



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, NOVEMBER 14, 2023 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Small Business Saturday (pg. 02)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from October 24, 2023 Regular Meeting **Action:** Motion (pg. 03)

NEW BUSINESS:

Public Comment: (i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.

Resolutions:

3. Resolution B-2350 Setting the Public Hearing for Unsafe and Dangerous Structure; 407 Maple Street **Action:** Motion (pg. 09)
4. Resolution B-2351 First City Creatives Leavenworth Christmas Market Special Event Street Closure for Possession & Consumption of Alcohol **Action:** Motion (pg. 12)

Bids, Contracts and Agreements:

5. Consider Approval of Contract Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project **Action:** Motion (pg. 15)

First Consideration Ordinance:

6. First Consideration Ordinance Amending City Code Fire Insurance Proceeds **Action:** Consensus (pg. 29)

Staff Report:

- Update on Vilas Street 10th to 22nd Project (pg. 35)
- Semi-Annual Report from Leavenworth Public Library (pg. 36)

Consent Agenda:

Claims for October 21, 2023, through November 9, 2023, in the amount of \$1,397,426.51; Net amount for Payroll #22 effective November 3, 2023 in the amount of \$377,228.36 (No Police & Fire Pension). **Action:** Motion

Discussion Items:

Other:

7. Executive Session – Personnel Matters of Non-Elected Personnel **Action:** Motion (pg. 37)

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *advocacy groups, public and private organizations across the country have endorsed the Small Business Saturday as a shop local campaign held on the Saturday following Thanksgiving to encourage reinvestment in small business across the country; and*
- WHEREAS,** *small businesses employ over 55 percent of America's workers either owning or working for a small business; and*
- WHEREAS,** *87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and*
- WHEREAS,** *according to research firm Civic Economics, for every \$100 spent at a local store, \$68 stays within the community while on-line shopping generates little or no benefit for the local economy; and*
- WHEREAS,** *American Express is a leader in promoting Small Business Saturday throughout the country as well as the National Main Street Center and Kansas Main Street; and*
- WHEREAS,** *annually, Leavenworth Main Street hosts Shop Small Saturday on Small Business Saturday within the downtown with many businesses consistently participating. On average, \$95,000 is spent in the businesses and overall merchants collectively average \$200,000 in sales; and*
- WHEREAS,** *the City of Leavenworth wishes to recognize the contributions that small businesses make to our community and local economy.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim November 25, 2023 as:*

Small Business Saturday

in the City of Leavenworth, and hereby urge all citizens to shop at and support our local businesses.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this fourteenth day of November in the year of two-thousand and twenty-three.*

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Jermaine Wilson, Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Parks & Recreation Director Steve Grant, Parks & Recreation Deputy Director Brian Bailey, Planning & Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Wilson asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

United Way Months – Mayor Wilson read the proclamation proclaiming the months of September through December as United Way Months. The proclamation was accepted by members of the United Way Leavenworth County.

World Polio Day – Mayor Wilson read the proclamation proclaiming October 24, 2023 as World Polio Day. The proclamation was accepted by several Leavenworth Rotarians.

National Family Literacy Day - Mayor Wilson read the proclamation proclaiming November 1, 2023 as National Family Literacy Day. The proclamation was accepted by Cindy Henry and Elizabeth Baldwin.

National American Indian Heritage Month – Mayor Wilson read the proclamation proclaiming the month of November as National American Indian Heritage Month. The proclamation was accepted by Cindy Henry and Elizabeth Baldwin.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to accept the minutes from the October 10, 2023 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

General Items:

Consider Request to Name City-Owned Property (Skate Park) – Parks & Recreation Director Steve Grant and Dave Davis of the Parks & Community Activities Advisory Board presented for consideration naming the skate park located on the grounds of the Sportsfield complex in honor and memory of Cody James Clark.

Cody James Clark was a catalyst to get a skate park in the community. He wrote letters, visited with Parks & Recreation staff and attended the Parks & Communities Activities Advisory Board meetings. With his leadership the skate park was constructed in 2009. A nomination to name the skate park was received by the Parks & Community Activities Advisory Board. At their September meeting, the Board discussed the nomination and voted unanimously to recommend to the City Commission naming the skate park. The budget impact is minimal and the cost of sign production can be covered by the Parks & Recreation Operating Budget. Parks Maintenance staff will install the signage.

Jim Clark, Cody's father:

- His son was an avid skater
- His son was committed to the city he grew up in and wanted to stay here
- Hopeful the request will be approved

Commissioner Hingula moved to accept the recommendation and approves the naming of the City-owned property of the skate park in honor and memory to "Cody James Clark Skate Park". Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Delaware Street Closure Request for Special Event – City Manager Paul Kramer presented a request to close the 500 block of Delaware Street on Saturday, December 9, 2023 from 8:00 a.m. to 10:00 p.m. for a special event. On October 12, 2023, the City of Leavenworth received a Special Event Application (attached) from Cari Payer to have a Christmas Market on December 9, 2023. The application included a Street Closure Request to close the 500 Block of Delaware Street from 8:00 a.m. to 10:00 p.m. to accommodate the event. On October 17, 2023, the Chief of Police met with Ms. Payer at the Police Department to review the application and event. She is asking to close Delaware Street which would allow the vendors to set up booths and the walking event. Alternative options and locations were discussed for the event but did not identify one that would work. City staff have not typically allowed events on city streets that may interfere with other businesses or residents and in particular, on weekdays and Saturdays. Getting new events into the downtown is a good thing for the City. City staff recommend approval of this street closure. Due to the new events in the downtown and in any future events, staff will be working to bring back a policy with guidelines to better facilitate street closure requests.

