



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, SEPTEMBER 10, 2024 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

PROCLAMATION:

1. Proclamations: (pg. 03)
 - a. Suicide Prevention Month
 - b. Leavenworth Awareness Walk
 - c. Constitution Week

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from August 27, 2024 Regular Meeting and September 5, 2024 Special Meeting **Action:** Motion (pg. 06)

Second Consideration Ordinances:

3. Second Consideration Ordinance No. 8249 Rezoning Certain Properties at 2nd Avenue & Santa Fe Street from RM-F to R1-6 **Action:** Roll Call Vote (pg. 13)

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.*

Public Hearing:

4. Public Hearing for Unsafe Fire Damaged Structure at 3851 Tonganoxie Drive (pg. 17)
 - a. Open Public Hearing **Action:** Motion
 - b. Review of Property by Staff and Public Comments
 - c. Close Public Hearing **Action:** Motion
 - d. Consider Resolution B-2378 Directing Structure to be Repaired or Removed **Action:** Motion

General Items:

5. Mayor's Appointments **Action:** Motion (pg. 22)
6. Request for Feasibility Study Funding Frontier Museum of the U.S. Army Foundation **Action:** Motion (pg. 23)
7. Employee Benefit Plan Renewal **Action:** Motion (pg. 25)

Bids, Contracts and Agreements:

8. Consider Award of Bid for Fire Station No. 2 HVAC Replacement Project **Action:** Motion (pg. 27)
9. Consider Acceptance of Land Donation 110 N 10th Street **Action:** Motion (pg. 29)

First Consideration Ordinances:

10. First Consideration Ordinance to Adopt Standard Traffic Ordinance 51st Edition **Action:** Consensus (pg. 31)
11. First Consideration Ordinance to Adopt Uniform Public Offense Code 40th Edition **Action:** Consensus (pg. 35)

Staff Report:

- Camp Leavenworth Update (pg. 39)

Consent Agenda:

Claims for August 23, 2024 through September 5, 2024, in the amount of \$5,830,189.34; Net amount for Payroll #17 effective August 23, 2024, in the amount of \$419,696.84 (Includes Police & Fire Pension in the amount of \$7,491.38).

Action: Motion

Other:

12. Executive Session – Personnel Matters of Non-Elected Personnel

Action: Motion (pg. 40)

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *Suicide Prevention Month was established in the United States in 1975 by the American Association of Suicidology, corresponding to World Suicide Prevention Day recognized annually on September 10th; and*
- WHEREAS,** *the act of suicide is prominently mentioned in ancient legend and history, dating back to the 1700's, it was not until the 1950's that the United States started suicide prevention activities, almost 800,000 people die each year due to suicide, one death every 40 seconds; and*
- WHEREAS,** *National Suicide Prevention Month is a campaign observed to educate and inform the general public about suicide prevention and to warn about rising suicide rates as well as reduce the stigma surrounding suicide and encourage the pursuit of mental health assistance; and*
- WHEREAS,** *in honor of Darius Jamal Williams, the City of Leavenworth raises awareness so that more people might reach out for help by calling or texting 988 if they or someone they know is in crisis, look out for warning signs in others, and make sure people feel heard and understood; and*
- WHEREAS,** *Suicide Prevention Month in honor of Darius Jamal Williams is a month where Leavenworth citizens work together to prevent suicide throughout our city, county, state, and country so that citizens feel heard, loved, and understood. Through prevention, we can build a stronger community, and build generations of compassionate Leavenworth citizens; and*
- WHEREAS,** *the 988 system is in place for calls and texts 24 hours per day, 7 days per week, encourage those in crisis to call or text, in honor of Darius, you just may save a life.*

NOW, THEREFORE, *I Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim the month of September 2024 as:*

Suicide Prevention Month in Honor of Darius Jamal Williams

and encourage all citizens to not only hold each other up in mental health, but to join together to give back to the community in any way that is personally meaningful and honors loved ones who have attempted or succeeded in the act of suicide.

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

Griff Martin, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the Leavenworth Awareness Walk (LAW) is a beacon of remembrance and unity within our community. This annual event was established in 2018 in memory of Brother Michael Law, a devout Christian, retired Soldier, community leader, and an exemplary past fraternity chapter president. Brother Michael Law served as a chapter president in our beloved fraternity. He played an instrumental role in shaping the lives of countless young individuals as a father figure and mentor; and*

WHEREAS, *The Leavenworth Awareness Walk serves a dual purpose, one that keeps alive the memory of a man who was a tremendous advocate for local scholarships, a loving husband, a proud father, and a father figure and mentor to youth in the community; and*

WHEREAS, *the walk also empowers our community by raising scholarship funds, providing educational opportunities, and fostering awareness about issues that matter deeply to us. The Pi Omicron Lambda Chapter of Alpha Pi Alpha Fraternity, Inc., has raised over \$30,000 for deserving students; and*

WHEREAS, *the Leavenworth Awareness Walk unites us in a collective effort to continue Brother Michael Law's mission of making a positive impact on the lives of others and strengthening the bonds within our community.*

NOW, THEREFORE, *I Griff Martin, Mayor of the City of Leavenworth, Kansas hereby recognize and commemorate the significance of:*

The Leavenworth Awareness Walk

as a symbol of unity, hope and empowerment. We pledge to walk together, side by side, in solidarity as we strive to create a brighter future for our youth through scholarships and to raise awareness of organizations and causes in our community.

