CITY OF LEAVENWORTH
100 N. 5th Street
Leavenworth, Kansas 66048
www.lvks.org

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, AUGUST 21, 2018 7:00 P.M.

Welcome - Please turn off or silence all cell phones during the Study Session.

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight

Study Session:

POLICY REPORT
LCPA SPECULATIVE BUILDING PROGRAM PRESENTATION
August 21, 2018

Prepared By:

Taylour Tedder
Assistant City Manager

Reviewed By:

Paul Kramer
City Manager

BACKGROUND:

The Leavenworth County Port Authority formed a Speculative Building Committee in February of 2018 to research and plan a program to facilitate spec building development in Leavenworth County. One goal of the committee is as follows: *Due to limited financial resources, capital-intensive investment, and time needed for return on investment, provide a defined incentive plan that has balanced funding sources between private funds and public incentive funds.*

Taylour Tedder, Assistant City Manager, was the representative for the City on this committee. The group continued to refine and narrow down strategies over the past six months. Dan Gutshall, Chairperson, LCPA Industrial Spec Building Program, is present to share a presentation about the program and guidelines.

Policy Report

Discussion on road maintenance history, methods and funding

Aug. 21, 2018

Prepared by:

Michael McDonald
Public Works Director

Prepared and Reviewed by:

Paul Kramer
City Manager

Issue:

The City Commission has requested more information on the methods of road maintenance and construction, current City practices as well as funding options for these activities.

Background:

Most major roadways in cities follow the paths of commerce – footpaths, wagon trails, waterfront activity and similar. As the areas developed and grew the roadway network grew as well, and paved roads within a development were often a result, however the main roads remained unimproved.

It was fairly common to see towns similar to Leavenworth by the 1950s with examples of substantial brick streets in downtown commercial areas and in many residential districts and on many main roadways. These would have been paid for by the citizens through a bond issue or some sort of assessment. There were many streets that were gravel, and some that had been seal coated as well as others that were paved with asphalt or concrete. All of these options and locations were dependent upon the guidance of staff and insight of local officials.

Most new subdivisions by the 1970s were required to have internal streets with pavement, curbing and sidewalks constructed. This was typically paid for by the developer or a "benefit district" was created that assessed each house in the development, often along with adjoining properties that had already been developed. In Leavenworth, the city "at large" would be responsible for pavement in excess of 31 feet wide and storm sewer pipes in excess of 24" diameter.

The improvement of collector and arterial streets has evolved over the years.

- Federal Highway Administration (FHWA) Grants were available from the 1960s through the 1980s. Most of 10th Street and 10th Avenue were constructed with this program
- Benefit Districts were drawn with a "wide net" so that each home was responsible to "pay for one North/South and one East/West collector or arterial". This was often the case when new

subdivisions were constructed. This was highly unpopular as homes several blocks away would often be assessed for street repairs.

- "City at Large Funding" became the normal method for major street improvements by the late 1980s through combinations of sales tax, mil levy and grants.

Much of the insight and guidance for these changes were from the City Commission seeking to improve transportation within the city. In the 1980s roadway needs had been identified as critical for North/South travel in the city. There were railroad tracks crossing all major streets, dilapidated signals, and many bottlenecks so that streets were unable to carry the traffic in an efficient manner. It was not unusual for it to take fifteen minutes to travel from city hall to Leavenworth Plaza, and that was only five to seven minutes less than it took to travel to Metro North Shopping Center on North Oak Trafficway. The city formed a few committees to look into this and make recommendations, including the "Street Equity Committee" and the "North/South Street Committee." While records are scarce – what came from these committees set the tone for the next twenty years:

1. Find a way to build 20th Street south of Spruce
2. Remove as many railroad tracks as possible
3. Take full advantage of any and all KDOT opportunities for grants (particularly on 4th Street)
4. Upgrade traffic signals to meet the need and standards
5. Focus on having at least one uninterrupted travel route North/South through the Community other than 4th Street

To quantify the number and types of roadways in Leavenworth – consider the concept of "Centerline Mile" as compared to "Lane Mile". Fourth Street from Metropolitan Avenue to Walnut Street is one mile, which is to say "One Centerline Mile". It also has four lanes for the entire distance – which is "Four Lane Miles".

This table illustrates visible surface type and is current to 2017. The "composite" category is generally related to asphalt over concrete. Brick streets that have been paved or chip sealed over are not shown in a separate category.

Pavement Type	Centerline Miles	Lane Miles
Brick	0.3	0.5
Composite	1.5	3.1
Flexible (Asphalt)	148.6	303.3
Gravel	0.4	0.9
Rigid (Concrete)	9.2	27.4
Alley	66.6	66.6
Total (Miles)	**226.6**	**401.8**

Original roadways following the commerce trails were built with minimal thought and design using local knowledge and techniques. As things become more expensive and the needs greater, the benefits of an efficient design became more apparent. The Federal Government was distributing funds to states and counties (not the cities) and by the 1920s and 1930s had developed processes and design guidelines that were a requirement for access to federal funds. This results in what is now known as the "Green Book" and acts as the starting point for all roadway design. It was last updated in 2011 and adopted in 2015:

> *The rule modifies regulations governing new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, and rehabilitation projects on the NHS (including the Interstate system), by incorporating by reference the current versions of design standards and standard specifications previously adopted and incorporated by reference under 23 CFR 625.4, and removing the outdated or superseded versions of these standards and specifications.*

The Green Book is a substantial storehouse of knowledge, the vast majority of which does not apply to City level projects. However – the approach has great merit. There is local knowledge of what has been tried, what was successful and what was less than successful. Staff and the consultants we hire blend the local factors and wide ranging insight into the projects performed in the city.

There is a vast array of science, knowledge and information associated with designing new roads. Some key items and terms that related to roadway design are:

Subgrade – the natural soil that is at the bottom of the pavement section
Pavement Section – The total thickness of gravel (possibly multiple layers), any geo-fabrics, type and thickness of pavement (asphalt, concrete, bricks, etc.)