Cari Payer, 200 S 5th Street:

- Support from businesses on the impacted block
- Getting interest from others outside of their block
- Excited for the event

Mr. Kramer:

- The City did receive a letter from Main Street supporting the street closure

Commissioner Hingula:

- Asked for details on the event and vendors

Commissioner Bauder moved to approve the Street Closure Request for Saturday, December 9, 2023 from the 500 Block of Delaware Street from 8:00 a.m. to 10:00 p.m. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Mayor's Appointments

Mayor Wilson moved to reappoint to the Community Corrections Advisory Board Patrick Kitchens and Marcia Jackson to terms ending October 16, 2025, and appoint to the Leavenworth County Juvenile Corrections Advisory Board Kelly Meyer, Stephen Walker and William Stephens to terms ending September 15, 2026. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Review of Unsafe & Dangerous Fire Damaged Structure 707 Pawnee Street – Chief Building Inspector Harold Burdette reviewed the structure located at 707 Pawnee Street that was damaged by fire on March 29, 2023. The City received a check from insurance proceeds for \$8,445.00. A public hearing was held on July 25, 2023 and the City Commission adopted Resolution B-2341 stating the owner was given 30 days for repair or removal of the structure. Additional time to resolve the issue was given at the September 12, 2023 Commission meeting. The roof, siding and windows have been replaced and the interior has progressed to the point that all rough-in inspections have been approved and the wall finishes have started to be installed. Staff recommends that the City Commission approve releasing the funds back to the property owner.

Commissioner Martin moved to release the funds back to the property owner. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Update on Unsafe & Dangerous Structures; Given 60 Day Extension at August 22nd Meeting – Planning & Community Development Director Julie Hurley provided the current status of each property granted a 60-day extension at the August 22, 2023 meeting:

200 Osage Street – Accessory Structure

- Active building permit for removal of the 2nd story and rebuild of a roof for a 1-story outbuilding
- Work is nearing completion
- The roof structure is completed, but still needs shingles
- Reviewed items that still need to be addressed

229 Osage Street – Single Family House

- Active building permit for interior and exterior renovations
- Work is ongoing and progress has been made since the last update
- Reviewed items that still need to be addressed

Ms. Hurley:

- The properties are close on the repair of these structures
- Would recommend a 60-day extension for them to finish up

Commissioner Bauder moved to grant 60 day extensions to 200 Osage Street and 229 Osage Street to allow more time for repairs to be made to the structures. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Approval of 2024 Landfill Services Contract – Public Works Director Brian Faust presented for consideration approval of the refuse disposal contract with Waste Management (WM) for 2024. The City of Leavenworth has operated a municipal solid waste (MSW) collection and disposal service since at least the 1950's. The City disposes, on average, 11,500 tons of municipal solid waste each year. This waste is collected by City employees and placed into City-operated trucks and transported to a state-approved disposal site. In addition to MSW, the City disposes of approximately 3,700 tons of special waste (sludge/grit) from the Wastewater Treatment Plant. The City has been using the Waste Management landfill in Shawnee since January 2019. In 2024, the cost to dispose of MSW at WM is increasing from \$29.72/ton to \$31.80/ton, and the cost for special waste is increasing from \$52.38/ton to \$56.04/ton. If the City took both our MSW and special waste only to the Transfer Station, there would be an increase in dumping fees of approximately \$339k/year. There are other options for solid waste disposal that can be considered over the long term. Staff is working with our WWTP consultant to evaluate the various options and to identify the most cost effective and sustainable long-term solutions. The increase will cost an additional \$24,000 for MSW and \$14,000 for special waste.

Commissioner Bauder:

- Asked if a multi-year contract would provide a discount on cost

Mr. Kramer:

- Stated that a multi-year contract would be tied to the CPI
- The City is working on a long term option, this 1-year is to fill the gap

Commissioner Leonhard moved to approve the 1-year 2024 Landfill Services Contract with Waste Management in the amount of \$31.80 per ton for municipal solid waste and \$56.04 per ton for special waste. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Uniform Rental Bid – Public Works Director Brian Faust presented for consideration approval of the uniform rental bid. The City of Leavenworth provides work uniforms to the employees of Wastewater, Operations and Parks Divisions. Uniforms ensure that employees are readily identifiable to the public as they have the City emblem and employee name on them. Bid specifications were developed, with a bid opening on October 5, 2023. Each employee with a five-day work week will receive 11 long sleeve shirts, 11 short sleeve shirts, 11 pairs of jeans and 2 jackets. New uniforms will be provided biennially. The contract is for a three-year initial term, with the option for a one-time renewal of two years. The current uniform contract is with Ace Image Wear and staff is satisfied with their product.

Commissioner Bauder:

- Asked why more bids were not received

Commissioner Hingula moved to award the bid of employee uniform services to Ace Image Wear, in an amount not to exceed \$29,464.24. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Staff Report:

Update on 4th Street/K-7 Between Choctaw & Seneca Project – Public Works Director Brian Faust introduced the consultant, David Smalling from BHC to provide an update to the City Commission. Updates on the project included the following:

- Road will transition from the existing 4-lane to a wider 3-lane section within the project limits. There will be one through (thru) lane for north and south-bound traffic along with a center turn lane
- Removal and replacement of the existing storm and sanitary lines within the project limits
- New traffic signals
- Landscaping is not included in this project; however, the adopted CIP includes \$500K in funding for landscaping in 2026
- Sections of 4th Street will be closed during construction. Posted detour will include 3rd Street; however, local traffic typically use routes that are most convenient for them
- When the intersection of 4th and Delaware is closed, two-way traffic on Delaware between 4th and 5th, and 4th and 3rd will be implemented. This will impact parking and businesses on Delaware
- Estimated cost for the project has been challenging to determine as constructability and the amount of closure allowed at any one time play into the final cost
- The project is currently scheduled to bid this December with completion in late 2024
- Project includes storm sewer, sanitary sewer, traffic signals and street lighting
- Center turn lane will be colored stamped concrete
- Total cost estimate as this point is 5 to 5.8 million
- Provided a tentative schedule for the project; construction timeline is about 8 months

Snow and Ice Control Operation Plan - Public Works Director Brian Faust reviewed the 2023-2024 Snow and Ice Control Operation Plan with the Commission. The City Commission reviews the Snow and Ice Control Operation Plan annually. The plan was first written in October 1993 and is reviewed annually and updated as needed. The current version of the plan is dated October 2023. The Snow Control meeting was held on October 10, 2023 with local agencies to discuss and coordinate areas of responsibility as well as with our independent contractors. Staff is prepping the equipment for winter usage and will continue training with equipment and driving routes to familiarize themselves with both. There are no major changes to the 2023-2024 season. Changes made last year that will continue this year are:

- The City will be applying salt brine on hills, bridges and emergency snow routes prior to storm events. The salt brine helps prevent the snow/ice from bonding to the road surface so it's easier to remove.
- In the past, the City did not drop our plows until 2" of snow had accumulated. As traffic packs the snow onto the road surface, it is more difficult to remove. In the 2023/2024 season, we will begin plowing when the snow begins to stick to the pavement.