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

Griff Martin, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *September 17, 2024 marks the two hundred thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and*

WHEREAS, *It is fitting and proper to accord official recognition to this magnificent document, its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and*

WHEREAS, *Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.*

NOW, THEREFORE, *I Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim September 17 through 23, 2024 as:*

Constitution Week

and urge all citizens to study the constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

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

Griff Martin, 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 Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

Staff members present: Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Planning & Community Development Director Julie Hurley, Community Center Manager Tammy Metzgar, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the August 13, 2024 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8248 Approval to Levy Special Assessments for Nuisance Abatement Costs – City Clerk Sarah Bodensteiner reviewed the Ordinance. Since first consideration on August 13, 2024, 3 properties have submitted payment for the outstanding nuisance abatements and were removed from the Ordinance.

Mayor Martin called the roll and Ordinance No. 8248 was unanimously approved.

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

David Bentley, 767 Ottawa St.:

- Heard about the possibility of the pool and theatre closing and was present for information on that

Mike Collins, 504 High Ct.:

- Asked about the results of the budget survey
- Mentioned that residents are being asked to pay more taxes
- Mentioned the delinquent taxes published in the paper
- Asked if the City can cover the cost

Mary Bergman, 1801 2nd Ave.:

- Mentioned senior citizen taxes and taxes on those who are disabled
- Concerned about being taxed out of her home
- Asked about freezing taxes for senior citizens or cut them to less than the working class

Public Hearing:

Public Hearing Exceeding of the Revenue Neutral Rate:

Open Public Hearing:

Commissioner Bauder moved to open the public hearing. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Staff Presentation:

Interim City Manager Patrick Kitchens presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by Kansas Statute. As presented during the 2025 budget process, the City of Leavenworth's intent is for a flat mill levy, yet it will exceed the RNR as defined in the statute.

Citizen Comments:

None.

Close Public Hearing:

Commissioner Bauder moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Commissioner Wilson:

- Thanked the community for their feedback
- Many people reached out and didn't want services cut and were willing to pay a little more so the services could still be made available

Commissioner Bauder:

- We've had a lot of increases in expenses and not being able to increase the budget over the previous year doesn't make sense
- The survey results I read were that people didn't want anything to close or loss of services

Commissioner Pittman:

- Noted the State's budget is not revenue neutral and they mandated this down to other taxing entities

Commissioner Hingula:

- Spoke with the Finance Director and the amount of the increase is well worth all the services the city provides
- Stated that the increase for a home valued at \$250k would be \$5 increase for the year

Mayor Martin:

- Toughest decision I've had to make
- We're in a highly inflationary environment
- If you hold the line every year, you'll see services drop
- There is a fine balance of supporting residents with services

- Heard from people that they would pay more to keep services like the pool and theatre open
- Would like to see discussions on driving more revenues to the City to help ease the burden
- Would like to see the City hold the line and can't in good conscience vote to exceed revenue neutral

Consider Resolution B-2375 – Approval to Exceed Revenue Neutral Rate:

Commissioner Bauder moved to approve Resolution B-2375 – Approval to Exceed the Revenue Neutral Rate. Commissioner Wilson seconded the motion. City Clerk Sarah Bodensteiner called the roll for Resolution B-2375 for Approval to Exceed the Revenue Neutral Rate. Resolution B-2375 was approved with Mayor Martin voting No. Mayor Martin declared Resolution B-2375 approved 4-1.

Public Hearing on 2025 Operating and 2025-2029 Capital Budgets:

Open Public Hearing:

Commissioner Bauder moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Staff Presentation:

None.

Citizen Comments:

Mike Collins, 504 High Ct.:

- Would have liked to have known that the increase would be \$5; would have been nice to see that in the paper
- Asked how much the theatre costs to maintain

Mayor Martin

- Stated about \$60,000 to operate and it brings in about \$30,000

Close Public Hearing:

Commissioner Bauder moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Adopt the 2025 Operating and Capital Budgets:

Commissioner Bauder moved to adopt the 2025 Operating and 2025-2029 Capital Budgets as presented. Commissioner Wilson seconded the motion and the motion was approved with Mayor Martin voting No. Mayor Martin declared the motion carried 4-1.

Consider Resolution B-2376 – Approval of 2025 Housing Budget for Planters II:

Commissioner Bauder moved to approve Resolution B-2376 approval of the 2025 Housing Budget for Planters II. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

General Items:

Consider Transient Merchant Permit Waiver Request for Police Collectors Show at Riverfront Community Center – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by Ken LaMaster for the use of the Riverfront Community Center on April 25 and 26, 2025 for a Police Collectors Show. The collectables show will be a fundraiser for the Leavenworth Prison Historical Society. City Code prohibits Transient Merchant permits on city property, but does allow the Commission to grant waivers. All fees for use of the facility and permits would still apply should the waiver be granted.