The single most important part of any pavement design is dealing with water. Surface water, groundwater, floodwater, snow, ice, saturated soils and any other kind of water must be addressed in the design. Typically the goal is to keep the water out of the pavement section of the roadway and away from the subgrade. Water is incompressible, and when acted on by outside forces (such as traffic) it places a stress upon adjoining material in the pavement section, generally reducing the life of the pavement over time.

The second most important thing associated with roadway projects is protecting the subgrade. It needs to be protected from excess water for the life of the project and from contamination by foreign material during construction and over its lifetime. As pavements fail, the forces involved "pump" unsuitable material into the subgrade and pavement section, accelerating the degradation. Maintenance of existing roadways is as much to protect from water intrusion as it is for quality of ride.

Methods/types of roadways
Leavenworth City streets have been constructed using the pavement sections shown below:

- **Brick** (typically two or three levels of brick over concrete or stabilized subgrade)
- **Asphalt** (residential streets were 2.5" of asphalt on 4" of gravel for years, now 4" of asphalt on 8" of gravel and a geo-fabric).
- **Concrete** (typically six to ten inches thick, often on an asphalt base for major streets). 4th Street downtown is a concrete street. Concrete from the 1960s reacts with the gravel, reducing streets to rubble (Westwood for example). Concrete from about 1990-2005 deteriorates at the joints, causing craters (20th Street and 10th Avenue)
- **Gravel open ditch**, with later chip seal (typical for streets from the 1940s – 1960s). Many of these streets were also paved with 2" – 3" of asphalt in the 1990s with minimal improvements to the widths and ditches.

The cost of building new or reconstructing old roadways is often seen as "astronomical." That is the reason for seeking to have an aggressive maintenance program which controls the water and protects the subgrade as well as provides a better ride and reduces potholes and other defects. The city has used a "rule of thumb" based on the costs of 20th Street in mid-1990s (over twenty years ago) to ballpark new and total reconstruction of roadways at $3.5 – $5.0 million per (centerline) mile for budgeting purposes. Others have looked at this as well and provided a summary below from 2017:

https://medium.com/@TimSylvester/i-agree-it-sounds-astronomical-but-i-actually-understated-the-costs-according-to-artba-2e8baeac2a46

- ***Construct a new 2-lane undivided road*** *— about $2 million to $3 million per mile in rural areas, about $3 million to $5 million in urban areas.*
- ***Construct a new 4-lane highway*** *— $4 million to $6 million per mile in rural and suburban areas, $8 million to $10 million per mile in urban areas.*
- ***Construct a new 6-lane Interstate highway*** *— about $7 million per mile in rural areas, $11 million or more per mile in urban areas.*
- ***Mill and resurface a 4-lane road*** *— about $1.25 million per mile.*
- ***Expand an Interstate Highway from four lanes to six lanes*** *— about $4 million per mile.*

Some recent local examples of new and reconstructed roadway costs

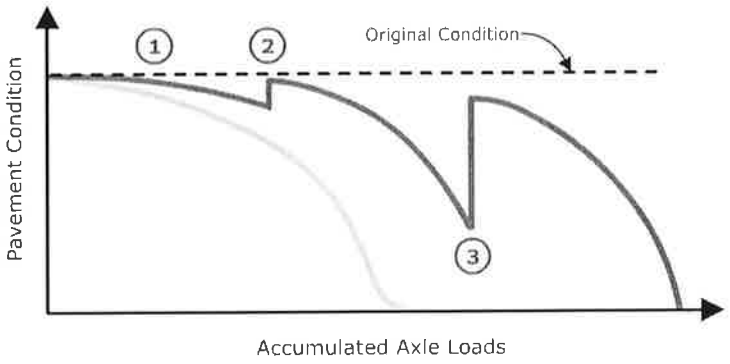
- **Business and Technology Park**
  0.40 Miles of 2/4-lane roadway
  $1.0 Million estimate for construction and design
  $2.5 Million per centerline Mile
- **Eisenhower Road from 155th West to County Road 5**
  1.71 Miles of 4-lane roadway
  $10 Million estimate for Construction and Design
  $5.8 Million per centerline mile
- **Thornton Street from 2nd Avenue west to 10th Avenue**
  0.87 Miles of two-lane roadway

$5.1 Million for Construction and Design
$5.8 Million per centerline Mile

- **20th Street Repairs from Spruce to Eisenhower**
  3.16 Miles of 4-Lane Roadway repairs
  $3.4 Million for Construction (curbing, patching, paving)
  $1.1 Million per centerline Mile
- **Ottawa Street from 13th Street to 18th Street**
  0.28 Miles of 2-lane roadway
  $830,463 for construction, design and inspection
  $2.9 Million per centerline mile
- **New Lawrence Road**
  0.26 Miles of two lane roadway
  $397,000 for construction
  $1.53 Million per centerline mile

The general approach to pavement management within the industry is to focus resources on ensuring fair to good pavements do not get much worse. Several good sources of information exist on the internet – the site below is easy to read and illustrates how maintenance can extend the life of a roadway.

https://www.pavementinteractive.org/reference-desk/pavement-management/analysis/pavement-life-cycle/



1. The pavement deteriorates more slowly because of regular maintenance.
2. A first rehabilitation effort returns the pavement to near its original condition.
3. A second rehabilitation effort restores most of the pavement's original condition.

There are many different strategies to balance lifecycle costs with available maintenance methods. The graph below is one illustration of the benefit of an aggressive maintenance program as compared with simply mill/overlay periodically. From https://roadresource.org/

Evaluating methods

City staff works to balance the need for maintenance as well as to address expensive and unavoidable major repairs. The city uses a pavement management plan that rates streets with a "Pavement Condition Index" (PCI) between 100 (new) and 0 (destroyed) to assist in allocating resources. The streets were most recently evaluated with a digital scanner and trained impartial observers and raters in 2016.

There are different ways to consider the PCI numbers – but they end up in the same place. The goal of the city Pavement Management Program is to keep more streets from falling lower than a PCI of 55, and address the structural issues on collector and arterial streets.