The City will coordinate with internal resources and local media to distribute this information. This includes The Leavenworth Times and Fort Leavenworth Public Affairs Office. The emergency snow routes will also be broadcast on Channel 2 and social media as appropriate. A complete copy of the Snow and Ice Control Operation Plan will be available at the Municipal Service Center and on the City webpage prior to the first winter event.

Consent Agenda:

Commissioner Leonhard moved to approve claims for October 7, 2023 through October 20, 2023, in the amount of \$873,669.27; Net amount for payroll #21 effective October 20, 2023, in the amount of \$389,455.95 (Police & Fire Pension in the amount of \$7,134.65). Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

Police Chief Patrick Kitchen

- Advised that Officer Matthew Weis will be honored on Friday at R.L. Leintz Funeral Home

City Manager Paul Kramer:

- Youth Basketball registration ends November 1st
- Attended the Zephyr ribbon cutting today
- Monday is the groundbreaking for the new USP Leavenworth
- Saturday at 9:00 a.m. the Chamber is hosting a sales tax information meeting at the Heritage Center

Commissioner Martin:

- Thanks to City staff for their hard work on the Business Symposium

Commissioner Bauder:

- Business Symposium was a great event and businesses can learn a lot from each other
- 2 weeks until the election, get out and vote early at the County Courthouse

Mayor Wilson:

- Echoed the sentiments of other Commissioners regarding the Business Symposium
- Reminded people to get out and vote

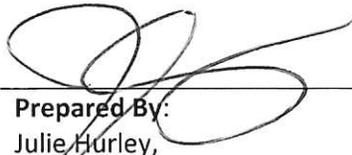
Adjournment:

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

Time Meeting Adjourned 7:15 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

POLICY REPORT
RESOLUTION TO SET PUBLIC HEARING
FOR UNSAFE & DANGEROUS STRUCTURE
407 MAPLE STREET
NOVEMBER 14, 2023



Prepared By:
Julie Hurley,
Director of Planning and
Community Development



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

Structures that are assessed to be in an unsafe and dangerous physical condition, abandoned, or that have a blighting influence, pose a threat to the public health, safety and welfare of the City. The property located at 407 Maple Street has been determined to be an Unsafe or Dangerous Structure based upon criteria in Chapter 10, Article XI (Unsafe or Dangerous Structures) of the Code of Ordinances, and is hereby presented for potential demolition.

This resolution affixes the time and place, of January 9, 2024 in the City Commission Chambers, 100 N 5th Street, Leavenworth, Kansas, at which time the owner, the owner's agent, any lienholder of record, and any occupant of the structure may appear and show cause why such structure should not be condemned as dangerous or hazardous structures and ordered repaired or demolished. At the conclusion of the hearing, the City Commission shall pass a resolution listing the structure, their findings, and listing any time periods allowed for repair.

At the time of the public hearing on January 9, 2024, staff will present an overview of the structure for consideration by the City Commission.

RECOMMENDED ACTION

Approve Resolution B-2350 to set a public hearing date of January 9, 2024 for review of the property located at 407 Maple Street.

(To Be Published in the Leavenworth Times on November 18, 2023 and November 25, 2023)

RESOLUTION NO. B-2350

A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, AT WHICH TIME AND PLACE THE OWNER, ITS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE STRUCTURES HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES, PURSUANT TO K.S.A. 12-1751 *ET SEQ.*

WHEREAS, pursuant to K.S.A. 12-1752, the enforcing officer of the City of Leavenworth, Kansas, did on the 14th day of November, 2023, file with the Governing Body of said city a statement in writing that certain structures hereinafter described are unsafe or dangerous and should be ordered by the Governing Body to be repaired or demolished.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Notice is hereby given that a public hearing will be held by the City Commission on January 9, 2024, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66048, such date being at least thirty (30) days after the last date scheduled for publication of this Resolution. The public hearing will commence at 6:00 p.m. or as soon thereafter as the City Commission can hear the matter. If, as a result of the COVID-19 pandemic or other reason, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, www.leavenworthks.org, and included with the published agenda for such meeting. At the public hearing, the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structures should or should not be condemned as dangerous or hazardous structures and ordered repaired or demolished pursuant to K.S.A. 12-1751 *et seq.*:

A one-story wood frame house on a property located at **407 Maple Street**, legally described as Lots 3 and 4 in Block 21, in Fackler's Addition, in the City of Leavenworth, Leavenworth County, Kansas. CAMA 0773603036003000

Section 2. The City Clerk and/or Director of Planning and Community Development are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this Resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder, and occupant at the last known address and shall be marked "deliver to addressee only."
- b. This Resolution shall be published for two (2) consecutive weeks on the same day of each week.

Section 3. This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas, this 14th day of November, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT
FIRST CITY CREATIVES LEAVENWORTH CHRISTMAS MARKET SPECIAL EVENT
CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2351 – ALCOHOLIC LIQUOR

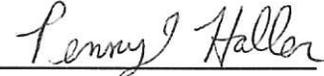
NOVEMBER 14, 2023

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

ISSUES:

Consider approval of Resolution B-2351 approving a Special Event known as Leavenworth Christmas Market sponsored by First City Creatives to include the closing of the 500 block of Delaware Street to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

First City Creatives will be hosting a Special Event on Saturday, December 9, 2023 from 10:00 a.m. to 9:00 p.m. to hold a Christmas Market. The event will take place at their establishment located at 200 S 5th Street, and also include the 500 block of Delaware Street to have shopping, food & drinks, activities, etc., for attendees.

In order for First City Creatives to have beer and/or alcohol outside of their establishment, a Resolution by the Governing Body is required as per K.S.A. 41-719.

The following street will be closed during the hours of the festival per the resolution.

- 500 Block of Delaware Street

The street will be closed by the Leavenworth Police Department on or around 3:00 a.m. the morning of the event.

The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

ACTIONS:

Adopting and approving Resolution B-2351 as presented.

ATTACHMENTS:

Resolution B-2351

RESOLUTION B-2351

A RESOLUTION APPROVING A SPECIAL EVENT KNOWN AS LEAVENWORTH CHRISTMAS MARKET SPONSORED BY FIRST CITY CREATIVES.