Commissioner Pittman:

- Very much in favor of this event

Commissioner Hingula moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Police Collectors Show on April 25 and 26, 2025. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Mr. LaMaster:

- Started the Leavenworth County Prison Historical Society to highlight the prisons in the areas
- Known as the Prison Historian and this town has a rich history in Law Enforcement
- Appreciate the approval for the collectors show

Resolutions:

Resolution B-2377 Summer Concert Series and Moonlight Market Special Event Street Closure for Possession & Consumption of Alcohol - City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of a portion of Cherokee Street for the Leavenworth Main Street Summer Concert Series and Moonlight Market special event on Saturday, September 14, 2024 to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Pitman:

- Asked how notifications go out and who they go out to for a road closure

Ms. Bodensteiner:

- Notification goes to the property owner, we've attempted to mail to the address that is directly impacted, but they are not always successful in delivery and are returned as undeliverable

Mr. Kitchens:

- Provided insight to the Police Departments practices when it comes to notifications with road closures

Ms. Shaw:

- Provided details about the event
- 3 bands, 30 craft vendors, potentially 10 food trucks

Commissioner Pittman moved to approve Resolution B-2377 for the Leavenworth Main Street Summer Concert Series and Moonlight Market Special Event as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Bids, Contracts and Agreements:

Rescind Award of Bid from D’Agostino Mechanical Contractors Inc. for Fire Station No. 1 HVAC Replacement Project – Fire Chief Gary Birch presented for consideration rescinding the award of the bid for the HVAC Replacement Project with D’Agostino Mechanical Contractors Inc. During the July 23, 2024 meeting, the Commission approved a recommendation to award the Fire Station No. 1 HVAC Replacement Project to D’Agostino Mechanical Contractors Inc. in the amount of \$87,950.00. Less than one week after the City Commission’s approval to award the bid to D’Agostino Mechanical Contractors Inc., staff received notification that they have made an error with their pricing for the project and would not be able to do the project for that price. Staff requested an unofficial update to the cost and the updated cost was \$20,287.00 higher than the original bid. Based on the large increase in the updated cost from the original bid, staff is recommending the award of bid be rescinded, and allow staff to re-evaluate the project and re-bid the project.

Mayor Martin:

- Asked how many bids did we receive

Chief Birch:

- Only 1 was received; we feel confident we’ll get more bids this next go round

Commissioner Wilson moved to rescind the award of bid of the Fire Station No. 1 HVAC Replacement Project and the additional option of replacing the air handler from D’Agostino Mechanical Contractors, Inc., 4440 Oliver Street, Kansas City, KS. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Rezoning Certain Properties at 2nd Avenue & Santa Fe Street from RM-F to R1-6 – Planning & Community Development Director Julie Hurley presented for consideration an ordinance to rezone the 15 properties located at approximately 2nd Avenue & Santa Fe Street from Residential Multi Family to High Density Single Family Residential District. In recent years, the City of Leavenworth has received multiple rezoning and special use permit requests for properties occupied by existing non-conforming uses. Typically, these requests originate from the intention of the property owner to sell or expand the existing non-conforming use on the property, which necessitates bringing the property into conformance with existing development standards. It has been the general desire of the Planning Commission and city staff to facilitate these applications in instances where no action of the property owner has caused the property to become non-conforming. Staff has identified an area suitable for a city-initiated rezoning. State statute grants authority to municipalities to initiate a rezoning process for privately owned properties. The identified area consists of an existing neighborhood containing 15 individual properties all developed with single-family homes, which is currently zoned RM-F, Residential Multi Family. The area lies east of 2nd Avenue, roughly between Santa Fe and Sheridan Streets. The RM-F zoning designation makes all of the existing single family homes non-conforming, as single-family homes are not allowed either by-right or with approval of an SUP in the RM-F zoning district. Staff proposes to rezone the properties within the identified area to R1-6, High Density Single Family Residential District, which will bring all properties included into conformance with current development standards. The Planning Commission took action on this item at their August 5, 2024 meeting and voted 4-0 to recommend

approval of the rezoning request. Ms. Hurley reviewed the Conditions of Determination that were referenced in the Policy Report.

Commissioner Pittman:

- Received a few calls from some of the property owners but once it was explained to them they were all happy and fine with the process

Ms. Hurley:

- We understand that a letter stating the City is rezoning your property is concerning and we anticipated calls and once we spoke with people and talked to those who came to the meeting everyone was good with the process
- This also does not impact their property taxes, as taxing is not based on zoning

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

Consent Agenda:

Commissioner Hingula moved to approve claims for August 9, 2024 through August 22, 2024, in the amount of \$925,267.61; Net amount for Payroll #16 effective August 9, 2024 in the amount of \$405,903.87 (No Police & Fire Pension). Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Other:

Commissioner Hingula:

- Everyone enjoy the cool weather that is supposed to come

Commissioner Pittman:

- Have a great week

Commissioner Bauder:

- Have a great week be careful in the heat

Commissioner Wilson:

- God bless and we'll see everyone in a few weeks to play some pickleball

Mayor Martin:

- Appreciate everyone coming out tonight
- God bless and have a great week

Adjournment:

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

Time Meeting Adjourned 6:48 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC



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

City Commission Special Meeting
Commission Chambers
Thursday, September 5, 2024 8:15 a.m.

CALL TO ORDER - The Governing Body met for a special meeting and the following commission members were present in the commission chambers: Mayor Griff Martin, Commissioners Nancy Bauder and Edd Hingula. Mayor Pro-Tem Holly Pittman arrived at the Special Meeting at 8:20 a.m. Absent: Commissioner Jermaine Wilson.

Staff members present: Interim City Manager Patrick Kitchens, Human Resources Director Lona Lanter and City Clerk Sarah Bodensteiner.

Open Special Meeting:

Commissioner Bauder moved to open the special meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 3-0.