Staff opinion is that the PCI ratings suffer somewhat in Leavenworth due to the large number of brick streets. These streets often have "quality of Ride" issues develop even after being resurfaced, but rarely are classified as poor or less even after many years.

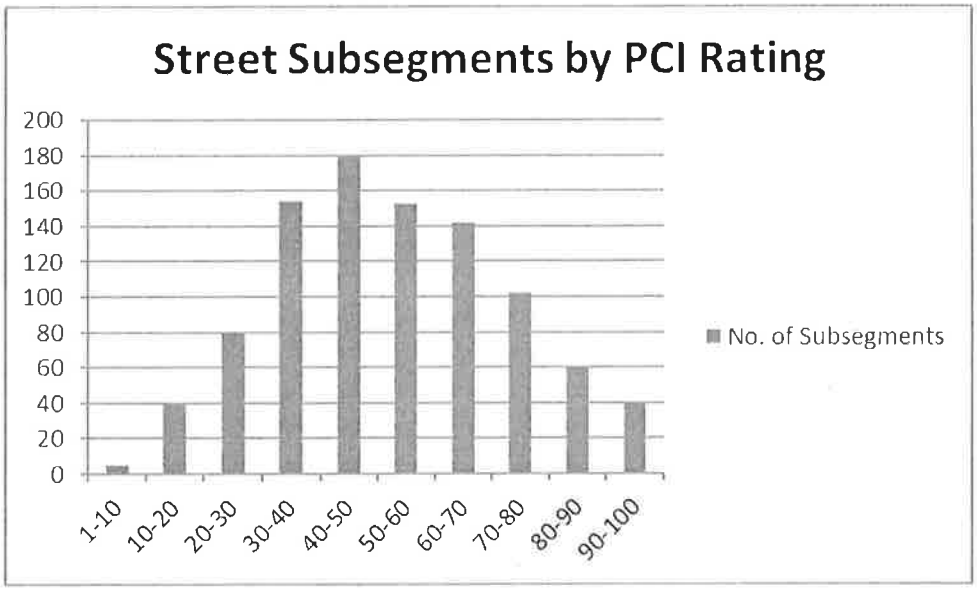
PCI Range	Condition Category
86 – 100	Good
71 – 85	Satisfactory
56 - 70	Fair
41 – 55	Poor
26 – 40	Very Poor

11 – 25	Serious
0 – 10	Failed

PCI Range	Level of Service Category
71 – 100	Adequate
56 - 70	Degraded
0 -55	Unsatisfactory

Where is the City now

The table below uses the 2016 data to show the large number of street segments between PCI 30 and PCI 70. These numbers will move to lower PCI numbers over time, and have been the focus of the city Pavement Management Plan for the last few years.



The basic street maintenance activities are shown below along with who performs the work. Items 1 through 4 are related to controlling water and preserving pavement life. Items 5 and 6 are to address structural deficiencies. Sometimes a combination of methods is used

1. Pot Hole Patching – city forces, throughout the year, heaviest in Spring
2. Crack Sealing – city forces, in spring and fall
3. Large area repair – city forces, summer and fall
4. Chip/granite seal – contractor, summer
5. Overlay – contractor, summer and fall
6. Mill and overlay - contractor, summer and fall

The choice for a large granite seal project over three years was due in large part to having a large percentage of streets in the middle range that needed to be addressed before they deteriorated sufficiently to require costly overlays or reconstruction.

Typical Costs for a 300 foot Block in Leavenworth (without additional repairs)	
Mill and Overlay Street (2")	$12,000
Chip Seal Street	$2200
Crack Seal Streets per block	$300-$500
Pot hole Repairs (484 locations, material only)	$125/location

The city has a backlog of concrete streets that need attention. Repairs on 20th Street are expected to be completed in 2019, next most significant is 10th Avenue from Pennsylvania south to Limit Street, and there are other sections of other streets as well.

City specifications for new and rehabilitated roadways have evolved to be more focused on long term maintenance costs rather than short-term construction costs. This is an ongoing effort as materials and methods continue to evolve.

Residential Streets have been generally stabilized from substantial further deterioration by the large sealing program over the last two years and next year. It will be necessary to evaluate the overall pavement condition again, and develop strategies to continue rehabilitation efforts for residential streets.

There are several major streets that should be repaired, and additional major streets that should be constructed to facilitate growth in the community. This is a multi-million dollar effort.

Funding

The subject of funding for roads is complex, and not only involves several funds, but there is an added layer related to bond financing and the legal and technical methods to issue and then pay the principal and interest on the debt.

Included below is an overview of options available and what would need to happen to change the funding levels within each of these options.

Primary Funding – General Obligation (GO) Bonds

There are two important factors when talking about funding road projects with GO bonds:

1. Commission authority (spending limits) to issue bonds; and
2. The funding (taxes) in place to pay the annual principal and interest obligations

Charter Ordinance No. 56 is the mechanism the City uses to issue the approximately $1.3 million annually for road projects. That ordinance caps the amount the City can issue in GO Bonds to *"28 percent of the amount of revenue produced for the tax year one year preceding the year of the bond issuance by the City of Leavenworth's tax mill levies as certified by the County Clerk."* In brief, this is a safeguard against issuing too much debt, but a self-imposed safeguard that the Commission controls. If the 28 percent were "maxed out" the City could issue something like $1.8-$2.0 million annually. However, issuing this debt creates a payment schedule for $1.8 million that exceeds our ability to repay the principal and interest on our accumulated the debt, without making changes (generating more revenue).

Because the City issues bonds each year ($1.3 million recently) that means that the City is paying 10 payments every year (for example, the City is paying on each issuance from 2008-2017 this year). The City pays those payments with property tax dollars and debt is retired (the 2008 debt falls off this year) new debt is added. The bond repayment schedule for the 2014 and 2015 issuances is included. As you can see, in 2019, we are still paying more than $240,000 just from those two years.

