereal malt beverages to any intoxicated persons. It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
- (b) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business. The place of business shall be open to the public and police at all times during business hours and no private rooms or booths shall be operated in any place of business; except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

Sec. 10-36. - Business regulations.

- (a) It shall be unlawful for a licensee to:
 - (1) Permit any person to mix drinks in or on the licensed premises, or to permit any person to mix drinks with materials purchased in the place of business or brought in for such purpose;
 - (2) Employ any person under the age established by the State of Kansas for employment involving dispensing enhanced cereal malt beverages;
 - (3) Employ any person in who has been adjudged guilty of a felony or of any violation of the intoxicating liquor law;
 - (4) Permit any gambling on the premises;

- (5) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring, or consumption of any enhanced cereal malt beverages to any person under the legal age for consumption of enhanced cereal malt beverages;
 - (6) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring, or possession or consumption of alcoholic liquor within or upon any premise licensed under this Article.
- (b) The provisions of subsections (a)(1) and (6) above shall not apply if the place of business or premises are also currently licensed as a club under a license issued by the state director of alcoholic beverage control.

Sec. 10-37. - Minors on premises; loitering by underaged persons

- (a) No license under this article shall permit a person under the legal age for consumption of enhanced cereal malt beverages in or about a place of business, and no licensee shall permit a person under the legal age for consumption of enhanced cereal malt beverage to possess an enhanced cereal malt beverage in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell enhanced cereal malt beverage if:
- (1) The licensee's place of business is licensed only to sell enhanced cereal malt beverage at retail in original and unopened containers and not for consumption on the premises; or
 - (2) The licensee's place of business is a licensed food establishment, and not less than thirty percent (30%) of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.
- (b) No person under the legal age for consumption of enhanced cereal malt beverages shall loaf or loiter or consume any enhanced cereal malt beverage in any place of business in the City for which an enhanced cereal malt beverage license for consumption on the premises has been issued.

Sec. 10-38. – Days and hours of operation.

- (a) Except as provided by subsection (b), no enhanced cereal malt beverages may be sold or dispensed: (i) between the hours of 12:00 midnight and 6:00 a.m.; (ii) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (iii) on Easter Sunday; or (iv) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell enhanced cereal malt beverage for consumption on the premises, which derives not less than thirty percent (30%) of its gross receipts from the sale of food for consumption on the licensed premises.
- (b) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2701 *et seq.*, and licensed as a club by the State Director of Alcoholic Beverage Control.

Sec. 10-39. - Sanitary conditions required.

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

Sec. 10-40. -- Windows and doors; regulation of electric signs and loudspeakers.

The windows and doors of every place within the City selling or dispensing enhanced cereal malt beverages shall be free and clear of any obstruction, either temporary or permanent, which may interfere with or shut off the view from the street of the inside of such place, and such place shall be kept clean, well ventilated and brightly lighted at all times when open for use. All signs shall comply with the City's sign regulations, as may be amended from time to time. There shall not be any loudspeakers from any musical instrument attached to the outside of any licensee's premises.

Sec. 10-41. - State license for wholesalers and distributors.

It shall be unlawful for any wholesaler or distributor, or agent or employee thereof, to sell or deliver enhanced cereal malt beverages within the city to persons authorized under this article to sell enhanced cereal malt beverages within the city unless such wholesaler or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales.

Secs. 10-42—10-60. - Reserved.

DIVISION 2. – SPECIAL EVENT CEREAL MALT BEVERAGE PERMITS.

Sec. 10-61. – Permit required.

It shall be unlawful for any person to sell or serve any Cereal Malt Beverage at any special event within the city without first obtaining a special event Cereal Malt Beverage permit from the city clerk.

Sec. 10-62 – Application; City-owned properties.

- (a) It shall be unlawful for any person to sell or serve Cereal Malt Beverage at a special event without first applying for a special event Cereal Malt Beverage permit at least fourteen (14) days before the event. Written application for the special event CMB permit shall be made to the city clerk on the form used for annual cereal malt beverage sales or, when available, the special event Cereal Malt Beverage permit application approved by the Attorney General, as directed by the city clerk. In addition to any other information required, the applicant shall provide the following:
- (1) The name of the applicant (applicant must be 21 years of age or older and a Leavenworth area resident; applicant is required to remain on the site throughout the function);
 - (2) The group for which the event is planned;
 - (3) The location of the event;
 - (4) The date and time of the event;
 - (5) Any anticipated need for police, fire or other municipal services.
- (b) Notwithstanding the provisions of Section 10-2 above, a special event Cereal Malt Beverage permit may be issued by the city clerk for the following City-owned properties and facilities:
- (1) The Community Center located on North Esplanade north of Cherokee Street.
 - (2) The Leavenworth Landing Park located east and south of above described Community Center.
 - (3) The Haymarket Square, located at 7th and Cherokee.
 - (4) The Havens Park, located at 22nd and Ottawa.
 - (5) The Riverfront Park, located at the east end of Dakota Street.
 - (6) Ray Miller Park, located at the corner of 4201 South 4th Street.
 - (7) Leavenworth Public Library, located at 417 Spruce Street.
 - (8) Performing Arts Center, 500 Delaware Street.

Sec. 10-63 – Fee; display of receipt.

- (a) There is hereby levied a special event Cereal Malt Beverage permit fee in the amount as set out in appendix F on each group or individual, which fee shall be paid before the event is begun. Such fee shall be in addition to the \$25.00 fee to be remitted to the Division of Alcohol Beverage Control pursuant to K.S.A. 41-2701, as amended. Permit fees are non-refundable and non-transferable.

- (b) Every special event Cereal Malt Beverage permit holder shall cause the permit receipt to be placed in plain view on any premises within the city where the holder of the special event CMB permit is serving Cereal Malt Beverage for consumption on the premises.

Sec. 10-64 – Issuance.

Upon meeting the requirements to obtain a special event Cereal Malt Beverage permit, payment of the city's permit fee, and a written application as provided for in section 10-63, the city clerk shall issue a special event Cereal Malt Beverage permit to the applicant if there are no conflicts with any zoning or other ordinances of the city. The city clerk shall notify the chief of police whenever a special event Cereal Malt Beverage permit has been issued and forward a copy of the permit and application to the chief of police.

Sec. 10-65. - Restrictions.

- (a) No special event Cereal Malt Beverage permit holder shall allow the serving or consumption of Cereal Malt Beverage between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a special event Cereal Malt Beverage permit has been issued.
- (b) No Cereal Malt Beverage shall be given, sold or traded to any person under 21 years of age.
- (c) No more than four (4) special event permits may be issued in a calendar year to the same applicant.
- (d) No special event Cereal Malt Beverage permit issued hereunder may be transferred or assigned to any other vendor.
- (e) All local ordinances and state statutes for the sale and consumption of Cereal Malt Beverage apply to holders of special event Cereal Malt Beverage permits.

Secs. 10-66—10-80. - Reserved.

ARTICLE III. - ALCOHOLIC LIQUOR

DIVISION 1. - RETAIL LIQUOR AND OTHER.

Sec. 10-81. – License required.

- (a) It shall be unlawful for any person to keep for sale, offer for sale, or expose for sale or sell any alcoholic liquor as defined by the Kansas liquor control act, as amended, without first having obtained a state license to do so.
- (b) The holder of a license for the retail sale in the city of alcoholic liquors by the package issued by the state director of alcoholic beverage control shall present such license to the city clerk when applying to pay the occupation tax levied in this division, and the tax shall be received and a receipt shall be issued for the period covered by the state license.

Sec. 10-82. – Occupational taxes.

There is hereby levied an occupation tax, as prescribed in Appendix F, on any person holding a license issued by the state director of alcoholic beverage control for the following:

- (1) the retail sale within the city of alcoholic liquors for consumption off the premises;
- (2) all alcoholic liquor and/or cereal malt beverage distributors, for the first and each additional distributing place of business operated in the city by the same licensee;
- (3) all microbreweries;
- (4) all farm wineries;
- (5) all persons engaged in a nonbeverage users' business

Such tax shall be paid by the licensee to the city clerk before business is begun under an original state license and shall be paid within five (5) days after any renewal of a state license. A holder of any of the above-described licensees shall present such state license when applying to pay the occupation taxes levied herein, and the taxes shall be received and receipt issued for the period covered by the state license by the city license collector. The occupation tax is non-refundable and non-transferable.

Sec. 10-83. - Application; issuance.

All applications for new or renewal city licenses under this division shall be submitted to the city clerk. Upon presentation of a state license, payment of the city occupation tax and the license application, the city clerk shall issue a city license for the period covered by the state license if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

Sec. 10-84. - Posting of receipt required.

Every licensee under this division shall cause the city alcoholic liquor retailer's occupation tax receipt to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

Sec. 10-85. – Business regulations.

It shall be unlawful for a retailer of alcoholic liquor to:

- (1) Permit any person to mix drinks in or on the licensed premises unless the person is preparing or mixing samples for the purposes of conducting wine, beer, or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 41-308d, and amendments thereto;
- (2) Employ any person under the age of 21 years in connection with the operation of such retail establishment;
- (3) Employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony;
- (4) Permit any gambling on the premises;
- (5) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring, or consumption of any alcoholic liquor or enhanced cereal malt beverages to or for any person under 21 years of age.