WHEREAS, the City of Leavenworth, Kansas (the “City”) is approving a Special Event sponsored by First City Creatives known as Leavenworth Christmas Market.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

Section 2. Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the event to be held beginning at 10:00 a.m. through 9:00 p.m. on Saturday, December 9, 2023, provided First City Creatives secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

Section 3. A portion or all of the following street(s) shall be closed to motor vehicle traffic during the date(s) and time(s) identified in section 2:

- 500 Block of Delaware Street

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

Section 4. Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

Section 5. This Resolution shall take effect and be in force after its approval by the governing body.

ADOPTED AND APPROVED by the Governing Body on this 14th day of November 2023.

(SEAL)

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

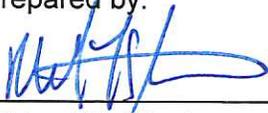
POLICY REPORT PWD NO. 23-48

CONSIDER APPROVAL OF CONTRACT CHANGE ORDER NO. 1
FOR THE 2ND & CHESTNUT STONE ARCH REPLACEMENT PROJECT

PROJECT NO. 2018-895

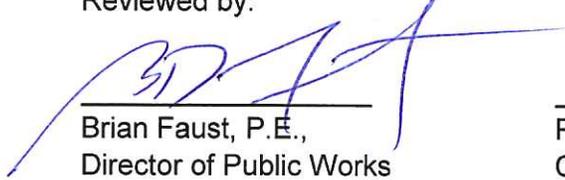
November 14, 2023

Prepared by:

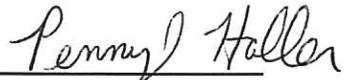


Michael T. Stephan,
Project Manager

Reviewed by:



Brian Faust, P.E.,
Director of Public Works



Paul Kramer,
City Manager

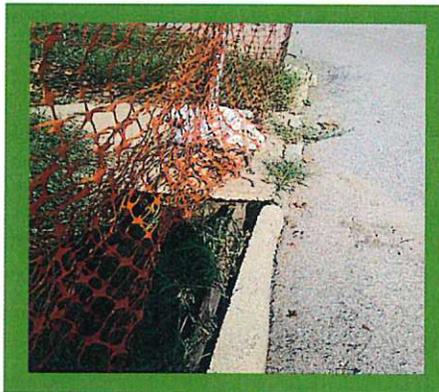
ISSUE:

Consider approval of Contract Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project.

BACKGROUND:

On July 12, 2022, the City Commission approved a contract with Lexeco Construction, Inc. for the construction of the 2nd & Chestnut Stone Arch Replacement Project.

The project was necessary due to multiple failures in the old system that had created sinkholes (marked by orange fencing) along the project limits. These failures continued to worsen and were coming closer to an occupied structure. This location is near the bottom of the drainage basin so a significant amount of water is captured from upstream and conveyed through this area. This results in larger piping and structure sizes to accommodate the volume of stormwater that flows through the area and dumps into the Missouri River just downstream of this project.



Sinkhole Undercutting the Street



Sinkhole Near Apartments

The 2nd & Chestnut Stone Arch Replacement Project included upsizing/replacement of the stormwater conveyance system from 2nd & Chestnut to the alley northeast of 4th & Spruce. With the extensive excavations along the project, there is a substantial amount of street reconstruction, sanitary line and manhole replacement and other work required to complete this project. The project location and limits are highlighted on the attached map.

See the representative construction photos below:



See the representative post-construction photos below:



BUDGET IMPACT:

The initial purchase order for construction of this project (July, 2022) was \$3,534,012.80. Construction began on September 6, 2022 and was substantially completed on October 24, 2023. All remaining contractor items have been completed as of October 24, 2023. Pending are 70% or better growth of the seeding and sodding on the project.

During the course of the project, it was necessary to have the contractor perform unforeseen extra work and there was also expected work items that came in under the anticipated amount. At the conclusion of the project – the total Final Change Order amount is \$249,670.07. This amount is made up of many individual items as listed below:

List of Work additions and reductions –

- Removal & Replacement of an Existing Sanitary Manhole. + \$ 20,000.00
 - Existing Brick Manhole found to be in poor condition.
- Existing Retaining Wall Reconstructed. + \$ 21,090.00
 - New Sanitary Line Installation passed under the wall.
- Sanitary Sewer Spot Repair. + \$ 13,750.00
 - An Existing Sanitary Line had a severe sag; it was corrected.
- Full Depth Removal at 3rd & Chestnut. + \$ 6,000.00
 - Due to Manhole Replacement.
- Unsuitable Soil Material was Removed & Replaced with Rock. + \$ 12,810.45
 - Olive Street & 3rd Street.
- Drainage Issue Discovered post Construction. + \$ 5,600.00

- Driveway Removal & Re-Grading.
- Project Line Item Under-Runs. -\$ 24,996.92
 - Less than anticipated quantities resulting in a cost savings.
- Project Line Item Over-Runs. +\$195,416.54
 - Greater than anticipated quantities resulting in additional costs.

The net impact of all the increases and decreases for this project is \$249,670.07, or 7.06% of the original bid cost. Funds budgeted in 2022 for this project were \$3,534,012.80 based on the bids received. The revised project total will be \$3,783,682.87.

POLICY:

The City Commission reviews all change orders of this magnitude.

