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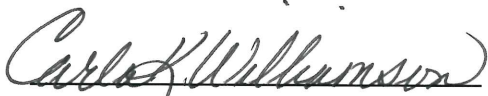
Study Session:

1. Main Street 2018 Annual Review (pg. 2)
2. Annual Review of Development Regulations Text Amendments (pg. 3)
3. Dangerous Structures Review & Assessment (pg. 17)
4. 3-Mile Creek Clean Community Program (pg. 59)
5. Discuss Prayer at City Commission Meetings (pg. 65)

**STUDY SESSION POLICY REPORT
LEAVENWORTH MAIN STREET PROGRAM
2018 REVIEW**

FEBRUARY 5, 2019

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

Issue:

Executive Director Wendy Scheidt will be attending the meeting to present the 2018 annual report for Leavenworth Main Street Program.

POLICY REPORT
Text Amendments
Development Regulations

FEBRUARY 5, 2019



Prepared By:

Julie Hurley
City Planner



Reviewed By:

Paul Kramer
City Manager

DISCUSSION:

The Development Regulations were adopted by the City Commission in June, 2016 after a year-long comprehensive update process. Through the daily use of the Regulations by staff, several minor items have arisen that may necessitate possible updating. This process is not uncommon, and it is anticipated that an annual review of the Development Regulations will be performed in order to ensure that they remain up to date and comprehensive. On February 4, 2019 the Planning Commission held a public hearing for the proposed text amendments which are now presented for review.

- **Section 3.02 Applicability and Exemptions; subsection B.1**
Language should read “The division of land into parcels or tracts of NOT more than five acres and not involving any new streets or easements of access and not affecting major streets.”
- **Section 4.04; Use Standards**
Add provision for Accessory Dwelling Units in residential areas.
- **Section 4.04; Use Standards**
Add provision for Massage Therapy establishments as home occupation allowed by issuance of a Special Use Permit, as adopted previously in city ordinance by the City Commission.
- **Section 4.04 Use Standards; Subsection B.3.a**
Variances in size for detached garages should be approved through Board of Zoning Appeals process, not Special Use Permit process.
- **Section 8.04 Permits; subsection C**
Add “decorative light pole banners” as a type of sign excluded from permit.
- **Article 8.08; Signs Permitted in All Residential Districts**
Add size standards for neighborhood identification monument signs in residential areas.

- **Section 10.01 Solar Energy**
Remove requirement for Special Use Permit to install solar energy system with over 500 sqft of collection surface.

- **Article 12; Definitions**
Add definition for “Indoor Commercial Recreation”

- **Appendix A; Use Table**
 - “Live/Work Dwellings” allowed use in commercial zoning districts
 - Add use type for “Event Venue”
 - “Private Solar Collection Systems” allowed use in all districts
 - “Commercial Solar Collection Systems” allowed with SUP in all districts
 - “Commercial Wind Energy Systems” allowed with SUP in additional districts
 - Move “Athletic Facilities” from Commercial Services subsection to Recreation and Entertainment, Outdoor subsection.

ACTION/OPTIONS:

Consensus to move forward with adoption of proposed text amendments.

ARTICLE 3. SUBDIVISION STANDARDS

3.01. Purpose and Intent

The purpose and intent of this Article is to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, and drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.

3.02. Applicability and Exemptions

- A. **General Applicability.** The standards in this Article apply to anyone platting property, or to any application that involves or requires the construction or alteration of public improvements as a result of development.
- B. **Exemptions.** The standards in this Article shall not apply in the following instances:
1. The division of land into parcels or tracts of **not** more than five acres and not involving any new streets or easements of access and not affecting major streets.
 2. A change in the boundary between adjoining lands which does not create an additional lot or a nonconforming lot or further the nonconformance of any lot or any structure on that lot.
 3. Land used for street or railroad right-of-way, drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
 4. The re-subdivision of land to be used for industrial purposes only.
 5. Any transfer by operation of law.
- C. **Restrictive Covenants.** The Planning Commission shall have the right to confer with the applicant regarding the type and character of development that will be permitted in the subdivision and may require that certain minimum regulations regarding this matter be incorporated in the restrictive covenants. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.
- D. **Planned Unit Development.** In accordance with Planned Unit Development District regulations of the Development Regulations, the preliminary development plan may be used as the preliminary plat. Approval of the preliminary development plan by the City Commission signifies concurrent approval of the preliminary plat, subject to any requirements made as a condition of this approval.

3.03 Minimum Design Standards

The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive

- required setbacks and are not subject to size restrictions except that all other requirements of the Development Regulations must be met.
7. All accessory structures shall be constructed from material customary to detached structures.
 8. In no case shall an accessory structure be constructed from materials or equipment originally designed for another use such as but not limited to packing crates or a part of a motor vehicle truck or trailer regardless if wheels, axles, etc., have been removed and the structures are placed on more permanent foundations.
 9. No shipping containers may be used as accessory buildings.
 10. Accessory structures which are equal to or more than 15% of the footprint of the main structure shall be architecturally compatible or complementary to the architectural style of the principal building, with similar materials, color, arrangement of massing, roof forms and other details and ornamentation.