Sec. 10-86. - Restrictions upon location.

- (a) No license shall be granted to sell at retail alcoholic liquor on premises which are located in areas not zoned for such purpose, or if the premises does not comply with other city laws, including building and health codes.
- (b) No license shall be granted to sell at retail alcoholic liquor at any place of business or location within 300 feet of any public or parochial school, college, church, nursing home, library or hospital; provided, that if any such facility shall be established within 300 feet after such premises have been licensed, then such premises shall be an eligible location for licensing. The distance shall be measured from the nearest property line of the school, college, church, nursing home, library or hospital to the nearest portion of the building occupied by the business selling or serving the beverages.
- (c) The prohibition set out in subsection (b) of this section shall not apply to properties that are located in the Central Business District or areas zoned General Business District, or to establishments located within the 300-foot limit as of the latest effective date of this section, so long as the license is and has been continuously held without allowing cancellation or lapse for a period of thirty (30) days or more.
- (d) The prohibition set out in subsection (b) of this section shall further not apply to any business that obtains an enhanced cereal malt beverage, club, drinking establishment, caterer, temporary permit, farm winery, or microbrewery license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation from the governing body. The governing body shall grant such waiver only following notice to property owners within such 300-foot distance (in such manner as the city may require)

and a public hearing and a finding by the governing body that the proximity of the establishment is not adverse to the public welfare or safety.

Sec. 10-87. – Days and hours of operation.

- (a) No person shall sell at retail alcoholic liquor in the original package:
 - (1) On Sunday before 12 noon or after 8 p.m.;
 - (2) On Easter Sunday, Thanksgiving Day or Christmas Day; or
 - (3) Before 9 a.m. or after 11 p.m. on any day when the sale is permitted.
- (b) Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverages for consumption off the premises at any time when alcoholic liquor is allowed by law to be served on the premises.

Secs. 10-88—10-92. – Reserved.

DIVISION 2. - TEMPORARY PERMITS

Sec. 10-93. – Permit required.

It shall be unlawful for any person granted a temporary permit by the state to sell or serve any alcoholic liquor within the city without first obtaining a temporary permit from the state, and a local temporary permit from the city clerk.

Sec. 10-94. – Application; City-owned properties.

- (a) It shall be unlawful for any person to conduct an event under a state-issued temporary permit without first applying for a local temporary permit at least fourteen (14) days before the event. Written application for the local temporary permit shall be made to the city clerk and shall clearly state:
- (1) The name of the applicant;
 - (2) The group for which the event is planned;
 - (3) The location of the event;
 - (4) The date and time of the event;
 - (5) Any anticipated need for police, fire or other municipal services.
- (b) Notwithstanding the provisions of Section 10-2 above, a temporary permit may be issued by the city clerk for City-owned properties and facilities if the event has been approved by the governing body in accordance with K.S.A. 41-719.

Sec. 10-95. - Fee; display of receipt.

- (a) There is hereby levied a temporary permit fee in the amount as set out in appendix F on each group or individual holding a temporary permit issued by the state director of alcoholic beverage control authorizing sales within the city, which fee shall be paid before the event is begun under the state permit. License fees are non-refundable and non-transferable.
- (b) Every temporary permit holder shall cause the temporary permit receipt to be placed in plain view on any premises within the city where the holder of the temporary permit is serving or mixing alcoholic liquor for consumption on the premises.

Sec. 10-96. - Issuance.

Upon presentation of a state temporary permit application, payment of the city's temporary permit fee and a written application as provided for in section 10-94, the city clerk shall issue a local temporary permit to the applicant if there are no conflicts with any zoning or other ordinances of the city. The city clerk shall notify the chief of police whenever a temporary permit has been issued and forward a copy of the permit and application to the chief of police.

Sec. 10-97. - Restrictions.

- (a) No temporary permit holder shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary permit has been issued.
- (b) No alcoholic liquor shall be given, sold or traded to any person under 21 years of age.

Secs. 10-98—10-125. – Reserved.

DIVISION 3. - PRIVATE CLUBS

Sec. 10-126. – License required.

It shall be unlawful for any person granted a private club license by the state to sell or serve any alcoholic liquor or enhanced cereal malt beverages authorized by such license within the city without first obtaining a local license from the city clerk.

Sec. 10-127. – License fee.

There is hereby levied an annual license fee on each private club located in the city which has a private club license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license. The city license fee for a class A club and class B club shall be as set out in appendix F.

Sec. 10-128. - Application; issuance.

All applications for new or renewal city licenses under this division shall be submitted to the city clerk. Upon presentation of a state license, payment of the city occupation tax and the license application, the city clerk shall issue a city license for the period covered by the state license if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

Sec. 10-129. - Term; refunds; display.

- (a) The license period for a license under this article shall extend for the period covered by the state license. License fees are non-refundable and non-transferable.
- (b) Every licensee shall cause the city club license issued under this article to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

Sec. 10-130. - Business regulations.

- (a) No club licensee under this article shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.

- (c) No club membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or enhanced cereal malt beverages be given, sold or traded to any person under 21 years of age.

Secs. 10-131—10-165. – Reserved.

DIVISION 4. - CATERERS

Sec. 10-166. - Required.

It shall be unlawful for any person licensed by the state as a caterer to sell alcoholic liquor or enhanced cereal malt beverages by the drink in the city without obtaining a local caterer's license from the city clerk.

Sec. 10-167. - Fee.

There is hereby levied an annual license fee as set out in appendix F on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license.

Sec. 10-168. - Application; issuance.

All applications for new or renewal city licenses under this article shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

Sec. 10-169. - Term; refunds; display.

- (a) The license period shall extend for the period covered by the state license. License fees are non-refundable and non-transferable.
- (b) Every licensee shall cause the caterer's license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor or enhanced cereal malt beverages for consumption on the premises.

Sec. 10-170. - Business regulations.

- (a) No caterer licensed under this article shall allow the serving, mixing or consumption of alcoholic liquor or enhanced cereal malt beverages between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) No alcoholic beverages or enhanced cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

Sec. 10-171. - Notice to chief of police.

Prior to any event at which a caterer will sell or serve alcoholic liquor or enhanced cereal malt beverages by the individual drink, the caterer shall provide written notice to the chief of police at least seven (7) days prior to the event if the event will take place within the city. The notice shall contain the location, name of the group sponsoring the event, and the exact date and times the caterer will be serving.

Secs. 10-172—10-205. - Reserved.

DIVISION 5. - DRINKING ESTABLISHMENTS

Sec. 10-206. – License required.

It shall be unlawful for any person granted a drinking establishment license by the state to sell or serve any alcoholic liquor or enhanced cereal malt beverages authorized by such license within the city without first obtaining a city license from the city clerk.

Sec. 10-207. - Fee.

There is hereby levied an annual license fee as set out in appendix F on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five (5) days after any renewal of a state license.

Sec. 10-208. - Application; issuance.

All applications for new or renewal city licenses under this article shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.

Sec. 10-209. - Term; refunds; display.

- (a) The license period for a license issued under this article shall extend for the period covered by the state license. License fees are non-refundable and non-transferable.
- (b) Every licensee shall cause the city drinking establishment license to be placed in plain view next to or below the state license in a conspicuous place on the licensed premises.

Sec. 10-210. - Business regulations.

- (a) No drinking establishment licensed under this article shall allow the serving, mixing or consumption of alcoholic liquor or enhanced cereal malt beverages on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.
- (b) Enhanced cereal malt beverages may be sold on premises licensed for the retail sale of enhanced cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
- (c) No alcoholic beverages or enhanced cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

Secs. 10-211—10-220. - Reserved.

Section 2. REPEAL. Chapter 10, Alcoholic Beverages and Cereal Malt Beverages, 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 on April 1, 2019 and shall be publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 26th day of March 2019.

Jermaine, Mayor

{Seal}

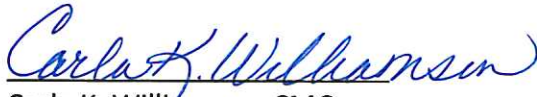
ATTEST:

Carla K. Williamson, CMC, City Clerk

POLICY REPORT
SANTA FE TRAILS BICYCLE SHOP- COOL HAND LUKE GRAVEL GRINDER
REQUEST FOR STREETS CLOSURE

MARCH 26, 2019

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUES:

Consider authorizing street closures for Cool Hand Luke Gravel Grinder Bike race in the 400 and 500 blocks of Delaware on Sunday April 28, 2019 from 12:01 a.m. to 7:00 p.m. and approve the sale and consumption of beer during the event.

BACKGROUND:

In the past, the start and finish of the Cool Hand Luke Gravel Grinder has taken place at Sportsfield and the Riverfront Community Center. This year the race will begin and end in the 400 and 500 blocks of Delaware Street. The riders will leave the city and travel through the county.

Santa Fe Trails Bicycle Shop, the coordinators of the race, are requesting the closure of streets in the downtown central business district. They are planning two (2) food trucks and a beer tent to be placed in the 400 block of Delaware Street. The closure of the 500 block of Delaware is needed for the participants to cross the finish line at 5th and Delaware and flow into the 500 block of Delaware. Additional barricades will be placed on 5th street for the safety of the racers.

Various department staff members met with the event coordinators on February 26th and reviewed the plan and street closure request.