Executive Session – Personnel Matters of Non-Elected Personnel – Mayor Martin moved to recess into executive session for a period of 9 hours and 45 minutes for the purpose of *conducting interviews, under the justification to discuss personnel matters of non-elected personnel* K.S.A. 75-4319 (b) 1. The City Commission, Interim City Manager, Human Resources Director, and Executive Search Firm will be present. The open meeting will resume in the City Commission Chambers at 6:00 p.m. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 3-0.

The City Commission returned to open session at 6:00 p.m.

Adjournment:

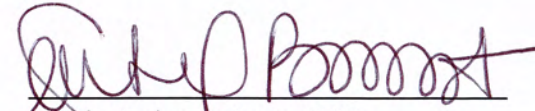
Commissioner Hingula moved to close and adjourn the special meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:00 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8249
REZONING CERTAIN PROPERTIES AT 2ND AVENUE AND SANTA FE STREET
FROM RESIDENTIAL MULTI FAMILY TO HIGH DENSITY SINGLE
FAMILY RESIDENTIAL DISTRICT**

SEPTEMBER 10, 2024



Sarah Bodensteiner, CMC
City Clerk



Patrick Kitchens
Interim City Manager

BACKGROUND:

At the August 27, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING CERTAIN PROPERTIES IN THE CITY OF LEAVENWORTH, KANSAS FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-F) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).

There have been no changes to the ordinance since first introduced. Ordinance No. 8249 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8249

(Summary Published in the Leavenworth Times on September 14, 2024)

ORDINANCE NO. 8249

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING CERTAIN PROPERTIES IN THE CITY OF LEAVENWORTH, KANSAS FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-F) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).

WHEREAS, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 5th day of August 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 11th day of July 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning certain properties in the city of Leavenworth Kansas from Multiple Family Residential District (RM-F) to High Density Single Family Residential District (R1-6); and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described properties, to-wit, are hereby rezoned from Multiple Family Residential District (RM-F) to High Density Single Family Residential District (R1-6).

Lots 25, 26, 27 and 28, Block 1, CHERRY HILL SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 535 Santa Fe Street**, Leavenworth, Kansas

LOTS NUMBERED 29, 30, AND 31, IN BLOCK 1, "CHERRY HILL" A SUBDIVISION OF LOTS 12 AND 13, IN JOHNSON'S SUBDIVISION, IN THE CITY OF LEAVENWORTH, COUNTY OF LEAVENWORTH, STATE OF

KANSAS. And **more commonly referred to as 529 Santa Fe Street**, Leavenworth, Kansas

Lots 32, 33 and 34, Block 1, CHERRY HILL aka CHERRY HILL SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 523 Santa Fe Street**, Leavenworth, Kansas

Lots 35 through 37, Block1, Cherry Hill, City of Leavenworth, Leavenworth County, Kansas, according to the recorded plat thereof. And **more commonly referred to as 517 Santa Fe Street**, Leavenworth, Kansas

Lot numbered Thirty-eight (38), Thirty-nine (39) and Forty (40), in Block numbered One (1), in Cherry Hill Addition to the City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 513 Santa Fe Street**, Leavenworth, Kansas

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 41, 42, 43, 44, 45, 46, 47 AND 48 ALL IN BLOCK 1, CHERRY HILL ADDITION, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS. And **more commonly referred to as 507 Santa Fe Street**, Leavenworth, Kansas

Lots 21, 22, 23 and 24, Block 1, CHERRY HILL, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 2531 2nd Avenue**, Leavenworth, Kansas

Lots 18, 19 and 20, Block 1, Cherry Hill, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 514 Sheridan Street**, Leavenworth, Kansas

Lots 13, 14, 15, 16, and 17, Block 1, CHERRY HILL SUBDIVISION, City of Leavenworth, Leavenworth, Kansas. And **more commonly referred to as 510 Sheridan Street**, Leavenworth, Kansas

Lots 9, 10, 11 and 12, Block 1, CHERRY HILL SUBDIVISION, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 506 Sheridan Street**, Leavenworth, Kansas

The North One-half (N1/2) of Lots numbered Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), and the North One-half (N1/2) of the West Eight (W.8) feet of Lot numbered Thirty (3) in Block numbered One (1) n Rush and Ettenson's Subdivision of Lot Eleven (11), Johnson's Subdivision of the City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 2605 2nd Avenue**, Leavenworth, Kansas

The East 17 feet of Lot 30, all of Lot 31, and Lot 32, less the East 17 feet, Block 1, Rush and Ettenson's Subdivision of Lot Eleven (11) Johnson's Subdivision, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 547 Sheridan Street**, Leavenworth, Kansas

Lots Thirty-two (32), Thirty-three (33) and Thirty-four (34), all in Block One (1) in RUSH & ETTENSON'S SUBDIVISION of the City of Leavenworth. And **more commonly referred to as 537 Sheridan Street**, Leavenworth, Kansas

LOTS 35, 36 AND 37, BLOCK 1, RUSH AND ETTENSON'S SUBDIVISION OF LOT 11 JOHNSON'S SUBDIVISION, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS. And **more commonly referred to as 527 Sheridan Street**, Leavenworth, Kansas

LOTS 38, 39 AND 40, BLOCK 1, RUSH AND ETTENSON'S SUBDIVISION, IN THE CITY OF LEAVENWORTH, ACCORDING TO THE RECORDED PLAT THEREOF, IN LEAVENWORTH COUNTY, KANSAS. And **more commonly referred to as 517 Sheridan Street**, Leavenworth, Kansas

Section 2: That the "Zoning District Map" adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

Section 3: That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

PASSED and APPROVED by the Governing Body on the 10th day of September, 2024.