4.04. Use Standards

- A. **Permitted and Special Uses.** Permitted and special uses for each zoning district are identified in Appendix A Use Table.
- B. **Accessory Uses.**
 1. **Principal Use Required.** Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.
 2. **Accessory Uses.** Accessory Uses are a structure or use which:
 - a. Is subordinate to and serves a principal building and principal use;
 - b. Is subordinate in area, extent, or purpose of the principal use or building or building served;
 - c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
 - d. Is located on the same lot as the principal building or principal use served; and
 - e. The total square footage of all detached structures functioning as accessory use in residential districts shall be less than the square footage of the primary use on the parcel. In determining square footage of the primary use (residential), attached garages and unfinished space shall not be counted. No more than two detached accessory structures shall be allowed per building lot or parcel whichever is larger in area.
 3. **Permitted Accessory Uses.** Any structure or use that complies with the terms of these Development Regulations may be allowed as an accessory use or structure (accessory structures and uses include, but are not limited to, the following list of examples); provided that in each case such structure must fit the general definition:
 - a. Private garages or carports: Not to exceed the following capacity:
 - (1) For single-family residences: a garage not to exceed 900 square feet on parcels less than one acre, and 1,200 square feet on parcels one acre or

- larger. Detached garages require construction of driveways to provide access in conformance with the parking provisions of the code.
- (2) For multi-family residence: two cars per dwelling unit. Not to exceed 600 square feet per unit.
- (3) Requests for garages in excess of 900 square feet on parcels less than one acre and in excess of 1,200 square feet on parcels one acre or larger may be approved by the Board of Zoning Appeals.
- b. Storage Buildings: A structure for storage incidental to a permitted use provided no such structure that is accessory to a residential building shall exceed 250 square feet in gross floor area.
- c. Play Structures: A child's playhouse, including tree houses.
- d. Pools & Courts: A private swimming pool, bathhouse, or tennis court.
- e. Yardicles: Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges, and solar collectors.
- f. Shelters: Fallout and tornado shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- g. Signs: Signs, when permitted by Article 8 – Sign Regulations.
- h. Parking: Off-street parking and loading spaces as required by these regulations.
- i. Recreational Vehicles, Campers, Trailers, and Boats: Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided such storage area is in accordance with all other requirements of these Development Regulations.
- j. Commercial Accessories: Restaurants, drug stores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- k. Supplemental Employee Services: Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- l. Office Space: Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
- m. Retail Sales: Retail sales in conjunction with permitted industrial uses when located on the same site as the industrial use.
- n. Indoor Retail Storage: The storage of retail merchandise when located within the same building as the principal retail business.
- o. Auto Sales: The retail sale of automobile parts and used automobiles on a tract of land not to exceed one acre in area when located on the same site as and in conjunction with an automobile race track.
- p. Radio Towers: Amateur radio towers no taller than 50 feet in residential districts and no closer than 50 feet to a property line is permitted as an allowed accessory use. A tower and antennae must maintain a setback of one foot per one foot of height from all property lines and must be located in a side or rear yard of the principal structure and the owner of the tower and property maintains and shows proof of a current federal license as an amateur radio operator. The construction of the tower must follow the manufacturer's installation specifications.
- q. Agriculture Buildings: In residential districts an agricultural accessory building not to exceed 1,500 square feet may be permitted on parcels two acres or larger.

4. *Prohibited Accessory Uses.* None of the following shall be permitted as an accessory use:
- a. Large Vehicles or Trailers. Outdoor storage or overnight parking in a residential district of commercial trucks or trailers, or other on, or off, road items exceeding 12,000 GVW (Gross Vehicle Weight).
 - b. Dismantled Objects. Outdoor storage, of dismantled, inoperative and/or unlicensed motor vehicles; parking and/or storage of construction machinery and equipment, tracked or wheeled; farm machinery and/or equipment except as specifically permitted in district regulations in conjunction with a permitted use.
5. *Accessory Uses Permitted by Special Use Permit.* The following accessory uses shall only be permitted upon approval of a special use application by the City Commission:
- a. Commercial Communication Towers and Antennae. Including television and radio towers, transmitting and receiving towers, dishes, and appurtenances, subject to the provision included in Article 10, Supplemental Standards.
 - b. Renewable Energy Facilities, including wind or solar energy facilities, subject to the provisions included in Article 10, Supplemental Standards.
 - c.
 - d. **Accessory Dwelling Units. Accessory Dwelling Units (ADUs) may be approved by Special Use Permit in any residential zoning district subject to the following conditions:**
 - (1) Shall be compatible with the design of the principal dwelling unit.
 - (2) Shall respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards.
 - (3) Shall not have a separate driveway entrance from the street(s) to which the property is adjacent.
 - (4) Shall be 900 square feet or smaller in size, not to exceed 33% of the floor area of the principal dwelling unit.
 - (5) Either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner of the premises.
 - (6) Shall be subject to all applicable residential building codes.
 - (7) Lots containing accessory dwelling units shall contain a minimum of two off-street parking spaces, exclusive of garage space.
 - e. **Massage Therapy establishments as a home occupation may be allowed with issuance of a Special Use Permit. Such establishments are subject to all requirements of Home Occupations as provided in these regulations, as well as all requirements for Massage Establishments as provided in the City of Leavenworth Code of Ordinances, Chapter 26, Article III.**
6. *Home Occupations.* A home occupation may be established provided:
- a. That no separate outside entrance is provided for the home occupation;
 - b. That no one, other than members of the immediate family residing on the premises, be employed;
 - c. That no use will occupy more than 25% of the gross floor area on one floor nor more than 400 square feet of gross floor area;

Buildings or Structures owned or leased and used by other public, semi-public, or civic organizations.

21. Special Event signs shall be exempt from a permit as follows: Signs of a temporary nature for campaigns, drives, seasonal events of civic or philanthropic organizations not to exceed 32 square feet. These signs must be placed on private property and must be removed within three days after the event.
22. A new sign permit shall not be required unless (a) the existing sign base, pole, or face is nonconforming to these regulations or, (b) the existing sign base or pole is going to be relocated, changed, or enlarged.
23. Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. No political signs are permitted on public right-of-way or on public property. In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed 3 square feet per face. Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs must be removed within 3 days after the election.
24. Contractor signs as further defined in section 8.07.D.
25. Decorative light pole banners, which may not include any business or advertising information.

8.05. Sign Installers

All persons, firms, or corporations engaged in the business of sign or billboard fabrication, erection, installation or maintenance within the corporate limits of the city shall comply with the provisions of this Section.