	2014-A		2015-A	
	General Improvements		General Improvement	
3/01/2015	0.00	19,723.51	0.00	0.00
9/01/2015	120,000.00	14,731.25	0.00	0.00
3/01/2016	0.00	13,531.25	0.00	24,476.58
9/01/2016	130,000.00	13,531.25	150,000.00	18,281.25
3/01/2017	0.00	12,231.25	0.00	17,156.25
9/01/2017	130,000.00	12,231.25	160,000.00	17,156.25
3/01/2018	0.00	10,931.25	0.00	15,956.25
9/01/2018	135,000.00	10,931.25	160,000.00	15,956.25
3/01/2019	0.00	9,581.25	0.00	14,756.25
9/01/2019	135,000.00	9,581.25	165,000.00	14,756.25
3/01/2020	0.00	8,231.25	0.00	13,106.25
9/01/2020	140,000.00	8,231.25	165,000.00	13,106.25
3/01/2021	0.00	6,831.25	0.00	11,456.25
9/01/2021	145,000.00	6,831.25	170,000.00	11,456.25
3/01/2022	0.00	5,381.25	0.00	9,501.25
9/01/2022	145,000.00	5,381.25	175,000.00	9,501.25
3/01/2023	0.00	3,750.00	0.00	7,313.75
9/01/2023	150,000.00	3,750.00	180,000.00	7,313.75
3/01/2024	0.00	1,875.00	0.00	5,063.75
9/01/2024	150,000.00	1,875.00	185,000.00	5,063.75

3/01/2025	0.00	2,612.50
9/01/2025	190,000.00	2,612.50

In order to meet the annual principal and interest obligations for 10 separate issuances (each year's GO Bonds) the City needs to generate a specific amount from property taxes. See below for 2018 where we required 7.634 mills to meet current year payments for GO bond payments.

Total City Mill Levy by Use

General Fund	16.589
Recreation	1.822
Bond and Interest	**7.634**
Fire Pension	0.644
Police Pension	0.060
Library Fund	3.750
Library Benefits	0.844

The key number for the purposes of this discussion is the 7.634 mills or roughly $1.7 million that is required to levy to pay the principal and interest on the GO bonds we have issued over the past 10 years for road work.

If the City Commission were to increase the $1.3 million to $1.8 million, $2.25 million, or other amount, it would require a higher mill levy (more than 7.634) dedicated to Bond and Interest to pay the payments. The more issued, the higher the annual obligations would be and the more revenue that would be required to make the payments. To increase road funding via an increase in the annual GO Bond program, the Commission has two options:

1) Raise the mill levy. If you raise the mill levy, that entire increase could be dedicated to Bond and Interest payments, therefore allowing you to issue more debt annually and do more road work.

2) Cut the General Fund mill rate and reallocate it to Bond and Interest. The General Fund receives the largest share of the City's mill rate. In 2018 the General Fund receives 16.89 mills. It is important to realize that this 16.89 mills funds nearly all City operations: Police, Fire, Building Inspections, Code Enforcement, Planning, Management, Finance, etc., as well as all of the materials and services required to maintain our parks, aquatics, mowing contacts, legal services, community center and much more, and therefore any cut to this mill allocation would have very real consequences.

Secondary Funding – Capital Improvements Program (CIP) budget

The CIP budget is set in the Fall and includes about $6 million in annual spending. There are two main sources of income (GO Bonds are set with the CIP, but paid by decisions made when the Commission sets the mill levy during the regular budget process):

1) The City's share of the Countywide Sales Tax, which is about $2.5 million in 2018
2) The CIP Local Sales Tax, which the Commission has set as one-half of one percent of our two percent local sales tax, which is about $2.2 million in 2018
**General Obligation Bonds are currently is about $1.4 million (as referenced fully above)

Road funding can be, and is currently taken from these CIP funds, but always in the service of specific projects. Projects such as Ottawa Street have been done from the CIP Budget, and the future costs of Thornton Street will be taken from the CIP. The main difference between CIP funding for roads and GO Bond Funding for roads is that the City Commission does not control the amount available. GO Bonds can be as high as the Commission wants, corresponding to the property tax allocation. The City has maxed out its sales taxing authority, therefore the Countywide and CIP Local Sales Tax revenue can only grow by the increase in sales of taxable goods. The City's tax levels also prevent the often-used fraction of a percent of sales tax dedicated to roads.

The Countywide and CIP Local sales taxes are the only source for special projects, large item equipment replacement and non-road projects, for example: the business and technology park, playground equipment, fire trucks, police cars, bridges, city buildings, computer and IT systems, economic development, building upgrades (roofs, HVAC systems, etc.) and much more.

The Countywide Sales Tax also sunsets, which makes it more suited for specific projects rather than ongoing obligations.

Funding summary

There are challenges to realizing substantial gains from funding an enhanced road maintenance program from CIP sources (Countywide and CIP Local sales tax) as they are static outside of organic growth and highly relied on for crucial building, infrastructure and equipment required to run a City.

That leaves increased GO Bond issuance as the primary candidate for sustainable and viable ways to create a meaningful impact on increased road funding.

The City has only been at the $1.3 million for 3 years, and the 20th Street project (ending in 2019 at a 5-year cost of $2.5 million) was unexpected, and essentially has made that $1.3 million more like $800,000 because of the requirement to divert $500,000 annually for 20th Street. There is a chance that $1.3 million could stretch farther when the diversion to 20th Street ends.

Attachment: Example Scope of Services for a street reconstruction project.

Thornton Street Improvements
Project No. 2015-795
Exhibit A: Basic Services and Other Matters

Scope of Project: The project includes design, plans, special or unique processes and material specifications and construction administration duties through the bidding process for reconstructing Thornton Street between 10th Avenue and 5th Street, approximately 4,700 linear feet. The project includes full-depth pavement, concrete curb and gutter, enclosed storm sewer and a 5-foot concrete sidewalk on both sides of the street. A concept study was prepared in August 2016 and provides a general guideline for design parameters which was used to prepare this scope of services. Construction inspection services will be provided under a separate contract.