Griff Martin, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

POLICY REPORT PWD NO. 24-32

PUBLIC HEARING FOR UNSAFE STRUCTURE
3851 TONGANOXIE DRIVE

September 10, 2024

Prepared by:



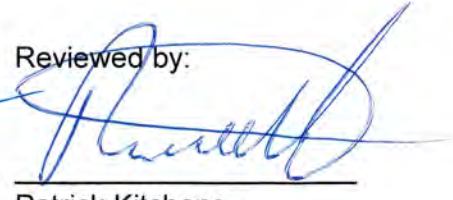
Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Patrick Kitchens,
Interim City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 3851 Tonganoxie Drive.

BACKGROUND:

On July 23, 2024, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 3851 Tonganoxie Drive that was damaged by fire. The Commission approved Resolution No. B-2373, setting September 10, 2024 as the date for a public hearing for the purposes of Chapter 20, Article V, of the City Code of Ordinances.

The structure was damaged by fire on May 24, 2024. City staff has spoken with the owner and contractor, and a building permit application has been received for this project. The contractor intends to make repairs to the occupied portion of the structure first. Those repairs should be completed by the end of 2024. The garage portion of the structure will be completed after the occupied portion is completed.

When structures are damaged by fire and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return the property to the owner once repairs have progressed to a reasonable point, which is when the exterior has been repaired and the interior is ready for wall finishes to be installed.

The City has received proceeds from the insurance company for this property for \$44,696.40. The money will be returned to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy.

NOTIFICATION PROCEDURES:

On July 29, 2024, a copy of said resolution was mailed by certified, restricted delivery mail to the owner and lienholder. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Staff recommends that the owner/contractor be given 90 days to begin the repairs to the structure. Staff will provide an update after the 90 days.

COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2378 giving the owners 90 days to begin repairs or start the demolition process, or another amount of time decided by the Commission.

ATTACHMENT:

Resolution No. B-2378

Photo of the structure



3851 Tonganoxie Road

(To Be Published in the Leavenworth Times on September 14, 2024)

RESOLUTION NO. B-2378

A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE LOCATED AT 3851 TONGANOXIE DRIVE AND HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 9th day of July, 2024 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as “A single-family structure located at **3851 Tonganoxie Drive**. The property is legally described as: Lot 4, Oak Wood Estates Subdivision, LESS the following described tract; The Southeasterly 160.00 feet by 273.00 feet of lot 4, Oak Wood Estates Subdivision, City of Leavenworth, Leavenworth County, Kansas, Described more specifically as: Commencing at the most Northerly corner of Lot 4; thence South 49 degrees 56 minutes 41 seconds East, 157.00 feet to the Point of Beginning; thence South 49 degrees 56 minutes 41 second East 273.00 feet; thence South 40 degrees 03 minutes 19 seconds West 160.00 feet; thence North 49 degrees 56 minutes 41 seconds West 273.00 feet; thence North 40 degrees 03 minutes 19 seconds East 160.00 feet to the point of beginning is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2373 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2373 was published in the official City newspaper on July 27, 2024 and August 3, 2024, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on September 10, 2024 the Governing Body heard all evidence submitted by the Chief Building Inspector of the City and heard any evidence submitted by the owner, agents, or lienholders of records.

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

Section 1. That the Governing Body hereby finds that the fire damaged property described above is an unsafe and dangerous structure. The owner of the structure is hereby directed to commence repair or removal of such structure on or before that date listed in Section 2, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

Section 2. The property is hereby given 90-days for repair or removal at which time the City Commission will review at the next scheduled meeting.

Section 3. Be it further resolved that the City Clerk and/or Chief Building Inspector shall cause this Resolution to be published once in the official City newspaper and a copy mailed to the owner, agents, and/or lienholder of record, and occupants or served personally as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas on this 10th day of September 2024.

Griff Martin, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC City Clerk

MAYOR'S APPOINTMENTS

SEPTEMBER 10, 2024

Mayor Martin

*"Move to
Appoint to the **Leavenworth Main Street Board** Ron Booth to a term ending August 15, 2027."*

Requires a second and vote by the Governing Body.

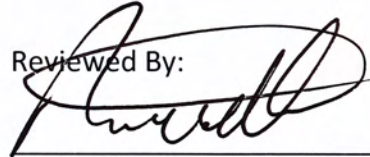
POLICY REPORT
Request for Feasibility Study Funding
September 10, 2024

Prepared By:



Penny Höller
Assistant City Manager

Reviewed By:



Patrick Kitchens
Interim City Manager

ISSUE:

Consider request of \$47,500 from the Frontier Museum of the U.S. Army Foundation.

BACKGROUND:

During the July 23 City Commission meeting, George Pettigrew with the Frontier Museum of the U.S. Army Foundation presented an update on the project and their fundraising efforts. Part of that fundraising included \$47,500 from the Kansas Department of Commerce for a feasibility study and professional renderings. That amount is roughly half the total estimated cost. The Museum requested matching funds in the amount of \$47,500.

The Commission may consider funding the full request, funding the request at a lesser amount or not funding this request.

BUDGET IMPACT:

If approved, \$47,500 would come from Convention and Visitors Bureau reserve funds.