The details of the beer tent are still being worked out as of the writing of this policy report. There are several options and the Clerk's office will work with the vendor and Kansas Alcohol Beverage Control (ABC) to insure any required licenses or permits are in place. The area in which beer is to be consumed will be clearly marked.

ACTIONS:

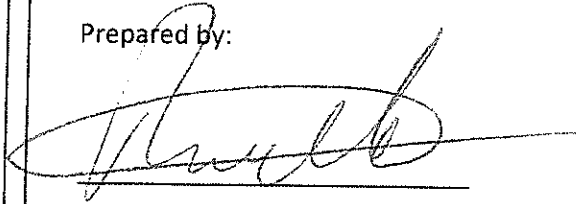
Approve the closure of streets for the Cool Hand Luke Gravel Grinder event and approve the sale and consumption of beer during the event as presented.

Attachments:

- Special Event Application
- Event Maps with barricade placement

Policy Report No. 1-2019
Replacement Police Vehicles
March 26, 2019

Prepared by:



Patrick R. Kitchens, Chief of Police

Approved by:



Paul Kramer, City Manager

ISSUE:

The Police Department is requesting approval to purchase four (4) 2019 Dodge Charger police patrol sedans from Landmark Dodge in the amount of \$115,992.

STAFF RECOMMENDATION:

Staff recommends approval

BACKGROUND:

Each year, the police department reviews the police vehicle fleet and asks for replacement of vehicles with high mileage and/or vehicles that are cost prohibitive to repair. In preparation for the 2019 CIP police vehicle replacement program, staff identified four police patrol vehicles that need replaced. These four patrol cars have reached the end of their useful lifecycle.

One bid was received and is as follows:

Landmark Dodge

- Three (3) Black 2019 Dodge Charger Police Patrol Sedans (3 x \$28,555 ea. = \$85,665)
- One (1) Black & White 2019 Dodge Charger Police Patrol Sedan (\$29,942)
- One (1) Service Manual (\$385)
 - Total of \$115,992

BUDGET IMPACT:

Funds were allocated in the 2019 CIP budget in the amount of \$189,980 for four police patrol vehicles plus their equipment and installation. The cost for these four vehicles is \$115,992. The remainder of the approved 2019 CIP funds, not to exceed \$73,988, will be allocated to purchase and install equipment into the vehicles. Bids for that equipment will be handled separately and, if necessary, brought back to the commission in the future.

COMMISSION ACTION:

Approve the purchase of four (4) 2019 Dodge Charger 4-dr sedans from Landmark Dodge at a total price of \$115,992.

CITY OF LEAVENWORTH
BID #
BID SHEET

MAKE & MODEL: DODGE CHARGER

COST FOR VEHICLE: 2 AT 28,555.00
1ATS 29,942.00

COST OF MANUALS: \$ 385.00

WARRANTY ATTACHED SEE NOTES COMPLY YES NO

PROJECTED DELIVERY DATE: 90-169

FIRM SUBMITTING BID: LANOMARK DORGE

ADDRESS: 1900 S NOLAN

CITY, STATE, & ZIP CODE: INDOER MD 64050

AUTHORIZED SIGNATURE: Larry Wilson

PRINTED NAME: LARRY WILSON

TELEPHONE NUMBER: 816-651-6767 FAX NUMBER: 816-833-0008

DATE BID EXPIRES: OCT 30 19

SPECIAL NOTES: 12 m 19R ON ALL EXC TIRES 3YR 36 AND 100K 54R

WARRANTY

Patrol Package Base Prep (AYE)

Image not available at this time. Please try again later.

Details:

- Siren Speaker & Bracket (XWP)
- Trunk Tray & Cooling Fan (XWQ)
- Power Distribution Center (XWK)
- Front & Rear Wire Harness (XPW)

NON- COLLUSION AFFIDAVIT

The undersigned bidder or agent, being duly sworn on oath, say that he/she has not, nor has any other member, representative, or agent of the firm company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone such letting nor to prevent any person from bidding nor to include anyone to refrain for bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/ She further says that no person or persons, firms or corporation has; have to will receive directly, any rebate, fee gift, commission or thing of value on account of such of sale.

OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

Dated this 28 day of FEB, 18

LANDMARK DODGE
(Name of Organization)

LARRY WILSON
(Title of person signing)

[Signature]
(Signature)

ACKNOWLEDGEMENT

STATE OF MISSOURI)

)SS

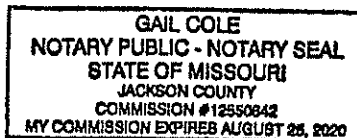
COUNTY OF JACKSON)

Before me, a Notary Public, personally appeared the above name and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to me this 28 day of February, 2019.

[Signature]
Notary Public Signature

My Commission Expires: 8-25-2020



POLICY REPORT PWD NO. 19-20

**CONSIDER BIDS FOR THE
14th & PAWNEE CULVERT REPLACEMENT PROJECT**

Project 2015 - 830

March 26, 2019

Prepared by:



Michael G. McDonald
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider bids received for the 14th & Pawnee Culvert Replacement Project.

BACKGROUND:

The area north and south of Pawnee Street and west of 14th Street has seen significant creek bank erosion and minor flooding. It was identified in the 1995 Black & Veatch Stormwater Master Plan as a priority project. In 2015, the City hired Wilson & Co. to complete a study of the drainage basin. The study included two options:

- Detain stormwater on prison property in the creek area of the buffalo pen.
- Replace the wooden box culvert at Pawnee Street and the undersized concrete box at Kiowa Street, and create water quality features with detention areas.

Staff discussed the buffalo pen detention with staff from Bureau of Prisons. This option was not considered acceptable by the Bureau of Prisons and not pursued by the City. On October 9, 2018, the City Commission approved Change Order No.1 to the Wilson design contract for upstream creek and bank improvements. The final project consists of the replacement of the Pawnee Street culvert with new curb inlets, curb and gutter, clearing, stabilizing, and some widening of the main creek channel between Pawnee and Metropolitan.

The project scope has been reduced from the original concepts to contain costs. It does not include any channel work between Pawnee and Dakota Streets, and does not replace the existing culvert on Kiowa Street. This deferred work will be evaluated as part of the stormwater improvements that will be constructed in future years.

A notice of the project was sent to area Plan Rooms, Drexeltech.com and advertised in *The Leavenworth Times*. The pre-bid meeting was held on March 13 and bids were opened on March 20, 2019. The results of the bidding are shown below in the bid tabulation. Cohorst Enterprises of Wellsville, Kansas was the low bidder and met all bidding requirements. The City has not worked with Cohorst on any project in the past. References were submitted and checked by staff with all results positive.

This is the last project to be funded through the Countywide Sales Tax CIP. All future projects will be funded with monies generated from the City Stormwater Fee.

Company	City	Total Bid
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

POLICY:

The City Commission can reject or award a project where bids are over the engineer's estimate.

RECOMMENDATION:

Staff recommends that the City Commission accept the low bid received from Cohorst Enterprises for the project in the amount of \$552,393.00.

ATTACHMENTS:

Bid Tabs

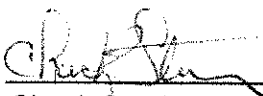


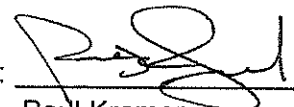
CITY OF LEAVENWORTH
 Project No. 2015-830
 14th and Pawnee Drainage
 March 20, 2019