- A. **License Required:** There shall be an annual license and fee for each person, firm, or corporation engaged in the business of sign installation, hanging and erecting signs and billboards.
- B. **Subcontractors:** All persons engaged in the business of sign fabrication, installation and the erection of signs and billboards shall obtain such a license, except those who are employed by contractors carrying a license.
- C. **Certificate of Insurance Required:** All persons, firms, or corporations engaged in the business of sign or billboard fabrication, installation, or erection shall file a Certificate of Insurance with the City Clerk before installing, erecting, or maintaining any sign or billboard. The Certificate of Insurance shall be in the amount of bodily injury liability \$100,000 each person, \$300,000 each accident and property damage liability: \$25,000 each accident or a good and sufficient bond in the same amounts shall be filed with and approved by the City Clerk or Duly Authorized Representative. The certificate or bond shall state that the policy or bond shall not be cancelled or in any manner amended, changed, or altered without giving the authorized representative five days written notice thereof. If a surety bond is provided in lieu of a certificate of insurance, such bond shall be approved and shall be

DEVELOPMENT REGULATIONS
ARTICLE 8. SIGNS

8.07 Signs Permitted in All Districts

8.08. Signs Permitted in All Residential Districts (R1-25, R1-9, R1-6, R1-7.5, R4-16, R-MF, RMX, MP)

Table 8-01: Residential Signage Standards			
	Maximum Number	Height	Area
Home Based Business Signs	1	N/A	1/2 s.f.
Temporary Signs	1	N/A	3 s.f.
Real Estate Signs	1	6'	6 s.f.
For Sale Signs (undeveloped land over 5 acres)	2	10'	40 s.f.
Open House Signs	1	6'	4 s.f.
Neighborhood Identification Signs	1 per entrance	8'	50 s.f.
Public & Semi-Public Buildings	See Table 8-02		

The following types of signs are permitted in all residential districts, in accordance with the requirements set forth or referred to herein:

- A. All signs as regulated and permitted in Section 8.07 - Signs Permitted in All Districts.
- B. A ½ square foot home based business sign as described in Article 10 – Supplementary District Regulations.
- C. Temporary signs, not specifically otherwise identified by sign type, conforming to the restrictions set forth herein are allowed as follows;
 - 1. Three temporary signs are permitted on any lot.
 - 2. These temporary signs shall be a single faced sign, and have a sign Face no larger than six square feet
- D. In lieu of the temporary signs permitted herein a real estate sign not exceeding six square feet per sign face, with two faces per sign are permitted. The maximum height of the sign shall not exceed six feet. A maximum of one sign per lot shall be permitted.
- E. Undeveloped land over five acres in size shall be allowed two "For Sale" signs not to exceed 40 square feet in area per sign face, with two sign faces permitted. No sign shall exceed 10 feet in height.
- F. In lieu of the temporary signs permitted a sign designating an open house may be erected at the site of an open house. No open house sign shall exceed four square feet per sign face with two faces per sign permitted. One sign face shall be allowed in lieu of each one of the temporary signs permitted by subsection (B) above. The maximum height of the sign shall not exceed six

ARTICLE 10. SUPPLEMENTAL STANDARDS

10.01 Solar Energy

The following provisions regulate the use of renewable (alternative) energy systems where the use of an alternative energy system is requested by a property owner. This section does not permit or regulate renewable energy production facilities owned or operated by private firms or public utilities, which generate energy beyond that needed by a single dwelling or commercial operation with less than 10,000 square feet of floor space.

- A. **Solar Array Defined:** A "solar array" shall mean a freestanding, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.
- B. **Solar Array Standards:** All solar arrays shall comply with the following requirements:
1. *Setbacks, Location, and Height:*
 - a. Solar array shall not be located in the front yard between the principal structure and the public right-of-way.
 - b. A solar array shall be located a minimum of six feet from all property lines and other structures.
 - c. An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater. The size of accessory arrays in mixed-use and nonresidential districts shall not exceed one-half of the footprint of the principal structure. Any proposed solar array in excess of the stated size limits shall require approval of a Special Use Permit.
 - d. There shall be no size limits on solar arrays as a primary use on a site. However, the maximum lot coverage of any solar array shall not exceed 80 percent.
 - e. A solar array shall not exceed 20 feet in height and shall not create any solar reflectivity that measurably impacts surrounding properties.
 2. *Code Compliance:* Solar arrays shall comply with all applicable building and electrical codes contained in the adopted building code. The solar collection system shall be maintained and in productive use or removed within 90 days of notice from the city that the system is not in compliance with city regulations.

- C. **Solar Collection System Defined:** A “solar collection system” shall mean a roof-mounted or wall-mounted panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.
- D. **Solar Collection System Standards:** All solar collection systems shall comply with the following requirements:
1. *Setbacks, Location, and Height:*
 - a. A solar collection system shall not extend more than five feet above the roofline or the maximum height permitted in the zoning district in which it is located, whichever is less.
 - b. A solar collection system may be located on an accessory structure.
 - c. A development that is proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.
 2. *Solar Collection Code Compliance:* Solar collection systems shall comply with all applicable building and electrical codes contained in the city’s adopted building code. The solar collection system shall be maintained and in productive use or removed within 90 days of notice from the city that the system is not in compliance with city regulations.

10.02 Wind Energy

The following provisions regulate the use of renewable (alternative) energy systems where the use of an alternative energy system is requested by a property owner. This section does not permit or regulate renewable energy production facilities owned or operated by private firms or public utilities, which generate energy beyond that needed by a single dwelling or commercial operation with less than 10,000 square feet of floor space.

This section is intended to promote the compatible use of small wind energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.

- A. **Special Use Permit Required:** All wind energy systems shall be a Special Use Permitted accessory use allowed in all zoning districts except the CBD; where they are prohibited.
- B. **Small Wind Energy Standards:** All wind energy systems are subject to the following requirements:

DEVELOPMENT REGULATIONS
ARTICLE 12. DEFINITIONS

Improvements: Street and drainage work and utilities that are to be installed, or agreed to be installed in conformance to City of Leavenworth's standard and specifications, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision, as a condition precedent to and acceptance of the final plat.

Indirectly Illuminated Sign: A sign whose source of illumination is exterior to the body of the sign with the light shining directly on the sign.

Indoor Commercial Recreation/ Entertainment: Any facility for recreation, which is indoors, and commercial in nature.