ATTACHMENT:

Request Letter

**FRONTIER MUSEUM
OF THE UNITED STATES ARMY FOUNDATION**
401 S. Clairborne Street, Suite 100
Olathe, Kansas 66062

August 21, 2024



George Pettigrew
Chairman
gpettigrew@fmusaf.org

BG (Ret) Bryan Wampler
Executive Director
bwampler@fmusaf.org

MAJ (Ret) Richard Ripper
Small Business Solutions
Treasurer
ripper@fmusaf.org

Rob Lofthouse
Program Manager
rlofthouse@fmusaf.org

Rolf Snyder
Legal Advisor

LTC (Ret) Aimee Bateman
Bateman Law Group
Counsel of Record
abateman@fmusaf.org

Jordan Chambers
Webmaster
jchambers@fmusaf.org

Penny Holler
Asst. City Manager
Leavenworth, Kansas

Last year, Kristi Lee, CVB, and I met Lt. Governor David Toland and Bridgette Jobe, Director of Tourism Kansas in Topeka. At the meeting Lt. Governor Toland pledged a \$47,500 matching grant for the feasibility and conceptual drawings for the new museum project at Fort Leavenworth.

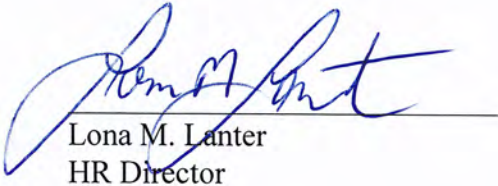
In follow-up communications with Mr. Brett Sayre, Business Development Finance Manager, Kansas Department of Commerce, he said "Lt. Governor Toland would like to help support this project through the State's Job Creation Fund (JCF) in the amount of \$47,500. These JCF funds are contingent upon the Frontier Army Museum securing matching funds from local government and are to be used to support the expenses related to the conceptual drawings and feasibility study."

As was outlined at the July 23rd Leavenworth City Commission meeting, these funds are critical to obtaining the tools needed to make our fundraising campaign effective. It is thereby our request that the Commission approve the \$47,500 match to satisfy the grant made by Lt. Governor Toland.

Very respectfully,
George Pettigrew

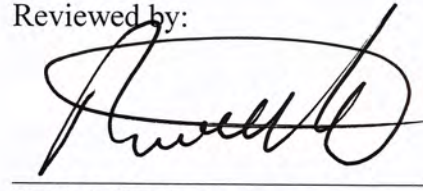
POLICY REPORT 24-03
Employee Benefit Plan Renewal
September 10, 2024

Prepared by:



Lona M. Lanter
HR Director

Reviewed by:



Patrick Kitchens
Interim City Manager

ISSUE: Review and approve the recommendation for employee benefit coverages to be effective December 1, 2024.

STAFF RECOMMENDATION: Staff recommends renewal with current providers for medical, dental and vision for the new plan year beginning December 1, 2024. Current providers are: United HealthCare for medical and vision coverage and Delta Dental for dental coverage.

BACKGROUND: The City has maintained employee medical coverage through United HealthCare since December 1, 2005. UHC continues to demonstrate their ability to provide a long-term strategic partnership in health care with the City.

The final renewal bid from UHC, with no plan design changes, came in at a 9.9% premium increase. This renewal reflected well below the manual experience rating calculations for our group. However, UHC did take into account our improved experience rating and usage trends over this past year. Unfortunately, our overall experience rating over the last 12 months still exceeds 100%, which is much improved from the 200+% rating last year. Based on the quote received last year when we bid out the medical coverage along with the City's current usage rating at over 100%, a market search was not conducted.

The final renewal from Delta for 2025 came in with a 5% premium increase and no plan design changes. With this year's renewal, we were also provided a 2-year rate guarantee, which will mean a flat renewal for next year.

The final renewal from UHC Vision for 2025 came in with a 5% premium increase and no plan design changes. The vision also received another three year rate guarantee which provides for the same level of benefits with no premium increase for two additional years.

Based on the above information, Staff is recommending the City renew with UHC for both medical and vision coverages and renew with Delta Dental for dental coverage, with no plan design changes to any of the plans.

If the Commission approves the Staff recommendations, the renewal date for the medical, dental and vision plans would be December 1, 2024.

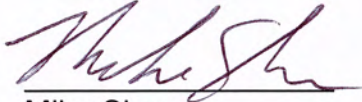
This would require employee enrollment for medical, dental and/or vision coverage only for those employees interested in electing coverage, changing plan levels and/or adding/dropping dependents from coverage.

Open enrollment informational meetings for employees and retirees will be scheduled for the weeks of October 7 & 14. Open enrollment meetings will be held at the Community Center with multiple dates and times to choose from. Our benefit providers, UHC, Delta and Aflac will be on-site to provide information and answer individual questions from employees. A rep from KPERS Optional Group Life Insurance will also be present this year along with our plan representative from Mission Square retirement. In addition, we will have limited community business partners on-site this year, such as Commerce Bank, Frontier Community Credit Union, etc. for most of the open enrollment meetings. HR staff will be available at each open enrollment meeting to answer questions or provide additional information if needed.

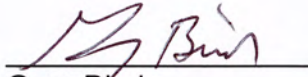
BUDGET IMPACT: UHC is providing a 9.9% increase for medical and 5% increase for vision and Delta Dental is providing a 5% increase to the current rates. Dental and vision renewals for coverage came in on budget for 2025; however, the medical renewal came in above budget. Finance Director, Roberta Beier, has identified funding mechanisms for the budget shortage to meet the 9.9% renewal increase.