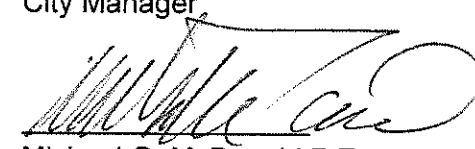
BASE BID													
Item	Description	Unit	Quantity	Engineer's Estimate		Cohorst Enterprises		Lexeco		Hoy Excavating, LLC		Linaweaver Construction	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization	LS	1	\$12,000.00	\$12,000.00	\$17,000.00	\$17,000.00	\$44,500.00	\$44,500.00	\$9,449.71	\$9,449.71	\$20,000.00	\$20,000.00
2	Contractor Furnished Staking	LS	1	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$4,745.00	\$4,745.00	\$9,943.45	\$9,943.45	\$6,000.00	\$6,000.00
3	Clearing & Grubbing	LS	1	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$10,727.62	\$10,727.62	\$12,000.00	\$12,000.00
4	Removal of Existing Structures	LS	1	\$10,000.00	\$10,000.00	\$5,500.00	\$5,500.00	\$9,550.00	\$9,550.00	\$72,781.71	\$72,781.71	\$36,000.00	\$36,000.00
5	Embankment	CY	2,150	\$15.00	\$32,250.00	\$25.00	\$53,750.00	\$18.00	\$38,700.00	\$19.92	\$42,828.00	\$22.00	\$47,300.00
6	Unclassified Excavation	CY	550	\$20.00	\$11,000.00	\$25.00	\$13,750.00	\$24.00	\$13,200.00	\$10.02	\$5,511.00	\$16.00	\$8,800.00
7	Asphaltic Concrete, Surface (2")	SY	750	\$10.00	\$7,500.00	\$14.00	\$10,500.00	\$10.55	\$7,912.50	\$12.60	\$9,450.00	\$14.00	\$10,500.00
8	Asphaltic Concrete, Base (6")	SY	750	\$25.00	\$18,750.00	\$31.00	\$23,250.00	\$31.55	\$23,662.50	\$37.60	\$28,200.00	\$34.00	\$25,500.00
9	Aggregate Base (AB-3) (6")	SY	925	\$15.00	\$13,875.00	\$9.00	\$8,325.00	\$12.65	\$11,701.25	\$12.77	\$11,812.25	\$8.00	\$7,400.00
10	Geogrid Reinforcement for Base	SY	925	\$5.00	\$4,625.00	\$3.00	\$2,775.00	\$5.70	\$5,272.50	\$1.83	\$1,692.75	\$5.00	\$4,625.00
11	Curb and Gutter, CG-1	LF	304	\$30.00	\$9,120.00	\$27.00	\$8,208.00	\$30.75	\$9,348.00	\$23.26	\$7,071.04	\$22.00	\$6,688.00
12	Setback Curb Inlet, Type 2 (5x4)	EA	2	\$5,500.00	\$11,000.00	\$6,336.00	\$12,672.00	\$5,800.00	\$11,600.00	\$6,172.31	\$12,344.62	\$7,000.00	\$14,000.00
13	Setback Curb Inlet, Type 2 (6x4)	EA	1	\$8,000.00	\$8,000.00	\$7,054.00	\$7,054.00	\$6,400.00	\$6,400.00	\$6,485.01	\$6,485.01	\$7,500.00	\$7,500.00
14	Setback Curb Inlet, Type 2 (6x6)	EA	1	\$8,000.00	\$8,000.00	\$8,534.00	\$8,534.00	\$7,200.00	\$7,200.00	\$7,806.14	\$7,806.14	\$9,000.00	\$9,000.00
15	Storm Sewer Pipe (15" RCP)	LF	75	\$65.00	\$4,875.00	\$65.00	\$4,875.00	\$115.00	\$8,625.00	\$88.35	\$6,626.25	\$175.00	\$13,125.00
16	Storm Sewer Pipe (36" RCP)	LF	153	\$90.00	\$13,770.00	\$110.00	\$16,830.00	\$173.00	\$26,469.00	\$121.95	\$18,658.35	\$195.00	\$29,835.00
17	Reinforced Concrete Flared End Section (36")	EA	1	\$2,000.00	\$2,000.00	\$1,850.00	\$1,850.00	\$1,880.00	\$1,880.00	\$2,065.60	\$2,065.60	\$1,500.00	\$1,500.00
18	Sanitary Sewer Pipe (8" DIP)	LF	225	\$75.00	\$16,875.00	\$150.00	\$33,750.00	\$112.00	\$25,200.00	\$96.28	\$21,663.00	\$170.00	\$38,250.00
19	12x8" RCB w/Wingwalls	LF	133	\$1,800.00	\$239,400.00	\$1,275.00	\$169,575.00	\$1,760.00	\$234,080.00	\$1,474.36	\$196,089.88	\$1,800.00	\$239,400.00
20	Restrictor Plate	EA	1	\$2,500.00	\$2,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$15,002.36	\$15,002.36	\$6,500.00	\$6,500.00
21	Handrail	LF	100	\$175.00	\$17,500.00	\$250.00	\$25,000.00	\$143.00	\$14,300.00	\$140.81	\$14,081.00	\$220.00	\$22,000.00
22	Riprap (12")	SY	246	\$80.00	\$19,680.00	\$150.00	\$36,900.00	\$70.00	\$17,220.00	\$112.27	\$27,618.42	\$90.00	\$22,140.00
23	Riprap (24")	SY	145	\$120.00	\$17,400.00	\$160.00	\$23,200.00	\$107.00	\$15,515.00	\$107.27	\$15,554.15	\$100.00	\$14,500.00
24	Granular Filter	SY	391	\$15.00	\$5,865.00	\$20.00	\$7,820.00	\$22.00	\$8,602.00	\$17.94	\$7,014.54	\$25.00	\$9,775.00
25	Erosion Control	LS	1	\$2,000.00	\$2,000.00	\$7,000.00	\$7,000.00	\$8,000.00	\$8,000.00	\$1,475.05	\$1,475.05	\$3,000.00	\$3,000.00
26	Turf Reinforcement Mat	SY	3,750	\$7.50	\$28,125.00	\$8.50	\$31,875.00	\$3.90	\$14,625.00	\$4.69	\$17,557.50	\$6.00	\$22,500.00
27	Hydroseed	SY	1,200	\$1.00	\$1,200.00	\$2.00	\$2,400.00	\$1.10	\$1,320.00	\$0.67	\$804.00	\$2.00	\$2,400.00
28	Traffic Control	LS	1	\$2,000.00	\$2,000.00	\$6,000.00	\$6,000.00	\$1,800.00	\$1,800.00	\$9,031.60	\$9,031.60	\$5,500.00	\$5,500.00
TOTAL BASE BID =					\$522,310.00		\$552,393.00		\$583,927.75		\$589,375.00		\$645,738.00
										Math Error:	\$14,080.00		

POLICY REPORT NO. 19-19
Water Pollution Control Division
Repair of Primary Clarifier #3 and Final Clarifier #1

March 26, 2019

Prepared by: 
Chuck Staples
WPC Superintendent

Reviewed by: 
Paul Kramer
City Manager


Michael G. McDonald P.E.
Public Works Director

ISSUE:

Consider approval of bid from Clear Stream Environmental for Option Number 1 related to repairs to Primary Clarifier #3 and Final Clarifier #1.

BACKGROUND:

The wastewater treatment plant has four primary clarifiers and two final clarifiers. There is redundancy in treatment effectiveness by having multiple clarifiers; however, having all key treatment processes fully operational is extremely important.

Primary Clarifier #3 was new in 2005. On January 28, 2019 due to high winds, the surface skimmer on Primary #3 Clarifier caught one of the weir covers that blew open and bent this arm backward. The automatic controls shut off the clarifier.

Final Clarifier # 1 was new in 1972. On February 11, 2019, the surface skimmer arm on Final Clarifier #1 stopped at the scum box. After draining Final Clarifier #1, one of the A-frame supports was found to be broken and had caused the surface skimmer to lower into the water, and then caught the scum box on its next rotation. This clarifier was also shut off by the automatic controls.

Mitch Hoffman, a representative for JCI (supplier), scheduled to be on site to inspect Primary Clarifier #3 the day before the second failure. He was able to look at both Clarifiers and provided JCI recommendations for repairs. He also suggested we have Larry Debirk from Clear Stream Environmental (manufacturer) inspect the Clarifiers.

There are a limited number of companies that make the various arms for the clarifiers, and an even further limited number of firms that manufacture the drive mechanisms to rotate the arms. Clear Stream Environmental is a manufacturer of the drive mechanisms that must be addressed. Based on the recommendations from JCI and discussion with other vendors, staff believes this situation should be considered as a "Sole Source" purchase for the following reasons:

1. Any other vendor will need to visit the site to make the determination as to if they are able to supply the necessary equipment. It may be necessary for the City to pay for the cost of the inspection trip.

2. It is prudent management of the clarifiers to minimize the time that they are "empty" when heavy rains may cause problems with meeting effluent quality regulations, and the spring rainy season is approaching.

Clear Stream Environmental provided three options for review. Details of these options are in your packet. All three options include a permanent repair to Primary Clarifier #3, and various options for Final Clarifier #1. Any temporary repairs will be further evaluated for further repair or replacement as part of the WPC Budget process.

Bids Received:

Option 1 -----	\$ 61,000
Option 2 -----	\$129,000
Option 3 -----	\$329,000

STAFF RECOMMENDATION:

Staff recommends the approval of Option 1 for \$61,000 from Clear Stream Environmental. This Option includes a permanent repair to Primary Clarifier #3 and a temporary repair to Final Clarifier #1.

OPTIONS/ALTERNATIVES: The City Commission can accept the bid as recommended by City Staff or direct staff to seek additional quotes from other manufacturers.

ATTACHMENTS:

Map overview of Primary and Final Clarifiers
Clarifier Rehabilitation Summary from supplier