Indoor Shooting Ranges: Any indoor shooting range for guns or archery meeting National Rifle Association standards for the design, construction, and operation of the facility.

Infill Construction: Construction of a new residential or commercial structure on a previously platted and developed lot where one or more main structures were removed. Infill constructions shall conform to established setback lines, building orientation, mass, form, and architectural styling of the surrounding buildings.

Inoperative Vehicle: A vehicle that is wrecked, partially dismantled and/or damaged to the extent that the equipment required by State statute on any such vehicle used on the streets and highways is not present or is not in good condition or proper adjustment or such vehicle is in an inoperable condition or a condition that would render the operation on the streets and highways a hazard to public safety.

Internally Illuminated Sign – A sign in which the source of illumination is contained within the sign.

Inter-Parcel Access: A private, vehicular way adequate to convey vehicular traffic from the subject property to adjacent properties in an unimpeded manner.

Jails and Prisons: Places in which people are physically confined and, usually, deprived of a range of personal freedoms. In the United States, "jail" and "prison" refer to separate levels of incarceration; generally speaking, jails are county or city administrated institutions which house both inmates awaiting trial on the local level and convicted misdemeanants serving a term of one year or less, while prisons are state or federal facilities housing those awaiting trial on the state or federal level and convicted felons serving a term of more than one year. On the federal level, this terminology has been largely superseded by a more complex five-tier system implemented by the Federal Bureau of Prisons that ranges from low security "Prison Camps" to medium security "Correctional Institutions" and finally maximum security "Penitentiaries."

Junk Yard: The use of any lots, portion of a lot, or tract of land for the storage, processing, sale, or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof

Junkyard, Salvage Yard: The location of a dismantling business where wrecked or decommissioned vehicles or other scrap is brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are processed and sold to metal-recycling companies.

Kansas Register/State Register: The current State Register of Historic Places as prepared, approved and amended by the State Historic Sites Board of Review and authorized by KSA 75-2701, et.seq.

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

Table A1-1, TABLE OF PERMITTED USES P = Permitted, S = Special Use Permit Required																			
Use Category		Residential								Non-Residential							Overlay		
Subcategory		R1-25	R1-9	R1-7.5	R1-6	R-MF	R4-16	MP	RMX	NBD	OBD	CBD	GBD	I-1	I-2	FP	NN	DT	NG
Specific Use Type																			
RESIDENTIAL USES																			
Household Living																			
	Dwelling, Single-Family Detached	P	P	P	P		P	S	P	P		S					P	S	
	Dwelling, Two-Family	S	S	S	S	S			P	P							P	S	
	Dwelling, Townhouse				P	P			P								P	P	
	Dwelling, Multi-Family					P			P								P	P	
	Dwelling in Mixed-Use Structure Note [1]								P	P	P	P	P				P	P	P
	Dwelling, Live/Work								P	P		P					P	P	P
	Dwelling, IBC/IRC Modular Home							P											
	Manufactured/ Mobile Home Community							P											
Group Living																			
	Assisted Living Facility	S	S	S	S				S			P	P				S	S	S
	Convent/Monastery	P	P	P	P	P	P	P	P										
	Dormitory	S	S	S	S														
	Fraternity/Sorority Home	S	S	S	S	S													
	Group Home: Disabled (K.S.A. 12-736)	P	P	P	P	P	P	P	P								S	S	S
	Nursing Home/Hospice	S	S	S	S								P				S	S	S
	Senior Housing	S	S	S	S				S			P	P				S	S	S
	Shelter, Domestic Violence	P	P	P	P					P	P	P	P				P	P	P
	Student Housing					P		P	P			P	P						
PUBLIC AND INSTITUTIONAL USES																			
Community Services																			
	Cemetery	S	S	S	S														
	Mausoleum	P	P	P	P							P	P						
	Civic, Social, and Fraternal Organizations	S	S	S	S				S		P	P	P				P	S	P
	Community Centers											P	P				P		P

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Specific Use Type																			
Airport																			S
Bus Garage and Equipment Maintenance												P	P	P					
Bus Terminal											P	P	P	P	P				
Helicopter											S	S							
Railroad Terminal												P							
Taxi Dispatch										S	S	P	P						
Truck Terminal, Freight, Air Courier Services														P	P				
Utility																			
Private Wind Energy Systems		P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P
Private Solar Collection Systems		P	P	P	P	P	P	P	S	P	P	P	P	P	P		P	P	P
Commercial Wind Energy Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Commercial Solar Collection Systems		S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S
Communication Tower		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Tower – Alternative Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication Facility on Existing Structure		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage		P	P	P	P				S	S	S	P	P				S	S	S
COMMERCIAL USES																			
Animal Sales and Service																			
Animal Day Care		S	S	S	S	S	S	S	S	P	P	S	P				S	S	S
Animal Confinement and Feed Operations		S																	
Kennel		S	S										P	P	P				S
Pet Shops										P		P	P				P	P	
Pet Grooming		S	S	S	S							P	P				S	S	S
Veterinary Clinic with Boarding										S	S	P	P	P	P		S	S	P
Veterinary Clinic without Boarding										S	S	P	P	P			P	P	P
Assembly																			
Assembly Hall										P	P	P	P						

DEVELOPMENT REGULATIONS
APPENDIX A. USE TABLE

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Specific Use Type																		
Auction Establishment									P	P	P	P	P					
Membership Clubs					S				P	P	P	P				S	S	S
Event Venue									P	P	P	P					P	P
Financial Service																		
Financial Institution, with Drive-thru									S	S	S	P				S	S	P
Financial Institution, without Drive-thru								P	P	P	P	P				P	P	P
Food and Beverage Services																		
Food and Beverage General									P	S	P	P				P	P	P
Bars or Taverns								S	S	S	P	P				S	P	P
Restaurant, with Drive-in or Drive-thru									P	S	P	P					S	P
Restaurant, without Drive-in or Drive-thru								S	P	S	P	P				S	S	S
Office																		
Administrative and Professional Offices										P	P	P				P	P	P
Offices for Nonprofit, Community Health, and Welfare Service Organizations										P	P	P				P	P	P
Recreation and Entertainment, Outdoor																		
Amphitheater	S										P	P					S	S
Arena and Field House											P	P					S	S
Country Club	S	S	S	S								P						
Marina	S											P						
Outdoor Commercial Recreation	S											P					S	P
Racing Facilities	S											P	S	S	S			
Riding Academies/Stables	S											P	S	S	S			
Sports/Entertainment Arena or Stadium									S	S	P	P						P
Athletic Facilities	S	S	S	S				P	P	P	P	P						
Non- Residential Swimming Pools Public or Private Membership	S	S	S	S							P	P				P		P