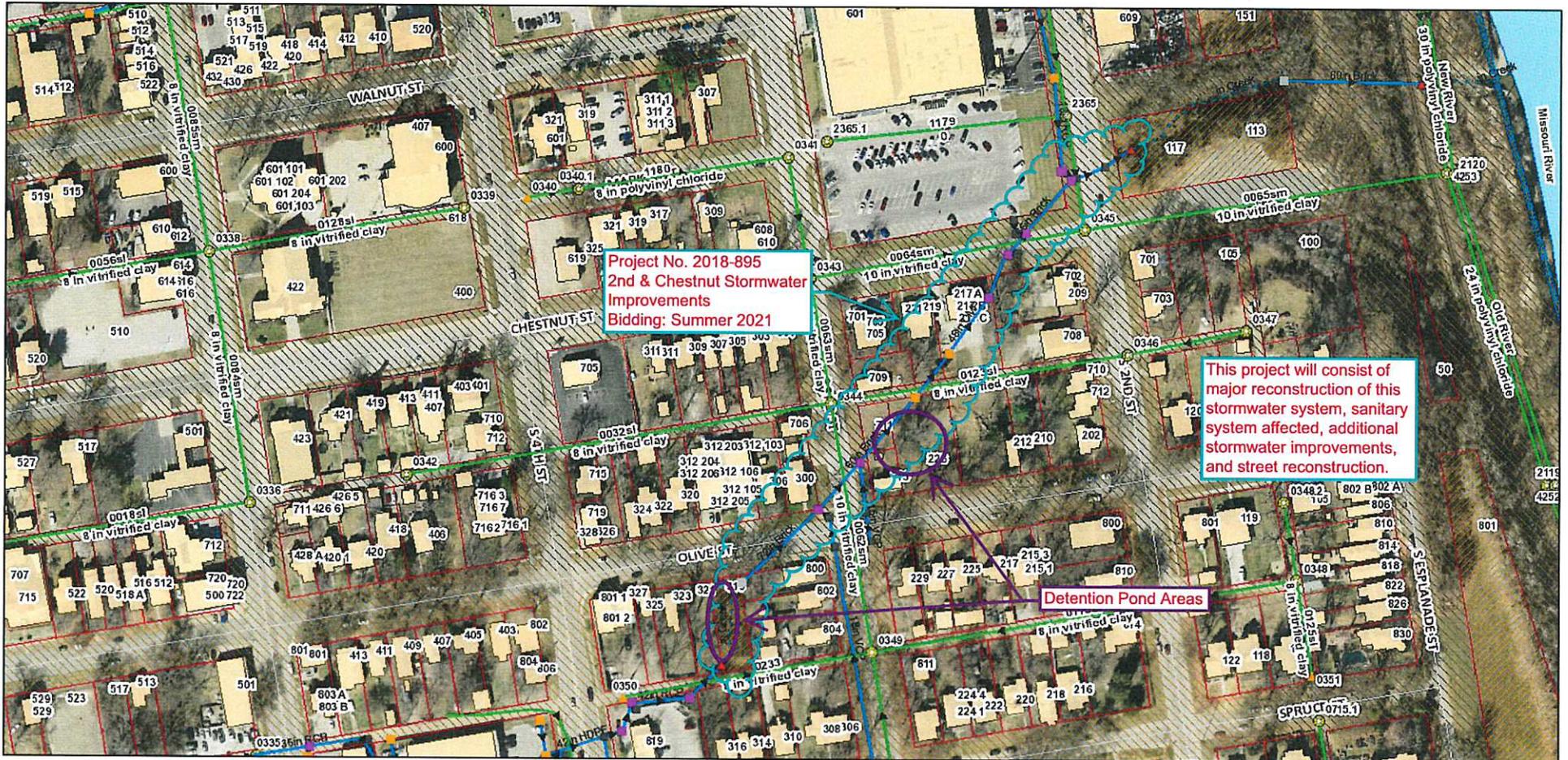
RECOMMENDATION:

Staff recommends that the City Commission approve Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project in the amount of \$249,670.07.

ATTACHMENTS:

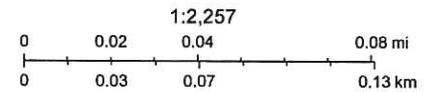
- Project Location Map
- Project Overview
- Change Order No. 1 Form & Supporting Docs.

2nd & Chestnut Stormwater Improvements



3/10/2021, 9:33:33 AM

- | | |
|------------------------|---------------------|
| ssGravityMains | ○ lamp hole |
| → <all other values> | ■ lift station |
| → force main | ● manhole |
| → sanitary sewage pipe | ■ swPonds |
| ssManholes | ■ swDetentionBasins |
| ● capped pipe | ■ bioswale |
| ▲ flush tank | |



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS

CITY OF LEAVENWORTH
CHANGES IN PLANS AND CONSTRUCTION
CHANGE ORDER NO. _1_

Project Name: 2018-895 2nd & Chestnut Stone Arch
 Project Location: City of Leavenworth
 Purchase Number: 20220104 & 20230006
 Contract Date: July 12, 2022
 Date Prepared: October 24, 2023

The following changes to the original contract amount were required to cover cost incurred by the Contractor or to reflect savings realized by the Contractor as a result of a change in the actual constructed quantities from the estimated quantities shown on the Bid Proposal.

Start Date: September 6, 2022
 Performance Period: _____
 Net Adjustments: \$ 249,670.05
 Completion Date: October 24, 2023 (Substantial)
 Page Number: 1

REQUIRED CHANGES IN PRESENT CONTRACT

Contract or Previous Quantity	Contract or Previous Unit Price	Contract or Previous Amount	Unit	Item Description	New or Adjusted Quantity	New or Adjusted Unit Price	New or Adjusted Amount
	\$	\$		Change Order Request # 1		\$	\$ 249,670.07
	\$	\$		(Line Item Overrun: + \$170,419.62)		\$	\$
	\$	\$		(Change Orders for Add'l Work: + \$79,250.45)		\$	\$
	\$	\$				\$	\$
	\$	\$				\$	\$

Previous Total: \$ 3,534,012.80

Adjusted Total: \$ 3,783,682.87
 Net Change: \$ 249,670.07

Statement of Contract

Original Contract Amount	\$ 3,534,012.80
Net Amount of Previous Additions and Deductions	\$ 0
Net Contract Amount Prior to This Request	\$ 3,534,012.80
Amount of This Request	\$ 249,670.07
New Contract Amount	\$ 3,783,682.87
Percent Change in Contract Amount	7.06 %

CONTRACTOR:

Company: Lexeco Construction

City, State: Leavenworth, Kansas

Signed by: *Math P. King*

Date: 10/25/23

PROJECT OBSERVER:

Company: CITY OF LEAVENWORTH

Recommended by: Brian Faust *BFA*

Date: October 24, 2023

ACCEPTED BY CITY OF LEAVENWORTH, KANSAS:

Mayor/City Manager: _____

City Clerk: _____

Date: _____

2018-895 2nd & Chestnut Stone Arch Replacement
 List of Over-Runs & Under-Runs of Line Items & Final Change Orders
 Contractor: Lexeco Construction, Inc.