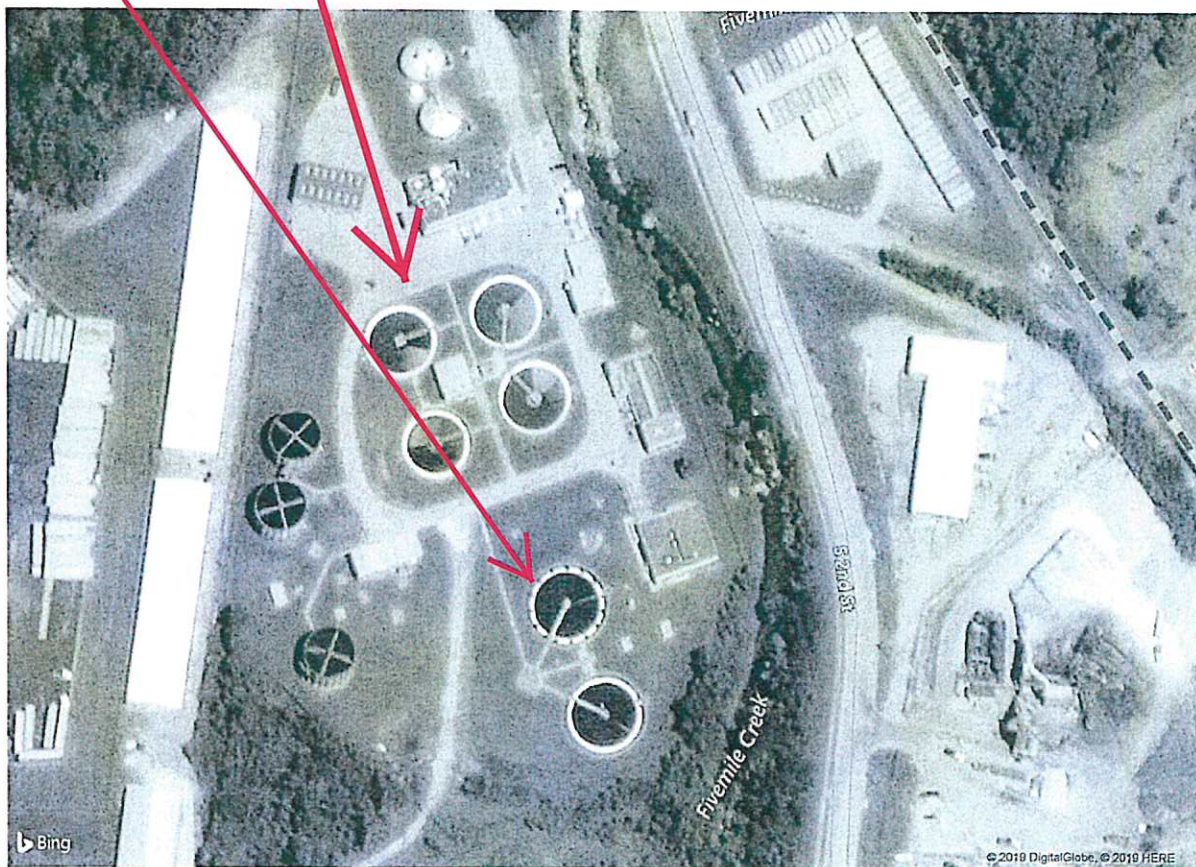
bing maps

Notes



Top 4 are Primary Clarifiers.

The lower 2 are Final Clarifiers





JCI Industries, Inc.
1161 SE Hamblen Rd.
Lee's Summit, MO 64081
Tel: 816-525-3320