POLICY REPORT

Dangerous Structures Review and Assessment

FEBRUARY 5, 2019



Prepared By:
Julie Hurley,
City Planner



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition pose a threat to the public health, safety and welfare of the City. To address and abate these structures, the City Commission, through its powers under Chapter 22, Article X (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition.

STRUCTURES FOR CONSIDERATION

Staff has compiled a list of structures, which have been evaluated based upon the criterion established for unsafe and dangerous structures. In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, siding or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

The following structures have been evaluated based on the criteria outlined within KSA 17-4759 and are hereby presented for consideration:

1. **905 Washington** – Single family house
2. **1214 Pottawatomie** – Single family house
3. **1605 Terry** – Single family house
4. **514 Linn** – Single family house
5. **603 Rees** – Single family house
6. **795 Spruce** – Single family house
7. **1021 S. 2nd Street** – Single family house
8. **1214 9th Avenue** – Single family house
9. **1708 S. 4th Street** – Single family house
10. **1916 Montezuma** – Single family house
11. **2317 3rd Avenue** – Single family house
12. **305 N. 2nd Street** – Single family house
13. **326 Osage** – Single family house
14. **400 N. 5th Street** – Mixed use building
15. **403 Olive** – Single family house
16. **505 N. 7th Street** – Shed only
17. **787 Shawnee Street** – Single family house
18. **802 S. 4th Street** – Single family house
19. **219 Miami** - Shed only
20. **1016 N. 10th** – Shed only

RECOMMENDED ACTION

Consensus for the list of dangerous structures, as presented, to be formally placed on a list for public hearing, review and consideration for Resolution of demolition.

Determination of Unsafe or Dangerous Structure

Address:	905 Washington Street		
Owner	Description	Taxes	Parcel Number
BOWEN, JEREMY	Single Story Residence		0773503005004000
Legal Description: LTS 20-22 & N1/2 LT 23			
Date of Inspection	Zoning		Parcel Size
11/28/2018	R16		20610 Sq Ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	N/A		Mills

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- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

905 Washington



Determination of Unsafe or Dangerous Structure

Address:		1214 POTTAWATOMIE	
Owner	Description	Taxes	Parcel Number
RUSSELL, WILLIAM & KRISTINA	Single Story Residence		0772603013007000
Legal Description: HERRIG'S REPLAT, Lot 12			
Date of Inspection	Zoning	Parcel Size	
11/28/2018	R16	3597 Sq Ft	
# Code Violations	Last Court Appearance	Code Enforcement Officer	
4	N/A	Mills	

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 - Vermin infestation
 - Inadequate drainage
 - Any other violation of health, fire, building or zoning regulations
- Other:

Previously on demolition list, removed by City Commission on 3/13/18.

1214 Pottawatomie



Determination of Unsafe or Dangerous Structure

Address:	1605 TERRY		
Owner	Description	Taxes	Parcel Number
LIS, KEVIN C & PATRICIA A	Single Story Residence		0782704011012000
Legal Description: AMRON ACRES, Lot 10			
Date of Inspection	Zoning		Parcel Size
11/28/2018	R19		6399 Sq Ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	N/A		Mills

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1605 Terry



Determination of Unsafe or Dangerous Structure

Address:	514 Linn		
Owner	Description	Taxes	Parcel Number
Pride Properties LLC	2 story wood house & shed		052-077-36-0-30-31-011.00-0
Legal Description: FACKLERS ADDITION , BLOCK 29 , Lot 12			
Date of Inspection	Zoning		Parcel Size
11/15/2018	R1-6		6402 sq. ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
10	6/7/2018		Lee Burseson

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

514 Linn



Determination of Unsafe or Dangerous Structure

Address:	603 Rees		
Owner	Description	Taxes	Parcel Number
Darlene Tyler & Ralph & Margie	1 Story wood		1010102023001000
Legal Description: REES' DONIPHANPTON'S, S01, T09, R22E, BLOCK 18, LTS 1&2 & N1/2 VAC ALLEY ADJ			
Date of Inspection	Zoning		Parcel Size
11/19/2018	R1-6		13460 Sq. Ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
5	N/A		Lee Burleson

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Other:

603 Rees



Determination of Unsafe or Dangerous Structure

Address:	795 Spruce		
Owner	Description	Taxes	Parcel Number
Victory Temple Family Worship	1 story wood		052-077-35-0-40-05-002.00-0
Legal Description: STOCKTONS SUBDIVISION, S35, T08, R22E, BLOCK 2, Lot 10 - 18			
Date of Inspection	Zoning		Parcel Size
11/20/2018	R1-6		
# Code Violations	Last Court Appearance	Code Enforcement Officer	
2	N/A	Lee Burleson	

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Junk behind building

795 Spruce



Determination of Unsafe or Dangerous Structure

Address:	1021 S 2nd St		
Owner	Description	Taxes	Parcel Number
Janet Wiber	2 Story wood & Garage		052-077-36-0-40-01-007.00-0
Legal Description: FACKLERS ADDITION , BLOCK 1 , Lot 8			
Date of Inspection	Zoning		Parcel Size
12/17/2018	R1-6		7650 Sq. Ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
4	N/A		Lee Burluson