POLICY REPORT No. FD # 2024-05
FIRE STATION NO. 2 HVAC REPLACEMENT – MUNIS PROJECT #F2303
September 10, 2024

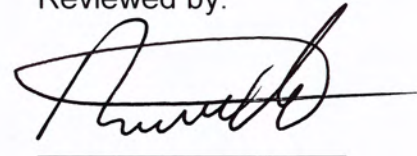
Prepared by:


Mike Shore
Deputy Chief

Reviewed by:


Gary Birch
Fire Chief

Reviewed by:


Patrick Kitchens
Interim City Manager

ISSUE:

The Fire Department is requesting approval to move forward with the HVAC replacement at Fire Station No. 2.

BACKGROUND:

Fire Station No. 2 is 23 years old and is currently utilizing the original air conditioning system. This system has reached the end of its projected useful life. Over the last several years repairs have become more frequent and costly.

The new HVAC system will utilize more efficient equipment and be easier and more cost efficient to maintain.

The City published an RFP on July 17, 2024 for the HVAC system replacement project with a due date of August 6, 2024 at 5pm. We received two bids for the project.

Bids received as follows:

Bidder	Address (City/State)	Base Bid
D'Agostino Mechanical Contractors, INC.	4440 Oliver Street Kansas City, KS 66106-3763	\$48,900.00
Rand Construction Company	1428 W. 9 th Street Kansas City, MO 64101	\$48,646.00

RECOMMENDATION:

Staff recommends the base bid from Rand Construction Company in the amount of \$48,646.

FINANCIAL:

The City's 2024 CIP includes \$59,650 for the HVAC replacement at Fire Station No. 2.

POLICY REPORT
Donation of 110 N 10th Street
September 10, 2024

Prepared By:

Penny Holler

Penny Holler
Assistant City Manager

Reviewed By:

Patrick Kitchens

Patrick Kitchens
Interim City Manager

ISSUE:

Consider accepting donation of two vacant lots at 110 N 10th Street.

BACKGROUND:

The owners of two vacant lots at 110 N 10th Street, Ellis and Barbara Myracle, contacted the City with an offer to transfer ownership of the lots at no cost. The lots are adjacent to a City-owned lot and across the street from Fire Station 2. Maintenance work on the lots had become more difficult and the owners wanted to eliminate that work. The lots were also nearly unbuildable as one goes directly over Three Mile Creek and the other is in the FEMA identified flood plain. Selling the unbuildable lots to a private party would be unlikely. The combined 2024 tax value according to Leavenworth County records is \$720. City ownership of the lots would allow for future stormwater projects to be conducted there and would eliminate any access or other issues with private ownership.



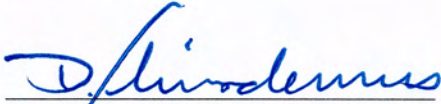
The City utilized a title company to verify that there were no encumbrances on the land that would interfere with future plans. The parcel numbers are 052-077-26-0-34-08-001 and 052-077-26-0-34-08-002. A records search found delinquent Leavenworth County taxes that the City will need to pay if the donation is accepted, currently estimated at \$27.27, along with additional City-assessed stormwater fees. Staff believes this is an acceptable cost to obtain these lots.

ACTION:

Staff recommends accepting donation of two vacant lots at 110 N 10th Street and approving the mayor and/or staff to sign documents transferring ownership to the City.

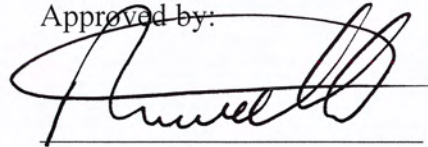
Policy Report No. 6-2024
51st Edition of Standard Traffic Ordinance
September 10, 2024

Prepared by:



Maj. Dan Nicodemus
Interim Chief of Police

Approved by:



Patrick R. Kitchens
Interim City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 51st Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Every year the League of Kansas Municipalities produces a Standard Traffic Code for cities in Kansas. It is designed to provide a comprehensive traffic code and the City of Leavenworth has used it for many years. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it as prescribed in Kansas Statutes.

The Changes are listed below:

Section 201.1 Failure to Comply with a Traffic Citation

Section 201.2 Failure to Comply with a Traffic Citation

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 51st Edition of the Standard Traffic Ordinance for Kansas Cities for use by the City of Leavenworth.

(Summary Publish in the Leavenworth Times on September XX, 2024)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES" 51st EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

Section 1. INCORPORATION BY REFERENCE. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 44, Traffic and Vehicles, Section 44-1, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-1. Incorporating Standard Traffic Ordinances.

- (a) **Adoption.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leavenworth, Kansas, that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 51st Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed.
- (b) **Marked copies on file.** One official copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. XXXX" with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. XXXX, and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) **Omissions, changes, additions, and deletions to the standard traffic ordinances for Kansas Cities.**

Article 11. Pedestrians. Section 69(d) relating to pedestrians soliciting is hereby omitted and deleted.

Article 14. Miscellaneous Rules. Section 114.5 relating to Work-Site Utility Vehicles is hereby amended to read as follows:

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle.

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
 - (1) On any interstate highway, federal highway, or state highway; or

- (2) Within the corporate limits of any city unless authorized by such city.
- (b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
 - (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
 - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
 - (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
 - (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- (d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)
- (e) As provided by subsection (a) (2), it shall be unlawful to operate a worksite utility vehicle except for public safety and city maintenance staff within the corporate limits of the city.

Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles. Section 135.1 is amended to read as follows:

Sec. 135.1. Electric-Assisted Scooters, Traffic Law Application.

- (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.
- (b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles, Sections 127 to 133, inclusive, shall be applicable to electric-assisted scooters.
- (c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.
- (d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway. (K.S.A. 8-15,113)
- (e) As provided in subsection (c), it is unlawful to operate or for the owner to permit the operation of an electric-assisted scooter upon a street, highway, public parking lot, or public parks area.

Section 2. REPEAL. Section 44-1 of Chapter 44, Traffic and Vehicles, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance and all other ordinances that are in conflict herewith, are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 24th day of September 2024.

Griff Martin, Mayor

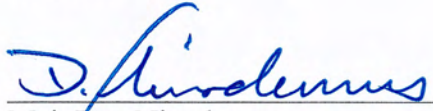
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

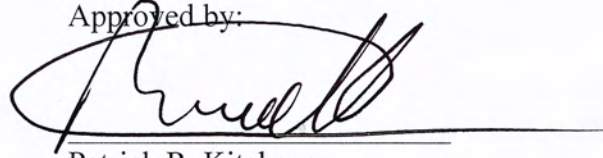
Policy Report No. 7-2024
40th Edition of the Uniform Public Offense Code
September 10, 2024

Prepared by:



Maj. Dan Nicodemus
Interim Chief of Police

Approved by:



Patrick R. Kitchens
Interim City Manager

ISSUE:

The Police Department is requesting the commission place an ordinance on first consideration that adopts the 2024 Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Every year the League of Kansas Municipalities produces a Uniform Public Offense Code for cities in Kansas. It is designed to provide a comprehensive public offense ordinance and the City of Leavenworth has used it for many years. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it as prescribed in Kansas Statutes.

The following changes are amended:

- Sec. 9.1 Disorderly Conduct
- Sec. 9.9.1 Unlawful Possession of Marijuana and Tetrahydrocannabinols
- Sec. 9.9.2 Possession of Drug Paraphernalia and Certain Drug Precursors
- Sec. 9.9.4 Unlawful Possession of Controlled Substances

BUDGET IMPACT:

There is no budget impact.

COMMISSION ACTION:

Place an ordinance on first consideration that adopts the 2024 Uniform Public Offense Code for Kansas Cities for use by the City of Leavenworth including the noted exemptions.

(Summary Publish in the Leavenworth Times on September XX, 2024)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" 40th EDITION, WITH CERTAIN OMISSIONS AND CHANGES.

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

Section 1. INCORPORATION BY REFERENCE. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 30, Offenses, Sections 30-1, are hereby deleted in its entirety and amended to read as follows:

Chapter 30. Offenses. Sec. 30-1. Incorporating Uniform Public Offense Code.

- (a) **Adoption.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Leavenworth that certain code known as the "Uniform Public Offense Code for Kansas Cities," 40th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereinafter omitted, deleted, modified, or changed.
- (b) **Marked Copies on File.** One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. XXXX" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. XXXX and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- (c) **Omissions, changes, additions, and deletions to the Uniform Public Offense Code for Kansas Cities.**

Article 3. Offenses Against Persons. Section 3.2.1, Sexual Battery, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.1, Lewd, Lascivious Behavior, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.3, Selling Sexual Relations, is hereby declared to be omitted and deleted.

Article 4. Sex Offenses. Section 4.5, Buying Sexual Relations, is hereby declared to be omitted and deleted.

Article 10. Offenses Against Public Safety. Section 10.6, Air Gun, Air Riffle, Bow and Arrow, Slingshot, BB Gun, or Paintball Gun, is hereby omitted and deleted. (See Section 30-3, Air guns, air rifles, bow and arrows, slingshots and BB guns of the Code of Ordinances, City of Leavenworth, Kansas.)

Article 11. Offenses Against Public Morals. Section 11.15, Permitting a Dangerous Animal to be at Large, is hereby declared to be omitted and deleted. (See Chapter 8, Animals, of the Code of Ordinances, City of Leavenworth, Kansas.)

Section 2. REPEAL. Section 30-1 of Chapter 30 of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance and all other ordinances that are in conflict herewith, are hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 24th day of September 2024.

Griff Martin, Mayor

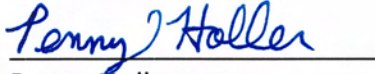
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ATTEST:

Sarah Bodensteiner, CMC, City Clerk

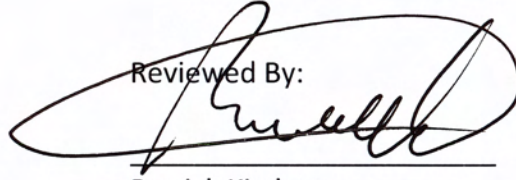
STAFF REPORT
Camp Leavenworth Update
September 10, 2024

Prepared By:



Penny Holler
Assistant City Manager

Reviewed By:



Patrick Kitchens
Interim City Manager

ISSUE:

Receive 2024 Camp Leavenworth planning update for the September 20 and 21 event.

**EXECUTIVE SESSION
TO DISCUSS PERSONNEL MATTERS OF NONELECTED PERSONNEL**

SEPTEMBER 10, 2024

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for a period of _____ for the purpose of *discussion of a personnel matter, 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.