www.jciind.com

Monday, March 11, 2019

City of Leavenworth, KS
1800 S. 2nd Street
Leavenworth, KS 66048

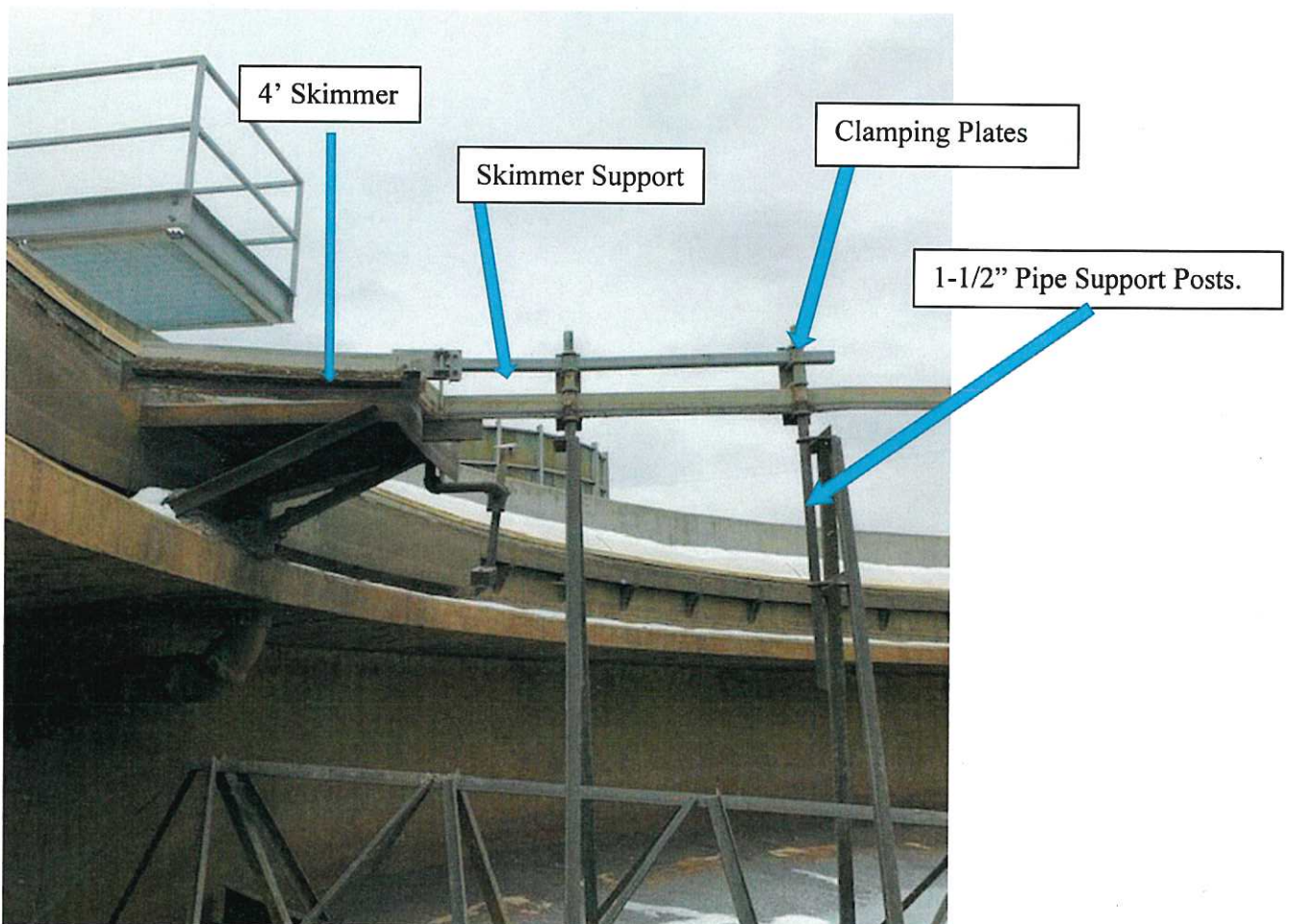
Phone: 913-682-1090
Fax: 913-682-7639

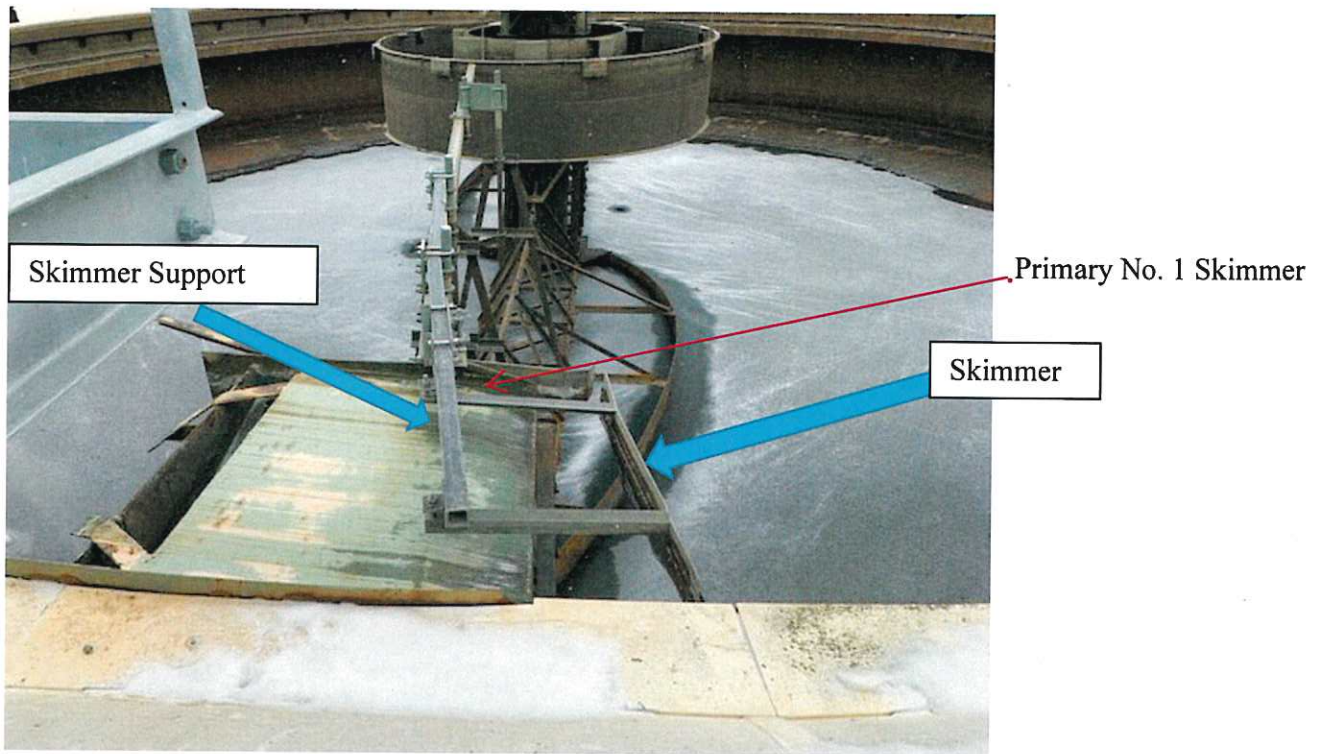
Attention: Chuck Staples

Subject: Clarifier Rehabilitation Summary

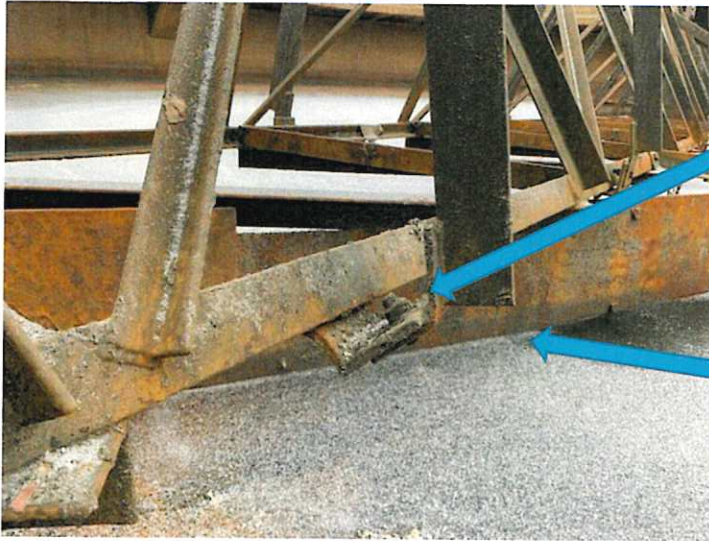
PRIMARY CLARIFIER

The skimmer support is bent, but the A frame looks to be undamaged. We suggest the support posts, clamping plates, skimmer support and a new 4' skimmer assembly be replaced due to this damage.





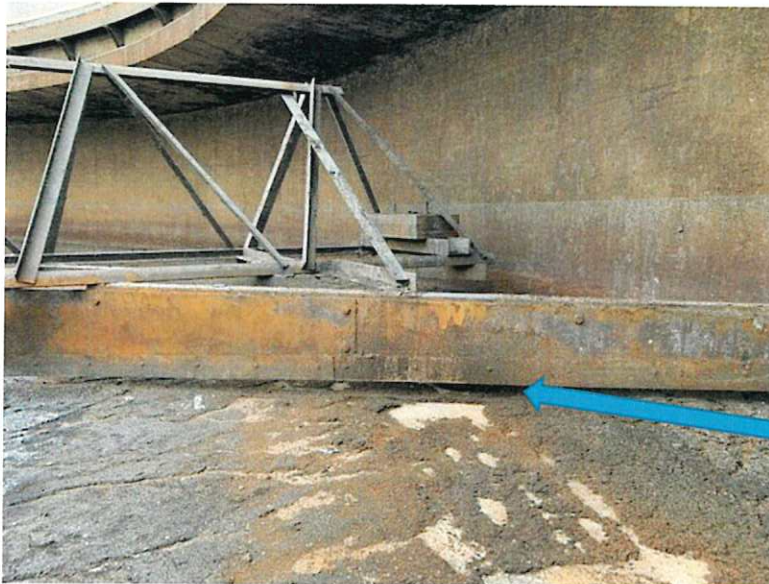
The rake arm looks to be in good shape. Because both sides of the rake arm structure are the same distance from the tank floor and there is no noticeable distortion, we conclude that the rake arm was undamaged. However, the rake arm to support connection on the trailing side of the rake arm is bent; thus causing the frame to lean, but the frame itself looks still usable.



The A frame support on the back side of the rake arm is broken.

Rake blade almost hitting bottom. In one location, the squeegee is bent over.

On the opposite side of the mechanism, the rake arm is approximately 3" off the floor, whereas the side with the damaged skimmer is in contact with the floor. Because the skimmer is still caught on the scum box, one would expect to see a gap between the rake blade and tank bottom on the skimmer side and no gap on the opposite side, but this is not the case. This may indicate the mechanism is not level, but with the skimmer still in contact with the scum box it is difficult to make a conclusion. Once the skimmer has been disconnected from the scum box, the mechanism can be rotated and checked for levelness.



The opposite rake arm is about 3" off the ground.

RECOMMENDATIONS

- Replace skimmer support arm. We recommend the replacement skimmer support parts be made of 304 SS so they can be modified in the field without painting. The cost differential is almost negligible.
- Replace skimmer assembly with a standard Clearstream Aluminum skimmer.
- The skimmer blade from the feedwell to the skimmer assembly can be reused.
- Once the skimmer support assembly is rebuilt, the complete clarifier should be checked out. This consists of:
 1. Checking the level of the Drive unit by rotating the unit 360 degrees and measuring one rake arm at 4 level points within the tank. Adjust as necessary.
 2. Checking the runout of the cage. Make sure it is turning in a true circle and not oscillating. Correct as necessary.
 3. Level the rake arm to the floor. Match the second rake arm to the same orbit as the first arm.
 4. Check drive that it is operating properly with the alarm and shutoff. This can be done with a torque test on the rake arm.
- We also recommend blasting and painting the unit while it is down. This will increase the life of the mechanical components. Estimated time is about 2 weeks.

SECONDARY CLARIFIER

The secondary clarifier skimmer is bent and all but broken off. The condition of the steel shows that this clarifier is far beyond its structural life.



Skimmer, supports, and skimmer blade both are bent and not reusable.



Final No. 1 Skimmer

The skimmer caught on the scum box and the A frame connection to the rake arm, on both sides, has been damaged or broken. Because the skimmer is still in contact with the scum box, the rake has been lifted off the tank floor.



The steel is corroded beyond any repair. This is indicated by taping or prying the loose layers of paint and rusted steel which are too numerous to count. In doing so, the material revealed indicates a compromised structural integrity. This is indicative of the failure seen in the following photo.



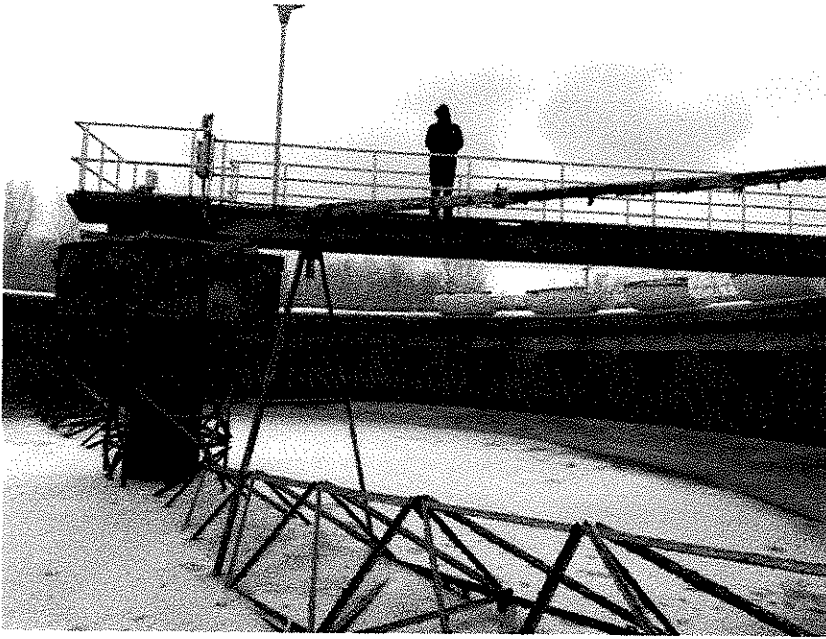
On the opposite side of the rake - at the A frame to rake connection - the chord member of the rake has been twisted. It may be possible that the twisted member will regain most of its shape once the damaged A frame has been removed, but highly unlikely. It is also possible that the member can be reworked to remove as much of the twist as possible, but unless the member is replaced within the damaged area, there will remain a weak spot in the structure. With the condition of the steel, it would be almost impossible to weld a backer piece of steel along this twist or cut the twisted piece out and weld in a new angle. Most likely, any weld made to this structure would have porosity and possibly lack in penetration, thus maintaining a compromised or weakened structure.



The skimmer catching on the scum box has lifted the rake arms off the floor (see above) and jammed the opposite side into the ground (below).



I could not ascertain the condition of the cage or the drive unit due to the ice buildup surrounding the rake which eliminated the possibility to rotate the unit.



While the mechanism is beyond its useful life the bridge, it's in remarkable shape and could be reused.

RECOMMENDATIONS

It MIGHT be possible to remove the damaged skimmer arm assembly and put the unit back into service. We were not able to inspect the cage nor the connections of the rake arms to the cage. Nor were we able to rotate the unit to check the drive or the levelness of the unit.

OPTION 1

Completely remove the skimmer assembly so the mechanism can be rotated. This will allow us to finish the evaluation of the mechanism and the drive. If the mechanism can be rotated, thoroughly inspected and leveled, similar to the Primary Clarifier, the mechanism can be placed back in service. The inspection will consist of the following:

1. Check operation of the drive, alarm and shut off
2. Level of the drive
3. Check runout of the cage
4. Level of rake arms to floor and each other.

Even if the mechanism can be placed back in service it is recommend that a new clarifier be purchased and installed in the not too distant future. Standard delivery time is about 30 weeks from purchase order.