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1021 S. 2nd Avenue



Determination of Unsafe or Dangerous Structure

Address:	1214 9th Ave		
Owner	Description	Taxes	Parcel Number
Wendels Homes LLC	1 Story Wood & Garage		052-077-35-0-40-22-022.00-0
Legal Description: INSLEY & SHIRE'S SUB, S35, T08, R22E, BLOCK 2, Lot 16 - 17, (SCALED)			
Date of Inspection	Zoning		Parcel Size
11/20/2018			6698
# Code Violations	Last Court Appearance	Code Enforcement Officer	
1	N/A	Lee Burleson	

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- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1214 9th Avenue



Determination of Unsafe or Dangerous Structure

Address:	1708 S 4th St		
Owner	Description	Taxes	Parcel Number
Gary & Tonia Nelson	1 story wood & Garage		052-101-01-0-20-01-026.00-0
Legal Description:			
FLESHER'S RIVER VIEW SUB, S01, T08, R22E, BLOCK 2, ALL LTS 39-46 & N7' OF LT 38			
Date of Inspection	Zoning		Parcel Size
11/19/2018	R1-6		25384 Sq. Ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
4	N/A		Lee Burleson

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- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1708 S. 4th Street



Determination of Unsafe or Dangerous Structure

Address:	1916 Montezuma		
Owner	Description	Taxes	Parcel Number
Shari Rich	2 Story Wood		052-101-02-0-10-16-022.00-0
Legal Description: FENNS BROADWAY SUB , BLOCK 1 , Lot 25&26			
Date of Inspection	Zoning		Parcel Size
11/19/2018	R1-6		6317 Sq. Ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	N/A		Lee Burleson

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- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1916 Montezuma



Determination of Unsafe or Dangerous Structure

Address:	2317 3rd Ave		
Owner	Description	Taxes	Parcel Number
Boom SC LLC	1 story wood		052-101-01-0-30-08-003.00-0
Legal Description: SIDNEY PLACE , BLOCK 3 , Lot 13&14			
Date of Inspection	Zoning		Parcel Size
11/30/2018	R1-6		10159 Sq. Ft.
# Code Violations	Last Court Appearance		Code Enforcement Officer
8	4/19/2018		Lee Burleson

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

2317 3rd Avenue



Determination of Unsafe or Dangerous Structure

Address:	305 North 2nd Street		
Owner	Description	Taxes	Parcel Number
ABSL Venture LLC	1 STORY WOODEN STRUCTURE		0772503107025000
Legal Description:			
LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, N36'LTS 1 & 2			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		1720 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
3			Kathy L. Rodgers

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

1 Grass and Weeds Violation

305 N. 2nd Street



Determination of Unsafe or Dangerous Structure

Address:	326 Osage Street		
Owner	Description	Taxes	Parcel Number
Variese J. Johnson	1 STORY WOODEN HOUSE		0772503212015000
Legal Description:			
LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, W1/2 LT 13 & ALL LT 14			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		4519
# Code Violations	Last Court Appearance		Code Enforcement Officer
1	N/A		Kathy L. Rodgers

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Other:

326 Osage



Determination of Unsafe or Dangerous Structure

Address:	400 North 5th Street		
Owner	Description	Taxes	Parcel Number
Brian K. & Julia Rose Visocsky	2 STORY WOODEN APARTMENTS		0772503211012000
Legal Description:			
LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 53, S1/2 LTS 15&16			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		2956 SQ FT
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	N/A		Kathy L. Rodgers

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Other:

400 N. 5th Street



Determination of Unsafe or Dangerous Structure

Address:	403 Olive Street		
Owner	Description	Taxes	Parcel Number
Gabriel Arroyo	2 Story Wooden House		0773602044002000
Legal Description:			
CLARK & REES ADDITION, BLOCK 20, Lot 2			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1_6		6427 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
10	10/4/18		Kathy L. Rodgers

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- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

403 Olive



Determination of Unsafe or Dangerous Structure

Address:	505 North 7th Street (DETACHED SHED ONLY)		
Owner	Description	Taxes	Parcel Number
Peter Ko	DETACHED SHED		0772604107028000
Legal Description:			
WESTERN ADDITION, BLOCK 98, N85'LTS 1&2			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		4279 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
4	N/A		Kathy L. Rodgers

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- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

505 N. 7th Street



Determination of Unsafe or Dangerous Structure

Address:	787 Shawnee Street		
Owner	Description	Taxes	Parcel Number
Ruth W. Lee	1 Story Wooden House & Detached		077-35-0-10-02-002.00-0
Legal Description:			
WESTERN ADDITION, BLOCK 117, E14'LT 34 & ALL LT 35 EXC RR ROW (SCALED)			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		5612 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
5	N/A		Kathy L. Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

2 Grass & Weeds Violations

787 Shawnee Street



Determination of Unsafe or Dangerous Structure

Address:	802 South 4th Street		
Owner	Description	Taxes	Parcel Number
Norris C. Simmons Jr.	2 Story Wooden Apartment Building		0773602044001000
Legal Description:			
CLARK & REES ADDITION, BLOCK 20, Lot 1			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		6269 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
1	N/A		Kathy L. Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

Fire occurred on 8/14/18.

802 N. 4th Street



Determination of Unsafe or Dangerous Structure

Address:	219 Miami Street (DETACHED SHED ONLY)		
Owner	Description	Taxes	Parcel Number
Thomas P. & Jessica R. Gould	WOODEN DETACHED SHED		0772503402002000
Legal Description:			
LEAVENWORTH,PLT ORIG, S25, T08, R22E,; BLOCK 25, LOT 23 - 24			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		6080 sq ft
# Code Violations	Last Court Appearance		Code Enforcement Officer
7	N/A		Kathy L. Rodgers

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- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
- Dilapidation
- Disrepair
- Structural defects
- Uncleanliness
- Overcrowding
- Inadequate ingress and egress
- Dead and dying trees, limbs or other unsightly natural growth or unsightly appearances
- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
- Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof
- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

Other:

3 Grass and Weed violations

219 Miami



Determination of Unsafe or Dangerous Structure

Address:	1016 North 10th Street		
Owner	Description	Taxes	Parcel Number
Nicholas Tevebaugh &	DETACHED SHED		0772602011006000
Legal Description:			
LEA'S & HARSH'S SUB, S26, T8, R22E, BLOCK 3, Lot 20 - 21			
Date of Inspection	Zoning		Parcel Size
2/1/19	R1-6		6943
# Code Violations	Last Court Appearance		Code Enforcement Officer
3	N/A		Kathy L. Rodgers

In accordance with KSA 17-4759, structures are deemed unfit for human use or habitation if conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents within the City of Leavenworth, or which have a blighting influence on properties in the area. Such conditions may include, but are not limited to the following, which are found to be present at the subject property:

- Defects increasing the hazards of fire, accident or other calamities
- Lack of adequate ventilation
- Air pollution
- Light or sanitary facilities
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- Disrepair
- Structural defects
- Uncleanliness
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- Walls, sidings or exterior of a quality and appearance not commensurate with the character of the properties in the neighborhood
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- Vermin infestation
- Inadequate drainage
- Any other violation of health, fire, building or zoning regulations

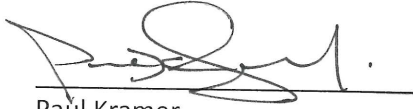
Other:

1016 N. 10th Street



Policy Report
Three-Mile Creek Clean Community Program
February 5, 2019

Prepared by:



Paul Kramer
City Manager

Background:

The Three-Mile Creek walking trail represents a substantial investment by the residents of Leavenworth to create a welcoming and unique path along the edge of the historic downtown area. There has been extensive work on bridges, banks and the trail since it opened in 2009. Along with continual maintenance items, there have also been concerns raised about trash and debris along the creek that diminish the experience originally intended for the trail.

Issue:

Cleaning the creek bank along the length of the trail requires labor and time. And, while City staff from the Parks and Recreation Department does perform creek cleanups, limitations in staffing and resources result in times when litter and debris accumulate.

In order to perform more routine and timely clean-ups of the Three-Mile Creek Trail, staff devised a program to benefit the non-profit community, users of the trail, neighboring property owners and the City overall.

Details of the proposed program are in the draft guidelines attached to this policy report.

Required City action

If there is a consensus from the Commission, staff will open the project March to local organizations.



Three-Mile Creek Trail Clean Community Grant Program Guidelines and Application Packet

1. ABOUT THE PROGRAM

The Three-Mile Creek Trail Clean Community Grant Program was designed to keep the Three-Mile Creek Trail clean, inviting and safe, while benefitting Leavenworth non-profit groups.

2. MISSION AND GOALS

The City of Leavenworth Three-Mile Creek Trail Clean Community Program will enhance a great amenity for residents and visitors of Leavenworth to walk, bike, and enjoy the historic downtown, while helping local organizations.

3. POLICIES AND PROCEDURES

Grants are available to organizations that are registered non-profit or that are operating under the umbrella of a non-profit organization in the City of Leavenworth. Any variations on the policies and procedures must be approved by the City Manager. Criteria is as follows:

- a. Grant applications are accepted and approved on a first come, first served basis from April-December 2019. Work must be done between the 10th and 20th of a given month.
- b. A grant award of \$500/month, funded by the transient guest tax.
- c. Applicants will be notified of grant award via letter or email.
- d. All participants must be at least 16 years of age or older and must sign a waiver.
- e. Participants will pick up all trash, debris, and litter along the trail. Any large items should be reported to the program director.
- f. All refuse will be bagged and left in a location determined by the City. Bags will be provided by the City.

4. APPLICATION PROCESS

Applications will be approved on a first come, first served basis and will be reviewed and approved by the Director of Parks and Recreation. All applications must be delivered to:

Steve Grant, Director of Parks and Recreation
Leavenworth Parks and Recreation
100 N. 5th St. Leavenworth, KS 66048
sgrant@firstcity.org

PROJECT COMPLETION REPORT

The area of clean-up will include the Three-Mile Creek Trail starting at the river and ending at N Broadway St. Clean-up must be completed between the 10th and 20th of the month and will be inspected for approval prior to funding.

5. QUESTIONS

- For assistance contact the Leavenworth Parks and Recreation at 913-651-2203

Final determination of grant funding is solely at the discretion of the City of Leavenworth. The City has the right to approve or deny any grant application at any time for any reason.



Three-Mile Creek Trail Clean Community Program Grant Application

Please review the Grant Guidelines before completing this form.

1. Business Information

Organization Name _____
Project Manager Name _____ Title _____
Address _____ City _____ State _____ Zip _____
Telephone (____) _____ E-mail Address _____
Organization's Web Site _____

2. Organization Information

501(c)(3)?

Yes

No

Year Established: _____

Total Number of Staff: _____

Total Number of Volunteers: _____

Brief Description of Organization/Need for Additional Funding: _____

Organizational Mission Statement: _____

3. Mail, hand deliver, or email the original of the completed application to:

Steve Grant, Director of Parks and Recreation
Leavenworth Parks and Recreation
100 N. 5th St. Leavenworth, KS 66048
sgrant@firstcity.org

4. Authorized Signatures

I have read the grant guidelines and have accurately completed this application. I understand that this is a competitive grant process and that I must meet the eligibility requirements outlined in the grant guidelines in order to be considered for a grant. I acknowledge that I have the authority to submit this application and commit the matching funds.

I understand that it is a criminal violation under Kansas Law to engage in deception and knowingly make or cause to be made, directly or indirectly, a false statement in writing for the purpose of procuring economic development assistance from government funds.



Three-Mile Creek Trail Clean Community Grant Completion Report

The Completion Report must be submitted to the Parks and Recreation within **5 days** of project completion. Grant awardees must complete this form fully. Funding will occur after form processing, clean-up inspection and approval by the Director of Parks and Recreation

Organization Name _____

Clean-up Completion Date _____

Documentation (photos, list of volunteers, consent forms) _____

Additional information _____

Return completed form to:

Steve Grant, Director of Parks and Recreation

City of Leavenworth Parks and Recreation

100 N. 5th St. Leavenworth, KS 66048

sgrant@firstcity.org • 913-651-2203

Make check payable to:

Address: _____ City _____ Zip _____

The above completion report is an accurate representation of the project.