Item	Description	Unit	Original Quantity	Unit Price	Extension	Final Quantity	Quantity Difference	Under-Run (Savings)	Over-Run (Add Cost)
4	Tree Removal	EA	28	\$635.00	\$17,780.00	27.00	-1.00		
8	Asphaltic Concrete, Surface (2") (KDOT SR12.5a Superpave)	TON	767	\$115.00	\$88,205.00	820.35	53.35		\$6,135.25
9	Asphaltic Concrete, Base (6") (KDOT SR12.5a Superpave)	TON	2,007	\$107.00	\$214,749.00	2,403.31	396.31		\$42,405.17
10	Asphaltic Concrete, Surface (4") (KDOT SR12.5a Superpave)	TON	101	\$232.00	\$23,432.00	127.31	26.31		\$6,103.92
11	Aggregate Base (5") (AB-3)	SY	7,493	\$15.50	\$116,141.50	7,717.61	224.61		\$3,481.45
12	Geogrid Reinforcement for Base	SY	7,493	\$2.85	\$21,355.05	7,717.61	224.61		\$640.14
13	Curb & Gutter, CG-1	LF	2,481	\$39.30	\$97,503.30	2,987.00	506.00		\$19,885.80
14	Curb & Gutter, CG-1, Dry	LF	259	\$56.10	\$14,529.90	235.00	-24.00	-\$1,346.40	
15	Curb & Gutter, C-1	LF	10	\$140.00	\$1,400.00	0.00	-10.00	-\$1,400.00	
17	Concrete Driveway (6")	SY	630	\$87.00	\$54,810.00	1,154.33	524.33		\$45,616.71
18	Concrete Sidewalk (4")	SF	15,700	\$5.05	\$79,285.00	13,464.55	-2,235.45	-\$11,289.02	
19	Flowable Fill	CY	55	\$158.35	\$8,709.25	57.00	2.00		\$316.70
23	Setback Curb Inlet, Type 2 (5'x4')	EA	2	\$8,825.00	\$17,650.00	3.00	1.00		\$8,825.00
24	Setback Curb Inlet, Type 2 (6'x4')	EA	2	\$9,100.00	\$18,200.00	1.00	-1.00	-\$9,100.00	
31	Storm Sewer Pipe (15" RCP)	LF	320	\$101.00	\$32,320.00	332.00	12.00		\$1,212.00
32	Storm Sewer Pipe (18" RCP)	LF	17	\$137.00	\$2,329.00	19.00	2.00		\$274.00
33	Storm Sewer Pipe (24" RCP)	LF	158	\$167.00	\$26,386.00	160.00	2.00		\$334.00
34	Storm Sewer Pipe (30" RCP)	LF	260	\$185.00	\$48,100.00	269.00	9.00		\$1,665.00
35	Storm Sewer Pipe (36" RCP)	LF	298	\$214.00	\$63,772.00	295.00	-3.00	-\$642.00	
36	Storm Sewer Pipe (42" RCP)	LF	114	\$278.00	\$31,692.00	126.00	12.00		\$3,336.00
37	Storm Sewer Pipe (48" RCP)	LF	40	\$289.00	\$11,560.00	48.00	8.00		\$2,312.00
38	Storm Sewer Pipe (72" RCP)	LF	1,034	\$890.00	\$920,260.00	1,067.50	33.50		\$29,815.00
44	Sanitary Sewer Pipe (8" SDR-26 PVC)	LF	620	\$169.00	\$104,780.00	631.30	11.30		\$1,909.70
45	Sanitary Sewer Pipe (10" SDR-26 PVC)	LF	418	\$187.00	\$78,166.00	474.00	56.00		\$10,472.00
46	Sanitary Service Connection	EA	4	\$1,020.00	\$4,080.00	9.00	5.00		\$5,100.00
51	6' Wood Privacy Fence	LF	110	\$58.45	\$6,429.50	196.00	86.00		\$5,026.70
52	Chainlink Fence	LF	10	\$58.45	\$584.50	0.00	-10.00	-\$584.50	
CO-3	Sanitary Sewer Spot Repair	LF	50	\$275.00	\$13,750.00	52.00	2.00		\$550.00
								Total Under-Run:	-\$24,996.92
								Total Over-Run:	\$195,416.54
								Final Total, Under-Run plus Over-Run:	\$170,419.62

Item	Description	Unit	Original Quantity	Unit Price	Extension
1	Remove & Replace Existing Sanitary Manhole EX1	LS	1.0	\$20,000.00	\$20,000.00
2	3-Tiered Versa Lock Retaining Wall	LS	1.0	\$21,090.00	\$21,090.00
3	Sanitary Sewer Spot Repair	LF	50.0	\$275.00	\$13,750.00
4	Full Depth Removal 3rd & Chestnut	LS	1.0	\$6,000.00	\$6,000.00
5	Digging out Unsuitable Material on Olive Street	CY	162.0	\$18.84	\$3,052.08
6	Cost of Rock on Olive Street to Replace the Unsuitable Mat.	TON	334.0	\$12.00	\$4,008.00
7	Unsuitable Material on 3rd Street (Remove & Replace)	CY	478.4	\$12.02	\$5,750.37
8	Stored Materials Sidewalk ADA Panels for Ramps	LS	1.0	\$9,699.59	\$9,699.59
9	Credit, Stored Mat, ADA Panels, Line Item Reflects Actual	LS	1.0	-\$9,699.59	-\$9,699.59
10	Driveway Removal & Grading at Six-Plex	LS	1.0	\$5,600.00	\$5,600.00
Final Change Order Total:					\$79,250.45

Final Total Change Order to the City Commission: \$249,670.07



Leavenworth Excavating & Equipment Co., Inc.

Date: 09/23/2022

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Price for Extra Sanitary Manhole

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	REMOVE AND REPLACE SANITARY MANHOLE EX1	1.000	LS	\$20,000.00	\$20,000.00
Grand Total:					\$20,000.00

Notes: Price is for removing Sanitary Sewer Manhole EX1. Price includes furning and installing new Sanitary Sewer Manhole EX1.

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 9/23/22

REVIEWED BY: MB

APPROVED AS NOTED REJECTED

[Signature]



P (913) 727-1234 F (913) 727-1270 / 5037 S. 4th Street / Leavenworth, KS 66048
LEXECO.com



Leavenworth Excavating & Equipment Co., Inc.