General Design Requirements

The consultant shall design the Project in conformity with the state and federal design criteria appropriate for the Project in accordance with the current KDOT Design Manual, Bureau of Design's road memorandums, the current version of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Secretary, and the current version of the Standard Specifications for State Road and Bridge Construction with Special Provisions, and with any necessary Project Special Provisions with the rules and regulations of the Federal Highway Administration pertaining thereto.

The Design plans shall be signed and sealed by the licensed Kansas professional engineer responsible for the preparation of the design plans. Geological investigations or studies shall be signed and sealed by the licensed Kansas Geologist responsible for the preparation of the geological investigations or studies. Rights-of-way descriptions shall be signed and sealed by the licensed Kansas land surveyor responsible for the preparation of the rights-of-way descriptions.

Task 1 Preliminary Design

1.01. Data Collection.

A. Attend pre-design meeting.

B. Review design criteria for the project; modify the design memorandum as needed.

C. Develop detailed design schedule in a format acceptable to the City. Submit a schedule to City, and provide updates at scheduled progress meetings.

D. Schedule and coordinate project activities with the City.

E. Field data collection.

1. Establish land corners.

2. Conduct topographic field survey. Notify property owners using door hangers prior to beginning field survey. Field locate all irrigation systems.

3. Contact utilities and field locate horizontal locations of all utilities that respond and mark their facilities. Coordinate and survey pot-hole information for critical vertical utility locations. A maximum of 24 hours is included in the basic scope for this work. If additional time is required, the work will be

done under a supplemental agreement.

4. Stake centerline every 100 feet as may be required by utilities or other entities to plan relocation work.

5. Stake bore hole locations.

F. Ownership and abutting property information.

1. Show City supplied plat on plans.

2. Obtain ownership information.

a. The City shall provide property owner information.

b. The City shall pay the costs associated with ownership and encumbrances (O&Es) information research to the title company. The Consulting Engineer shall coordinate required work with the title company.

3. Review record drawings on abutting projects and subdivisions. Update as required.

G. Develop basemap from survey and property information. Basemap to be at a scale of 1"=20 ft. showing both contours at 2 foot intervals and property lines.

H. The Consulting Engineer shall contract with a City approved geotechnical firm for sub-surface investigations and foundation recommendations. The Consulting Engineer shall pay the costs associated with the work to the geotechnical firm. This cost shall be included in the total compensation fee as outlined in the Engineering/Architectural Services Agreement.

1) Field stake boring locations and elevations, up to 16 locations.
2) In general, locate borings at new retaining wall locations (typically near right of way line), and over storm sewers which may be in the pavement. Field variations of hole locations must be approved by City.

I. Analyze the storm drainage needs along the project.

1. Review watershed areas for all streams and basins draining onto the proposed roadway.

2. Locate all storm drainage system discharges upstream from the project.

3. Check adequacy of existing system to carry flows from additional impervious pavement area.

4. Identify areas to construct Best Management Practices (BMP) within right-of-way or City-owned property. Determine type of BMPs to be used. Design and layout BMP's (excluding inlet inserts) will be completed under a supplemental agreement.

5. The City will perform condition assessment on the existing storm sewer system to determine needed replacement.

J. Prepare an analysis of the construction phasing and traffic control needs to maintain acceptable access to the existing land uses along the project corridor.

K. Coordinate with Westar Energy for street light locations and prepare conduit plan.

1.02 Prepare Field Check Plans

A. Cover sheet.

B. Typical sections.

C. Surface drainage design

a. Drainage area maps.

b. Pavement spread calculations.

c. Inlet and other structure design calculations

d. Hydraulic grade calculations.

e. BMP layout and design. Design and layout BMP's (excluding inlet inserts) will be completed under a supplemental agreement.

D. Plan and Profile sheets

a. Plan scale = 1"=20 ft.

a. Profile scale H:1"= 20 ft., V:1"=10 ft.

E. Entrance/driveway profiles.

F. Preliminary traffic signal design and layout for 2nd Avenue intersection.

G. Preliminary street light conduit plan. Street lighting design and pole locations shall be prepared by Westar Energy.

H. Preliminary traffic control for construction plan sheets.

I. Preliminary pavement marking and signing.

J. Property lines and owner information.

K. Cross sections every 25 feet.

L. Integral sidewalk retaining (ISR) wall profiles as required for the project. Up to two (2) non-ISR walls are included in this scope of services.

M. Erosion & Sediment Control Memo (identify how construction sequencing will impact E & S controls).

N. Quality assurance review and address comments.

O. Field Check Plans shall evaluate and include consideration of the following:

1. Sidewalk locations, including pedestrian crossings and connections to existing pedestrian access.

2. Impacts to existing trees, landscaping, yard amenities, etc.

3. Utility relocations and conflicts.

1.03 Prepare a preliminary opinion of probable project costs (OPPC) should be itemized by unit of work and include right-of-way costs and contingency.

1.04 Submit field check plans and opinion of probable construction cost to the City. Prepare and submit request for design exception, if necessary. Including one (1) full-size and one (1) half-size sets of plans

1.05 Submit field check plans to utility companies for their use in preparing plans for relocations

1.06 Meet with utility companies to discuss project and begin coordination for relocations. (Assume two (2) meetings)

1.07 Meet with City approximately monthly as necessary in connection with Field Check Plans. (Assume three (3) meetings)

1.08 Field Check office meeting to be performed with representatives of the Consulting Engineer and the City to review the Field Check plans

1.09 Field Check to review site conditions will be conducted with representatives of the Consulting Engineer and the City.

1.10 Right-of-way and easements for approximately 63 tracts.

A. Describe right-of-way and easements necessary to complete project.

1. Furnish legal descriptions (sealed by Kansas PLS).

2. Furnish necessary title information (City pays for title work, including last deed of record and ownership/encumbrance report).

3. Maps and sketches as follows:

a. Plan and profile pages showing all proposed takings.

b. Individual tract maps of takings for each ownership including:

(1.) Title block
(2.) Ownership boundaries
(3.) Existing rights-of-ways and easements
(4.) Proposed takings identified with text and graphically.
(5.) Legend for taking type.
(6.) Graphical scale and north arrow
(7.) Ownership information
(8.) Legal description of all takings

4. Legal descriptions shall NOT be labeled as an Exhibit and shall be provided in digital form (Word). Sealed/signed legal descriptions shall be provided in PDF format.