Signature _____ Date _____

Policy Report
Prayer at a City Commission meeting
February 5, 2019

Prepared by:



Paul Kramer
City Manager

Issue:

Mayor Jermaine Wilson has inquired to the City Manager's Office about establishing the formal practice of starting City Commission regular meetings with a prayer.

In response to this request, I sought a legal briefing from City Attorney David Waters. The memo, prepared by an subject matter expert in Mr. Waters firm, Lathrop Gage, is included. The memo speaks clearly for itself, but to summarize a few notable items.

Legal Overview

The City of Leavenworth may include a prayer at the beginning of Commission meetings, subject to a few parameters.

1. The prayer should be solemn and respectful in tone.
2. Faith-specific prayers cannot oppress other citizens by belittling nonbelievers or religious minorities, threatening damnation or preaching conversion.
3. The City must welcome a prayer by any minister or layperson who wishes to give one.

Required City action

1. The City must establish a written nondiscrimination policy.
2. The City must establish a program to publicize the program to all local congregations and create a first come-first served program.
3. The City would need to ensure that all prayer-givers would be aware of the requirements included in the legal memo.

Next steps

In order for the City to proceed, a nondiscrimination policy would need to be adopted. As a first step, the Commission would need to provide a consensus to the City Manager to present a nondiscrimination policy at a future Commission meeting. The lack of consensus for a non-discrimination policy would yield the recommendation, from the City Manager and City Attorney, that this item not move forward.

MEMO

TO David E. Waters

FROM Neary, Nell

DATE January 11, 2019

SUBJECT Leavenworth City Commission Meetings – Prayer

The City of Leavenworth is considering opening their Commission meetings with a prayer. The Commission currently opens meetings with the Pledge of Allegiance and a moment of silence. The below memorandum summarizes the legality of opening local government meetings with a prayer, and suggests some best practices to avoid constitutional challenges against such a practice.

1. Legal Overview

The City of Leavenworth may include a prayer at the beginning of Commission meetings, subject to a few parameters. In *Town of Greece v. Galloway*, the United States Supreme Court held that legislative prayer is proper in local government meetings subject to some guidelines. 134 S. Ct. 1811, 1823. The prayer should be placed at the beginning of the meeting, where it is meant to lend gravity to the occasion and reflect the historical ideal that people of many faiths may unite in a community of tolerance and devotion. *Id.* The prayer should be solemn and respectful in tone, inviting lawmakers to reflect upon shared ideals and common ends. *Id.* Faith-specific prayers are allowed as long as they do not oppress other citizens by belittling nonbelievers or religious minorities, threatening damnation or preaching conversion. *Id.*

Leavenworth should make reasonable efforts to identify all local congregations and represent that it would welcome a prayer by any minister or layperson who wishes to give one, however, the fact that most local congregations or prayer-givers are of a single faith will automatically violate the Constitution. *Id.* at 1824. The *Town of Greece* Court and lower courts have provided some guidance on best practices for local governments wishing to open meetings with a prayer. These guidelines include adopting a written nondiscrimination policy and including a variety of prayer-givers, as more fully explained below.

2. Adopt a Written Nondiscrimination Policy

Leavenworth should adopt a written policy expressing nondiscrimination in religion and religious statements. See *id.* In the event of a constitutional challenge, such a policy would help the Commission argue that its prayer practices do not condone any prohibited types of invocation language. The policy should be advertised in a way that is easily accessible to the public such as

MEMO

adding it to the meeting agenda, posting it on the Commission's website, or having a Commission member, clerk, or city attorney occasionally recite the policy at meetings prior to the prayer.

Example:

MESSAGE OF RELIGIOUS WELCOME. Welcome to the meeting of the Leavenworth City Commission. As many of you are aware, we customarily begin these meetings with an invocation. This prayer is intended for the benefit of the Commissioners and should be directed to them and not the audience. Those who deliver the invocation may reference their own religious faith as you might refer to your when offering a prayer. We wish to emphasize, however, that all are welcome not only in these meetings, but in our community as well. The participation of our citizens in the process of self-government will help our fine country best serve the good people who live here. Those present are welcome to pray or not pray.

In some circumstances, Courts have enjoined legislative prayer when practices undercut the nondiscrimination policy's promise of equal treatment. For example, making disparaging comments about a speaker challenging the local prayer policy, a Commissioner turning his back on the speaker, or failing to admonish audience members who treat a dissenter harshly or unfairly will likely make the Commission's prayer practice unconstitutional. See *Bormuth v. County of Jackson*, 870 F. 3d 494, 499 (6th Cir. 2017). Additionally, attendees should be given the option to pray, or not pray, and not be pressured to participate by an invitation to stand or join in prayer.

3. Invite Local Congregations to Lead the Prayer

The prayer should be led by guest ministers, and not the Commissioners themselves. See *Lund v. Rowan County*, 863 F.3d 268 (4th Cir. 2017) (holding that opening prayer was unconstitutional when presented exclusively by board members). The Supreme Court has condoned the use of a single chaplain paid by state funds. *Marsh v. Chambers*, 463 U.S. 783 (1983). However, municipal boards usually do not have the same fiscal resources as state legislatures and taxpayers may be unlikely to support such an expenditure. Asking for volunteer ministers, as condoned in *Town of Greece*, is a more feasible option. Volunteer ministers may be obtained through a publicized announcement requesting volunteers or by making calls to local congregations. The volunteer system should be first come-first served and the invitation should be extended to all local congregations.

Additionally, there are a number of practices the Commission should avoid in order to comply with First Amendment, such as consistently using ministers from the same church or denominations if other local worship options exist; preparing the minister's remarks; or directing the chaplain on the preferred content of the prayer, except to avoid violating the rules set forth in *Town of Greece*. The Commission should inform the chaplain of the need for a legally supportable invocation which includes addressing the board members and not the audience, making the prayer apolitical, refraining from disparaging or attempting to convert those of other faiths or beliefs, and following a reasonable time limit.