Date: 11/03/2022

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Price for Block Retianing Wall at 6 Plex

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	3-TIRED 3' HT VERSA LOCK RETIANING WALL	1.000	EA	\$21,090.00	\$21,090.00
Grand Total:					\$21,090.00

Notes: Installation of 3' Tired 3' HT Versa-Lok Retianing wall with pins and cap, backfilled with clean gravel, underdrain system, and 12" of Topsoil

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 11/3/22

REVIEWED BY: ms

APPROVED AS NOTED REJECTED

[Signature] *BM*



P (913) 727-1234 F (913) 727-1270 / 5037 S. 4th Street / Leavenworth, KS 66048
LEXECO.com



Leavenworth Excavating & Equipment Co., Inc.

Date: 01/24/2023

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No:

Bid Date:

Project Name: Price for 10" Sanitary Sewer

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	10" SANITARY SEWER	50.000	LF	\$ 275.00	\$13,750.00
Grand Total:					\$13,750.00

$\frac{+2.0 \text{ LF}}{52.0 \text{ LF}} \quad 275.00 \quad \frac{550.00}{\$14,300.00} = \text{OVER-RUN}$

MTB

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 1/24/23

REVIEWED BY: [Signature]

APPROVED
 APPROVED AS NOTED
 REJECTED

[Signature]





Leavenworth Excavating & Equipment Co., Inc.

Date: 03/31/2023

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Price for Extra Street on Chestnut

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	REMOVALS	1.000	LS	\$6,000.00	\$6,000.00
80	ASPHALTIC CONCRETE, SURFACE (2") (KDOT SR-12.5A SU	72.000	TON	\$ 115.00	\$8,280.00
90	ASPHALTIC CONCRETE, BASE (6") (KDOT SR-12.5A SUPER	215.000	TON	\$ 107.00	\$23,005.00
110	AGGREGATE BASE (6") (JAB-3)	648.000	SY	\$ 15.50	\$10,044.00
120	GEOGRID REINFORCEMENT FOR BASE	648.000	SY	\$ 2.85	\$1,846.80
130	CURB & GUTTER, CG-1	191.000	LF	\$ 39.30	\$7,506.30
Grand Total:					\$56,682.10

3 CHANGE ORDER
LINE ITEMS OVER-RUNS
TOTAL
MAD

Tax Exempt: Yes/No Acknowledge Addendums:

Notes:

Price is for Removing Asphalt on Chestnut from Sta. 42+28 to Sta. 40+26, and on 3rd Street from Sta. 19+26 to 18+49. These areas we are called out to be milled and overlaid.

Removal price also includes removing approximately 191 LF of Curb on the South Side of Chestnut.

All quantities for all other items are approximant and will be paid and the contract unit price for quantity installed

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT
DATE: 4/6/23
REVIEWED BY: MAD

APPROVED APPROVED AS NOTED REJECTED

[Signature] PM

P (913) 727-1234 F (913) 727-1270 / 503 S. 41st Street, Leavenworth, KS 66048
LEXECO.com



Leavenworth Excavating & Equipment Co., Inc.

Date: 05/11/2023

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Fixing Soft Spots on Olive Street outside of Trench

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	DIGGOUT OUT UNSUITABLE MATERIAL AND PLACING AB-3	162.000	CY	\$ 18.84	\$3,052.08
2	COST OF ROCK WITH NO HAUL	334.000	TONS	\$ 12.00	\$4,008.00
Grand Total:					\$7,060.08

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 5/11/23

REVIEWED BY: RF

APPROVED APPROVED AS NOTED REJECTED

[Signatures]



Leavenworth Excavating & Equipment Co., Inc.

Date: 05/11/2023

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Soft Spots on 3rd Street

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	FIXING SOFT AREAS ON 3RD STREET	478.400	CY	\$ 12.02	\$5,750.37
Grand Total:					\$5,750.37

CITY OF LEAVENWORTH
ENGINEER
DATE: 5/11/23
REVIEWED BY: mts
APPROVED AS SHOWN
[Signature]



Leavenworth Excavating & Equipment Co., Inc.

Date: 09/28/2023

Valued Customer:

We are pleased to quote the following prices for the below referenced project. Prices are valid for 30 days from the date above.

Project No: 2nd & Chestnut

Bid Date:

Project Name: Demo DRiveway a six-plex

Bid Item Code	Description	Quantity	Unit	Unit Price	Ext Price
1	DRIVWAY REMOVAL & GRADING	1.000	LS	\$5,600.00	\$5,600.00
Grand Total:					\$5,600.00

Notes: Price is to remove approximately 29'X 12' Driveway. regrade dirt between the driveway and haul off approximately 3 loads of dirt.

The price four pouring the concrete driveway back will be paid the the contract unit price.

CITY OF LEAVENWORTH
ENGINEERING DEPARTMENT

DATE: 9/28/23

REVIEWED BY: MB

APPROVED REJECTED

[Signature] PMU



**POLICY REPORT
FIRST CONSIDERATION ORDINANCE TO
AMEND CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE V, FIRE INSURANCE
PROCEEDS OF THE CITY OF LEAVENWORTH**

NOVEMBER 14, 2023


Sarah Bodensteiner, CMC
City Clerk


Paul Kramer
City Manager

ISSUE:

Place on first consideration an ordinance amending Chapter 20, Article V of the City of Leavenworth Code of Ordinances.

BACKGROUND:

City Attorney David Waters has reviewed and prepared updated documents regarding the Fire Insurance Proceeds section of the City Code. There are no major changes to the procedure, the revisions are simply housekeeping items. The updates include the following:

- Ensuring State Statute(s) are appropriately applied/referenced
- Revising language for clarity

ACTION:

Consensus to place the ordinance on first consideration.

ATTACHMENTS:

- Draft Ordinance

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE REGARDING CASUALTY INSURANCE PROCEEDS, AMENDING ARTICLE V (FIRE INSURANCE PROCEEDS) OF CHAPTER 20 (FIRE PREVENTION AND PROTECTION) OF THE LEAVENWORTH CODE OF ORDINANCES, AND ESTABLISHING NEW AND REPLACEMENT SECTIONS.

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

Section 1. Article V of Chapter 20 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

ARTICLE V. CASUALTY INSURANCE PROCEEDS

Sec. 20-116. Scope and application.

The city is authorized to utilize the procedures established by K.S.A. 40-3901 *et seq.*, such that if fire, explosion, windstorm, or other casualty causes damage to a structure that is covered by insurance and the covered claim payment is in excess of seventy-five percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the city an amount not to exceed fifteen percent (15%) of the proceeds of such policy, as set forth in this article.

Sec. 20-117. Lien created.