5. Revise legal descriptions and ownerships as required. (Assume 20-percent (10) of tracts change ownership).

B. The Consulting Engineer shall stake in the field the location of rights-of-way and/or easements prior to acquisition and construction as requested by the City, and shall meet with appraisers to identify easement and right-of-way locations. (Assume 20-percent of properties (approximately 12) will be staked.) Staking shall include hubs with lath at property lines or every 100 feet, as needed. The City will provide all appraisal and acquisition services.

1.11 Public Information:

A. Prepare for and attend two (2) public information meetings to explain the project to property owners and key stakeholders, and to receive public comments at a time and place arranged for by the City.

The meetings will be at preliminary phase, and at bidding phase after award (see items 3.01.7 and 3.02.8).

1. Prepare exhibits, including preliminary plans (showing right-of-way taking and easements).
2. Have persons available to explain the proposed work and to answer questions.

B. The Consulting Engineer will be available to meet with City staff and individual property owners as directed by the City to discuss the project at any time throughout the project. (Five (5) individual meetings or up to 16 hours is included in Basic Scope).

C. Provide material to City for their use in posting project related information on City's Web site and cable television channel.

1.12 Permitting:

A. Prepare the necessary plans and applications for permit submission to and approval of City land disturbance and NPDES land disturbance permits. No other permit activities are anticipated to be required under this Basic Scope of Services. If additional permitting is required the work shall be done under a supplemental agreement.

1.13 Prepare for and attend one (1) City Commission meeting.

Task 2 - Final Design

2.01 Prepare final plans.

A. Cover sheet.

B. Typical sections.

C. Surface drainage design

1. System Layout
2. Storm sewer profiles.

D. Plan and Profile sheets

1. Plan scale = 1"= 20-ft.
2. Profile scale H:1= 20-ft. V:1"=10 ft.

E. Intersection details.

F. Entrance/driveway profiles.

G. Individual sidewalk ramp design and details per ADA requirements

H. Traffic signal plans and details.

I. Street light conduit plan. Street lighting design and pole locations shall be prepared and provided by Westar Energy.

J. Pavement marking and signing.

K. Existing and proposed right-of-way limits with property lines and owner information.

L. Property schedule, including driveway, restoration and easement taking information.

M. Cross sections every 25 feet.

N. Traffic control plan and construction phasing for each phase of the project.

O. Location of existing utilities and underground facilities.

1. Review each utility company's relocation plans

2. Obtain digital plans of relocation layout. (Assume that half of the utilities cannot provide digital plans conforming to Consulting Engineer's CAD format.)

P. Retaining wall and/or step layouts, profiles and details.

Q. Erosion and sediment (E&S) control plans, details and estimated quantities meeting NPDES requirements. Notes on plans shall include the intent of the erosion and sediment controls. Include pay items for each item to be used for E&S control. The E&S control plan shall include sequencing of the controls as may be needed to coordinate with construction phasing.

R. Standard and Special Construction Detail Sheets.

S. Summary of Bid Quantities.

T. Irrigation restoration will be a part of the right of way negotiations and plans are NOT included in the Basic Scope of Services.

U. If required, sanitary sewer relocation plans and/or septic system modifications will be done under a supplemental agreement.

2.02 Prepare final plans and quantities.

2.03 Prepare technical specifications for specific and unique processes and materials, and special provisions.

2.04 The Consultant will incorporate City review comments of preliminary plans.

2.05 Schedule and attend utility coordination meeting as required. (Assume one (1) meeting will be held during final plan production). Staking for utility relocations is NOT included in the Basic Scope.

2.06 Prepare a detailed opinion of probable cost.

A. Include an appropriate contingency.

B. Estimate time required to complete construction.

2.07 Perform quality assurance review and address comments.

2.08 Submit Final plans to City for review, including one (1) full-size and one (1) half-size sets of plans, and one (1) project manual.

A. Prepare necessary special provisions to augment standard specifications.

B. Provide information as needed for City to prepare design summary document.

C. Provide plan modifications based on review comments received from City.

2.09 Submit bid documents to City.

A. Including one (1) full-size and one (1) half-size sets of plans, one (1) project manual, PDF format (22"x34") and GIS shape files.

2.10 Meet with City approximately monthly as necessary during preparation of detailed plans. (Assume three (3) meetings).

2.11 Prepare for and attend one (1) City Commission meeting.

Task 3 Bidding

3.01.1. Advertise project for bid using Drexel Technologies electronic plan room.

3.01.2. Answer Contractor questions during the bid period.

3.01.3. Attend and prepare notes for a pre-bid conference.

3.01.4. Prepare necessary addenda.

3.01.5. Attend bid opening, review bids.

3.01.6. Attend a pre-construction conference with representatives of the City, the successful bidder and utility representatives. Prepare and distribute notes. City shall provide contract documents and plans for Contractor.

3.01.7. Attend a pre-construction meeting with residents, City, and contractor.

Task 4 Construction Services

4.01 The scope of services needed for construction administration shall be determined prior to advertising the project for bid.

Completion Time:

2019 Phase:
The Consulting Engineer shall complete field check and right-of-way plans, including easement documents (Task 1) by October 27, 2018 and all work necessary to advertise the project for bid by February 19, 2019.

Policy Report No. 12-2018
2018 Wheelchairs, Mobility Aids,
and other Power-Driven Mobility Devices
August 21, 2018

Prepared by:

Patrick R. Kitchens, Police Chief

Approved by:

Paul Kramer, City Manager

ISSUE:

The Police Department and Parks Department would like to review issues related to Americans with Disabilities Act and its relationship with our local parks.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

The City of Leavenworth has an ordinance that prohibits the use of most vehicles in our local parks. (Outlined below)

Sec. 74-79. - Motor vehicles unlawful on park or public grounds; exceptions.
It shall be unlawful to drive or park any motor vehicle except on a street, driveway or parking lot or to park or leave any such vehicle at any place other than one established for public parking in any public park or on public grounds; provided, that nothing in this section shall restrict the use of city or contract vehicles in performing maintenance or other purposes approved by the director of parks and recreation. For purposes of this section, "motor vehicle" means and includes every vehicle which is self-propelled, including motorized bicycles which may be propelled by either human power or helper motor, or by both.