OPTION 2

Replace drive unit, modify the bridge as needed to fit the new drive unit. Build adapter for new drive to cage and column. New drive would take 3 to 4 weeks to build and deliver. It is suggested that the bridge be sent out to be painted while the drive is mounted to the existing equipment.

OPTION 3

Replace the mechanism now. The walkway can be modified and reused as can the weirs and baffles. A new expedited unit can be built in 4 weeks and installed in under two weeks.

ESTIMATED ON SITE TIME FRAME

Primary Clarifier + Secondary Clarifier Option 1:

Preparation: 2-3 weeks.
On-site: 5 to 6 days

Primary Clarifier + Secondary Clarifier Option 2:

Preparation: 3 - 4 weeks.
On-site: 6 to 8 days

Primary Clarifier + Secondary Clarifier Option 3:

Preparation: 4 weeks.
On-site: 2 weeks

PRICING

Primary Clarifier + Secondary Clarifier Option 1:	\$ 61,100
Primary Clarifier + Secondary Clarifier Option 2, new drive:	\$ 129,560
Primary Clarifier + Secondary Clarifier Option 3, new mechanism:	\$ 339,000

Terms: 50% with PO. 50% Upon Completion, net 30.

Standard Budget Price for a new mechanism, paint and re-use bridge, standard 30 week delivery:
\$132,000 + install.

Please note: Purchase order would be issued by City of Leavenworth directly to:
ClearStream Environmental, Inc.
9547 South 500 West
Sandy, Utah 84070

Attached are ClearStream's standard terms and conditions.

Regards,

Courtney Peace

Courtney Peace
Application Engineer
JCI Industries, Inc.

Mitchell Hoffman

Mitchell Hoffman
Sales Engineer
JCI Industries, Inc.

Terms & Conditions	
Lead Time See Above	Payment Terms Net 30
Shipping Method Standard Ground	Shipping Terms Included
Pricing Valid for 30 Days	



PROPOSAL NO. 19-043

PROPOSAL

PROJECT NAME: Leavenworth WWTP
SPECIFICATION NO:
ENGINEER:
PROPOSAL DATE: March 11, 2019
BID DATE:
EQUIPMENT:

One (1) 80' Diameter Primary Clarifier Rehab
One (1) 80' Diameter Secondary Clarifier Rehab

ClearStream Environmental
9547 South 500 West
Sandy, UT 84070

Phone: 801-676-1890
Fax: 801-676-1893

Contact: Larry DeeBirk
Email: larry.debirk@clearstreameng.com

ClearStream Representative:
JCI Industrial

Contact: Mitch Hoffman
Phone: 816.401.8705
Email: mhoffman@jciind.com

OPTION 1

Completely remove the skimmer assembly so that the mechanism we can be rotated. This will allow us to finish the evaluation of the mechanism and the drive. If the mechanism can be rotated, thoroughly inspected and leveled, similar to the Primary Clarifier, the mechanism can be placed back in service. The inspection will consist of the following:

1. Check operation of the drive, alarm and shut off
2. Level of the drive
3. Check runout of the cage
4. Level of rake arms to floor and each other.

Even if the mechanism can be placed back in service it is recommend that a new clarifier be purchased and installed in the not too distant future. Standard delivery time is about 30 weeks from Purchase order.

OPTION 2

Primary Clarifier: Same as option 1

Replace drive unit, modify the bridge as needed to fit the new drive unit. Build adapter for new drive to cage and column. New drive would take 3 to 4 weeks to build and delivery. It is suggest that the bridge be sent out to be painted while the drive is mounted to the existing equipment.

OPTION 3

Primary Clarifier: Same as option 1.

Replace the Secondary Clarifier mechanism. Remove, send off to blast and paint the walkway and reinstall. Reuse the existing control Panel. The weirs, baffles and launder covers to be reused and

A new expedited unit can be built in 4 weeks and installed in under two weeks.

ESTIMATED ON SITE TIME FRAME

Primary Clarifier + Secondary Clarifier Option 1:

Preparation: 2-3 weeks.

On-site: 5 to 6 days

Primary Clarifier + Secondary Clarifier Option 2:

Preparation: 3 - 4 weeks.

On-site: 6 to 8 days

Primary Clarifier + Secondary Clarifier Option 3:

Preparation: 4 weeks.

On-site: 2 weeks

PRICING

Pricing for the described equipment is as follows. Prices do not include any taxes.

Primary Clarifier + Secondary Clarifier Option 1:	\$ 61,100
Primary Clarifier + Secondary Clarifier Option 2, new drive:	\$ 129,560
Primary Clarifier + Secondary Clarifier Option 3, new mechanism:	\$ 339,000

Shipping is quoted as ex-works with full freight allowed to the job site. It is the responsibility of the contractor to check all components at receiving and issue all claims for damage or missing parts due to transport within 48 hours of receipt of equipment.

Additional Field Service for start-up and training is billed at \$1,500 per day plus customary expenses. Travel days are billed at ½ rate. Four-week advance notice is required for field service coordination and scheduling. Any costs associated with less notice will be added to the contract price.

Payment Terms and Conditions:

- 50% With PO
- 50% Upon Completion

Terms are net 30 from billing. Late payment penalty is applied at 1.5% per month plus a monthly \$50 billing fee.

Items that are not specifically stated in the above proposal are not included.

STANDARD TERMS AND CONDITIONS

PRICE CONDITIONS: The price quoted herein shall remain in effect for a period of thirty (30) days of proposal date.

CANCELLATION: Any contract resulting from this quotation may be cancelled by the Purchaser only upon payment of reasonable cancellation charges, which shall take into account the expenses already incurred and commitments made.

DELIVERY: Delivery of the equipment quoted hereunder shall be made F.O.B. factory with full freight allowed unless noted otherwise. Shipping dates are approximate and are based upon receipt of all necessary information. ClearStream shall not be liable for damages caused by delays due to strikes, riot, warfare, act of God, accidents or other contingences beyond reasonable control of ClearStream.

DAMAGES: ClearStream Environmental shall in no event be liable for anticipated profits or consequential damages on the part of the owner/purchaser.

BACKCHARGES:

No back charge will be accepted unless first discussed and approved by ClearStream before work commences. A back charge Approval Form with scope of work and costs must be signed by an authorized ClearStream representative before work shall begin

TERMS OF PAYMENT: ClearStream Environmental shall invoice as stated in the Payment section of this proposal. Payment is due, unless otherwise stated, net thirty (30) days.

TAXES: The price quoted does not include sales, excise, or other similar taxes. All associated taxes shall be paid by the Purchaser or, in lieu thereof, provide ClearStream Environmental with a tax exemption certificate acceptable to the taxing authorities.

WARRANTY: ClearStream Environmental shall warrant the equipment for one (1) year against defects in workmanship or material and reserve the right to repair or replace the defective parts. Equipment not manufactured by ClearStream Environmental shall carry the warranty of the manufacture thereof. ClearStream Environmental makes not warranties, expressed or implied, other than as herein expressed.

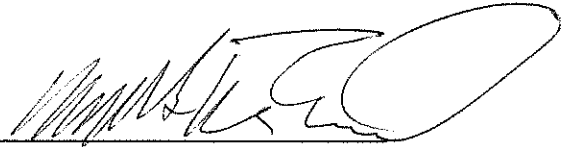
TITLE: Title to the equipment sold hereunder shall remain in the possession of ClearStream Environmental until the purchase price is paid in full. The purchaser shall do all acts necessary to protect and maintain the equipment until title is exchanged.

POLICY REPORT PWD NO. 19-21

CONSIDER SIGN FABRICATION AGREEMENT
WITH KANSAS DEPARTMENT OF CORRECTIONS

March 26, 2019

Prepared by:



Michael G. McDonald
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider sign fabrication agreement with Kansas Department of Corrections.

BACKGROUND:

The City of Leavenworth Public Works Department installs and maintains street signs throughout the City. There has been interest in improving the appearance and condition of signage. Staff is preparing to implement a program to install new signs with the budget funds available in 2019. This Policy Report is to provide a summary of the process and identify several issues that may require clarification.

In general – the City installs street name signs as follows:

- Intersecting residential streets have street name signs on one corner.
- Intersections on collector and arterial streets have signs on two corners.
- Use of single-sided signs allows them to be attached directly to the pole without an adapter or device.

There are approximately 1,047 intersections in Leavenworth:

- 689 Residential with Residential.
- 358 Collector/Arterial with any street.

Typically, each pole with street names on it is also associated with a stop sign or other traffic control sign. Each sign pole will have both street names, and since the City uses one-sided signs, there will be two of each sign. In summary – each sign pole will have four signs. In total, there are approximately 5600 signs in the City's inventory, each with an approximate replacement cost of \$25 for materials only plus installations costs. The total value of "signs only" is \$280,000 citywide. Installations costs per pole range from minimal to fifty dollars or more.

ISSUE:

Staff can make a variety of standard and custom signs. It has been found to be effective at various times to purchase sign "blanks" for the City to put the names on, to have local firms make the signs, or to purchase completed signs or materials from any number of national vendors. Recent discussions with Kansas Correctional Industries (KCI) find that their programs can produce signs of equal quality as outside vendors at a cost competitive price.

City staff have had a series of internal meetings and met with KCI to narrow the focus of City signage needs. Ultimately, staff recommends that the City Commission consider the following guidelines for normal street signs to be included in an agreement with KCI. It is important to

note that there are other street name signs – most notably on traffic signal mast-arms that are much larger and more complex. Part of these guidelines also apply to the mast-arm signs.