The city commission of the city creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policies covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Sec. 20-118. Encumbrances.

Prior to final settlement on any claim covered by this article, the insurer shall contact the county treasurer to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer.

Sec. 20-119. Procedure.

The following procedure shall apply in the implementation of this article:

- (1) When final settlement on a covered claim has been agreed to or arrived at between the named insured and the insurer, and the final settlement exceeds seventy-five percent (75%) of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company shall execute a draft payable to the city treasurer in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the chief building inspector or other designated official of the city has issued a certificate to the insurance company that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
- (2) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.
- (3) Upon the transfer of the funds as required by this article, the insurance company shall provide the city with the name and address of the named insured, the total insurance coverage applicable to the building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured, whereupon the chief building inspector shall contact the named insured by certified mail, return receipt requested, notifying them that the insurance proceeds have been received by the city and apprise them of the procedures to be followed under this section.

Sec. 20-120. Fund created; deposit of moneys.

The city treasurer is authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the city treasurer as provided for by this section shall be placed in the fund and deposited in an interest-bearing account.

Sec. 20-121. Building inspector; investigation, removal of structure.

- (a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector or other designated code official or enforcing officer (as described in Article XI of Chapter 10 of the Leavenworth Code of Ordinances) of the receipt, and transmit all documentation received from the insurance company to such official.
- (b) Within thirty (30) days of the receipt of the moneys, the chief building inspector or other designated code official or enforcing officer shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended.

- (c) Prior to the expiration of the thirty (30) days established by subsection (b) of this section, the chief building inspector or other designated code official or enforcing officer shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended.
- (d) If the chief building inspector or other designated code official or enforcing officer has determined that proceedings under K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended, shall be initiated, he or she will do so immediately but no later than forty-five (45) days after receipt of the moneys by the city treasurer.
- (e) Upon notification to the city treasurer by the chief building inspector or other designated code official or enforcing officer that no proceedings shall be initiated under K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured as identified in the communication from the insurance company. Such return shall be accomplished within forty-five (45) days after the receipt of the moneys from the insurance company.

Sec. 20-122. Removal of structure; excess moneys.

If the chief building inspector or other designated code official or enforcing officer has proceeded under the provisions of K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

Sec. 20-123. Removal of structure; disposition of funds.

If the chief building inspector or other designated code official or enforcing officer, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended, any proceeds received by the city treasurer under the authority of this article relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended. Upon reimbursement from the insurance proceeds, the chief building inspector or other designated code official or enforcing officer shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under this article, the chief building inspector or other designated code official or enforcing officer shall publish a new lien as authorized by K.S.A. 12-1750 *et seq.*, and/or Article XI of Chapter 10 of the Leavenworth Code of Ordinances, as amended, in an amount equal to such excess expenses incurred.

Sec. 20-124. Effect upon insurance policies.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Sec. 20-125. Insurers; liability.

Insurers complying with this section or attempting in good faith to comply with this section shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this section, or releasing or disclosing any information pursuant to this section.

Sec. 20-126. Insurance proceeds; proof of repairing or rebuilding.

In lieu of the payment of insurance proceeds, the insured may present satisfactory proof to the chief building inspector or other designated code official or enforcing officer that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the chief building inspector or other designated code official or enforcing officer, along with the city clerk, shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the city shall not be paid, subject to any lien created by the city should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the building official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the building official to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of continuation of proceedings for abatement.

Sec. 20-127. Failure to pay insurance proceeds or to obtain a certificate in lieu of payment proceeds.

It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this article unless a certificate in lieu of payment of proceeds has been obtained through the city.

Section 2. The city clerk shall notify the Commissioner of Insurance for the State of Kansas within fourteen (14) days after the adoption of this ordinance. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 *et seq.*, concerning payment of insurance proceeds to the city arising out of claims due to fire, explosion, windstorms, or other casualty. A copy of the notice shall be maintained by the city clerk.

Section 3. Article V of Chapter 20 of the Leavenworth Code of Ordinances, including Sections 20-116 through 20-126, inclusive, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the ____ day of _____, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT NO. 23-49

**STAFF REPORT – VILAS STREET UPDATE FROM 10th to 22nd
PROJECT NO. 2022-997**

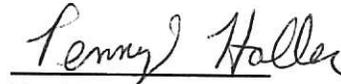
November 14, 2023

Prepared By:

Approved By:



Brian Faust, P.E.,
Public Works Director



Paul Kramer,
City Manager

ITEM:

The design of the Vilas Street Sidewalk Improvements between 10th and 22nd is nearing completion. This project is tentatively scheduled to bid in April with construction starting in the summer of 2024.

The project received a KDOT TA (Transportation Alternatives) Grant to help cover the cost of construction. The grant will cover 80% of the construction cost, up to \$1,265,840.

Project Information:

- Sidewalks will be installed between 10th and 15th (south side). This will result in several driveways being replaced and regrading of some front yards.
- Sections of the existing sidewalks on the north side (10th to 20th) and the south side from 15th to 20th will be replaced if damaged or not meeting current ADA guidelines.
- Intersections between 10th and 20th will have ADA ramps meeting ADA PROWAG (Public Right-of-Way Accessibility Guidelines) installed.
- Improvements between 20th and 22nd include curb and gutter along with enclosed storm sewer.
- Sidewalks on the north side between 20th and 22nd.
- A marked crosswalk with a Rectangular Rapid Flashing Beacon (RRFB) directly in front of Henry Leavenworth Elementary School.

There will be easements and right-of-way required to construct the improvements and reshape several of the yards. Acquisition of these areas will be in the next few months.

This evening, our design consultant, Bartlett & West Engineers will be providing an update to the City Commission. Presenting tonight will be Scott Komarek from Bartlett & West.

**SEMI-ANNUAL REVIEW
PRESENTED BY
LEAVENWORTH PUBLIC LIBRARY**

NOVEMBER 14, 2023

Library Director Matt Nojonen will provide the semi-annual update to the City Commission.

EXECUTIVE SESSION
TO DISCUSS PERSONNEL MATTERS OF NONELECTED PERSONNEL

NOVEMBER 14, 2023

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for a period of _____ minutes for the purpose of *discussing the annual evaluation of the City Manager, under the justification to discuss personnel matters of nonelected personnel* K.S.A. 75-4319 (b) 1. The City Commission and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at _____ p.m.