The United States Department of Justice Civil Rights Division in association with the Americans with Disabilities Act (ADA) provides local government entities with clear guidelines that outline exceptions for people who are handicapped. (Guidelines attached)

As a general philosophy the staff tries to be very liberal in our interpretation of the ADA and make as many accommodations as possible as long as public safety is affected. There are rare occasions in which we are concerned and therefore place some restrictions on events.

City staff recently received a request from a citizen who wanted to operate an ATV in one of our city parks. After reviewing the matter we asked for the person to submit a specific request that outlined which park, what time, and the specific use. That allows us to ensure the safety of other park attendees especially if there is some other big event that might create conflict.

Local governments are required to have an ADA Coordinator and for the City of Leavenworth it is our City Manager, Paul Kramer.

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

There is no commission action. These scenarios present the staff and City Commission the opportunity to have a public discussion on these very important matters.

ADA Requirements

Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices

Overview

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

People with mobility, circulatory, respiratory, or neurological disabilities use many kinds of devices for mobility. Some use walkers, canes, crutches, or braces. Some use manual or power wheelchairs or electric scooters. In addition, advances in technology have given rise to new devices, such as Segways®, that some people with disabilities use as mobility devices, including many veterans injured while serving in the military. And more advanced devices will inevitably be invented, providing more mobility options for people with disabilities.

This publication is designed to help title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) (together, "covered entities") understand how the new rules for mobility devices apply to them. These rules went into effect on March 15, 2011.

- Covered entities must allow people with disabilities who use manual or power wheelchairs or scooters, and manually-powered mobility aids such as walkers, crutches, and canes, into all areas where members of the public are allowed to go.

- Covered entities must also allow people with disabilities who use other types of power-driven mobility devices into their facilities, unless a particular type of device cannot be accommodated because of legitimate safety requirements. Where legitimate safety requirements bar accommodation for a particular type of device, the covered entity must provide the service it offers in alternate ways if possible.

- The rules set out five specific factors to consider in deciding whether or not a particular type of device can be accommodated.

Wheelchairs

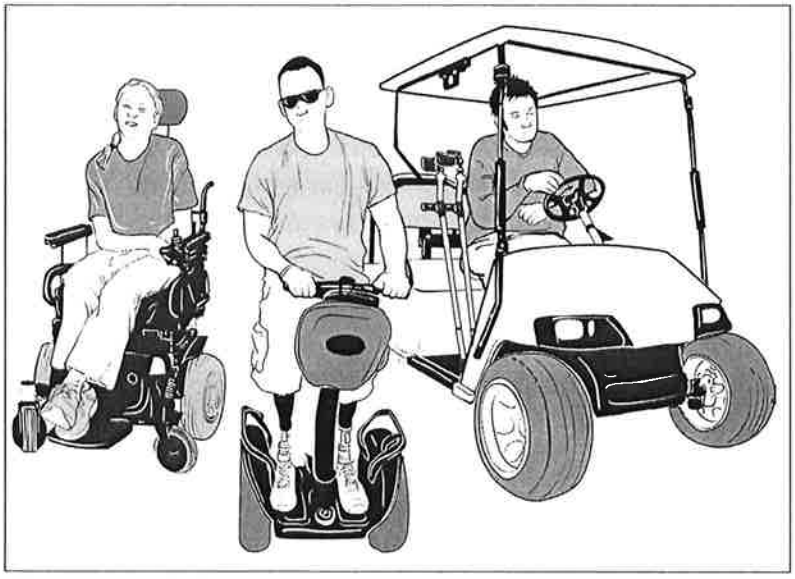
Most people are familiar with the manual and power wheelchairs and electric scooters used by people with mobility disabilities. The term "wheelchair" is defined in the new rules as "a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion."

Other Power-Driven Mobility Devices

In recent years, some people with mobility disabilities have begun using less traditional mobility devices such as golf cars or Segways®. These devices are called "other power-driven mobility device" (OPDMD) in the rule. OPDMD is defined in the new rules as "any mobility device powered by batteries, fuel, or other engines . . . that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices ... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair." When an OPDMD is being used by a person with a mobility disability, different rules apply under the ADA than when it is being used by a person without a disability.

Choice of Device

People with disabilities have the right to choose whatever mobility device best suits their needs. For example, someone may choose to use a manual wheelchair rather than a power wheelchair because it enables her to maintain her upper body strength. Similarly, someone who is able to stand may choose to use a Segway® rather than a manual wheelchair because of the health benefits gained by standing. A facility may be required to allow a type of device that is generally prohibited when being used by someone without a disability when it is being used by a person who needs it because of a mobility disability. For example, if golf cars are generally prohibited in a park, the park may be required to allow a golf car when it is being used because of a person's mobility disability, unless there is a legitimate safety reason that it cannot be accommodated.



Requirements Regarding Mobility Devices and Aids

Under the new rules, covered entities must allow people with disabilities who use wheelchairs (including manual wheelchairs, power wheelchairs, and electric scooters) and manually-powered mobility aids such as walkers, crutches, canes, braces, and other similar devices into all areas of a facility where members of the public are allowed to go.

In addition, covered entities must allow people with disabilities who use any OPDMD to enter the premises unless a particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular type of device or how it might be operated by people with disabilities using them.

- For some facilities -- such as a hospital, a shopping mall, a large home improvement store with wide aisles, a public park, or an outdoor amusement park – covered entities will likely determine that certain classes of OPDMDs being used by people with disabilities can be accommodated. These entities must allow people with disabilities using these types of OPDMDs into all areas where members of the public are allowed to go.