1. Approve the City Manager to negotiate with KCI for signage products.
2. Agree on general guidelines for typical City street signs:
 - a. 9" tall signs for residential/residential streets, minimum and typical length 30".
 - b. 12" tall signs for collector/arterial street signs, typical length 30" to 48".
 - c. Use of "one sided signs"
 - d. Allow staff to vary use of the following to provide clear and legible signs rather than creating a definitive style guide.
 - i. Avenue v. AVE v. AV
 - ii. Street v. ST v. "Nothing"
 - iii. Terrace v. TER
 - iv. Trafficway v. TRWY v. TW
 - v. Place v. PL
 - vi. Etc.
 - e. Basic layout will be as below unless City adopts necessary ordinances for different colors or styles in certain areas or for specific reasons.
 - i. Standard Color of sign is "Green"
 - ii. Standard Font is "Highway B Modified", First letter Capitalized, others lower case.
 - iii. Not using "Bold" lettering
 - iv. Superscripts for "TH" as needed
 - v. Sign will have a border
 - vi. Use "N" or "S" as appropriate
 - vii. Do not use a "Block Numbering" scheme except at traffic signals as currently implemented.

SIGN IMPROVEMENT IMPLEMENTATION

Staff is evaluating two basic strategies for implementing a signage improvement plan.

1. Review and upgrade all signs within a specific area or grid, or
2. Review and upgrade all signs along a specific street.

The \$10,000 street sign budget enhancement will provide approximately 300 to 400 signs at prices offered by KCI, including material for installation. This can address approximately 35 to 50 intersections along a major street, or 70 to 100 residential/residential intersections.

Several examples of different styles and sizes of signs are shown in the attached pages. Staff will also provide samples of real signs at the meetings.

RECOMMENDATION:

Staff recommends the City Commission authorize the City Manager to approve a sign fabrication agreement with the Kansas Department of Corrections.

ATTACHMENTS:

Examples of different styles and sizes of signs

12" x 36" Hwy B Modified

Pottawatomie

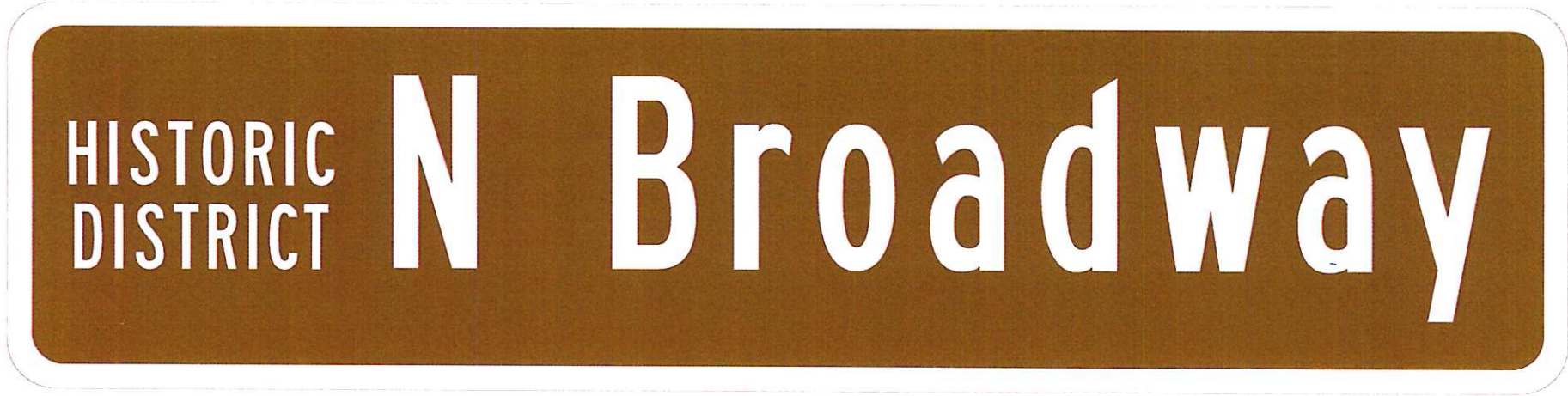
4th Street

9" x 30" Hwy B Modified

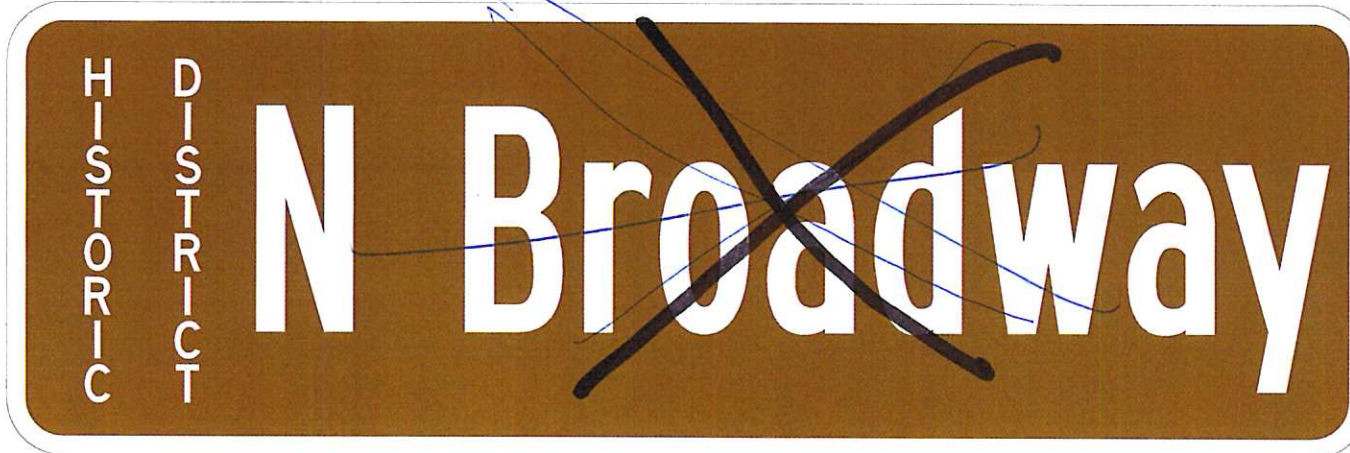
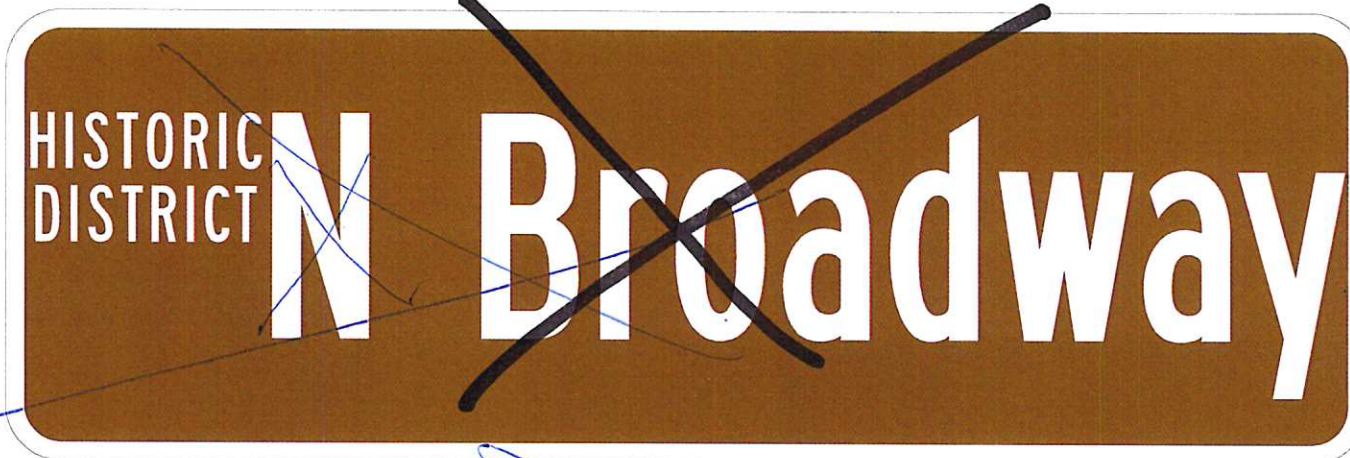
12th Street

Cheyenne

48" X 12" HWY B MODIFIED



36" X 12" HWY B MODIFIED



4TH Street Trafficway

Highway Gothic E Series
6" Upper/lower Case
96Öx 12Ösign

✓ 4TH Street TRFWY

Highway Gothic D Series
6" Upper/lower Case
2ÖIndicator
48Öx 12Ösign

Interesting background on Highway Fonts:

<http://www.trafficsign.us/signtypeface.html>



Standard Sign Typefaces

The standard typefaces used for highway signs in the US are defined in the "[Standard Alphabets for Traffic Control Devices](#)", published by the Federal Highway Administration.

Standard typefaces:

Series A	Series A: Discontinued
Series B	Series B
Series C	Series C
Series D	Series D
Series E	Series E
Series E(M)	Series E Modified

**EXECUTIVE SESSION
PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY**

MARCH 26, 2019

CITY COMMISSION ACTION:

Motion:

Move 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 _____ 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.