- In some cases, even in facilities such as those described above, an OPDMD can be accommodated in some areas of a facility, but not in others because of legitimate safety concerns. For example, a cruise ship may decide that people with disabilities using Segways® can generally be accommodated, except in constricted areas, such as passageways to cabins that are very narrow and have low ceilings.

- For other facilities – such as a small convenience store, or a small town manager's office – covered entities may determine that certain classes of OPDMDs cannot be accommodated. In that case, they are still required to serve a person with a disability using one of these devices in an alternate manner if possible, such as providing curbside service or meeting the person at an alternate location.

Covered entities are encouraged to develop written policies specifying which kinds of OPDMDs will be permitted and where and when they will be permitted, based on the following assessment factors.

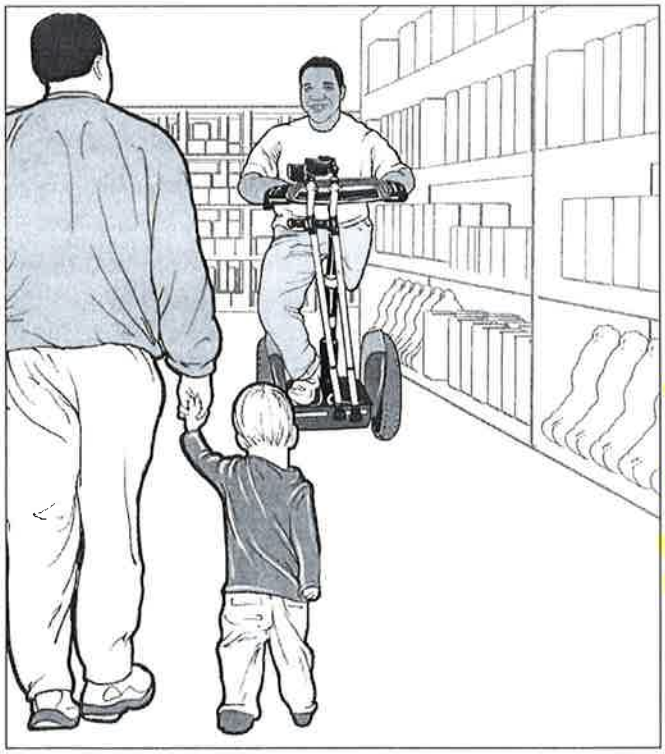
ADA Requirements 3

Assessment Factors

In deciding whether a particular type of OPDMD can be accommodated in a particular facility, the following factors must be considered:

- the type, size, weight, dimensions, and speed of the device;
- the facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- the facility's design and operational characteristics (e.g., whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
- whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
- whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

It is important to understand that these assessment factors relate to an entire class of device type, ***not*** to how a person with a disability might operate the device. (See next topic for operational issues.) All types of devices powered by fuel or combustion engines, for example, may be excluded from indoor settings for health or environmental reasons, but may be deemed acceptable in some outdoor settings. Also, for safety reasons, larger electric devices such as golf cars may be excluded from narrow or crowded settings where there is no valid reason to exclude smaller electric devices like Segways®.



Based on these assessment factors, the Department of Justice expects that devices such as Segways® can be accommodated in most circumstances. The Department also expects that, in most circumstances, people with disabilities using ATVs and other combustion engine-driven devices may be prohibited indoors and in outdoor areas with heavy pedestrian traffic.

Policies on the Use of OPDMDs

In deciding whether a type of OPDMD can be accommodated, covered entities must consider all assessment factors and, where appropriate, should develop and publicize rules for people with disabilities using these devices.

Such rules may include –

- requiring the user to operate the device at the speed of pedestrian traffic;
- identifying specific locations, terms, or circumstances (if any) where the devices cannot be accommodated;
- setting out instructions for going through security screening machines if the device contains technology that could be harmed by the machine; and
- specifying whether or not storage is available for the device when it is not being used.

Credible Assurance

An entity that determines it can accommodate one or more types of OPDMDs in its facility is allowed to ask the person using the device to provide credible assurance that the device is used because of a disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, that must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance. For example, if a person is observed running and jumping, that may be evidence that contradicts the person's assertion of a mobility disability. However, it is very important for covered entities and their staff to understand that the fact that a person with a disability is able to walk for a short distance does not necessarily contradict a verbal assurance -- many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities. A covered entity cannot ask people about their disabilities.

Staff Training

Ongoing staff training is essential to ensure that people with disabilities who use OPDMDs for mobility are not turned away or treated inappropriately. Training should include instruction on the types of OPDMDs that can be accommodated, the rules for obtaining credible assurance that the device is being used because of a disability, and the rules for operation of the devices within the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website: www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website and click on the link near the bottom of the right-hand column.

ADA Information Line

800-514-0301 (Voice) and
800-514-0383 (TTY)

Call M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist (calls are confidential) or call 24 hours a day to order publications by mail.

For people with disabilities, this publication is available in alternate formats.

January 2014

POLICY REPORT NO. P&R 09-18
Parks & Recreation Department
Smoking in City Parks Discussion
August 21, 2018

PREPARED BY:

Steve Grant
Parks and Recreation Director

REVIEWED BY:

Paul Kramer
City Manager

ISSUE:
Discuss regulating smoking in City parks.

BACKGROUND:
Current City code addresses smoking in "public places" as it relates to enclosed buildings and structures. However, there are currently no regulations regarding smoking in outdoor public areas, including City parks. Staff has received inquiries from multiple citizens regarding this issue with the desire that smoking be controlled either through a ban on smoking in the parks or regulations as to locations where smoking is allowed.

The following outlines various options for discussion:

1) No restrictions or changes to the status quo.

2) Consider smoking restriction based on location within the park. For example, Bonner Springs Parks and Recreation has signage indicating "smoking in designated areas only." Johnson County Parks and Recreations prohibits smoking within 30 feet of any playground or picnic shelter, unless the shelter is rented.

3) Make City parks smoke free.

4) Make City park tobacco free. The cities of Lawrence and Lee's Summit have bans of tobacco in their parks.

ACTION:
Move forward based on City Commission consensus.