



**City of Leavenworth**  
100 N. 5<sup>th</sup> Street  
Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, SEPTEMBER 24, 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

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**PROCLAMATION:**

1. Proclamations: (pg. 03)
  - a. United Way Months
  - b. Fire Prevention Week

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from September 10, 2024 Regular Meeting **Action:** Motion (pg. 05)

**Second Consideration Ordinances:**

3. Second Consideration Ordinance No. 8250 Adopt Standard Traffic Ordinance 51<sup>st</sup> Edition **Action:** Roll Call Vote (pg. 11)
4. Second Consideration Ordinance No. 8251 Adopt Uniform Public Offense Code 40<sup>th</sup> Edition **Action:** Roll Call Vote (pg. 15)

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**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.*

**General Items:**

5. 2024 Edward Byrne Memorial Justice Assistance Grant Application **Action:** Motion (pg. 18)

**Resolutions:**

6. Resolution B-2379 Capital Fund Program Grant for Planter's II **Action:** Motion (pg. 22)
7. Resolution B-2380 Capital Fund Program 5 Year Action Plan and Capital Fund Annual Statement for Planter's II **Action:** Motion (pg. 30)
8. Resolution B-2381 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) **Action:** Motion (pg. 43)
9. Resolution B-2382 Adoption of the First City Vision Zero Action Plan **Action:** Motion (pg. 45)

**Bids, Contracts and Agreements:**

10. Consider Award of the 2024-2025 Salt Bid **Action:** Motion (pg. 89)
11. Consider Approval of the Design-Build Amendment for Construction of Fire Station No. 3 and WPC Administrative Office **Action:** Motion (pg. 92)

**First Consideration Ordinances:**

12. First Consideration Ordinance for Special Use Permit to Allow a Day Care Center at 1830 S. Broadway Street **Action:** Consensus (pg. 109)
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**Consent Agenda:**

Claims for September 6, 2024 through September 19, 2024, in the amount of \$2,197,197.57; Net amount for Payroll #18 effective September 6, 2024, in the amount of \$395,075.09 (No Police & Fire Pension). **Action:** Motion

**Other:**

13. Executive Session – Personnel Matters of Non-Elected Personnel **Action:** Motion (pg. 119)

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *The City of Leavenworth, Kansas hopes that all of its citizens enjoy healthy, productive and meaningful lives; and*
- WHEREAS,** *The United Way of Leavenworth County advances the common good by creating opportunities for a better life for everyone; and*
- WHEREAS,** *The United Way of Leavenworth County focuses on education, income and health – which are building blocks for a good quality of life – because we all win when a child succeeds in school, when families are financially stable and when people are in good health; and*
- WHEREAS,** *It takes every part of the community – individuals, businesses and organizations – to supply the passion, expertise and resources needed to create lasting change for the better and last year Leavenworth citizens and those of Leavenworth County generously contributed their volunteer energies as well as more than \$220,000 to the United Way of Leavenworth County, thereby investing in programs and initiatives that improve lives and build stronger communities; and*
- WHEREAS,** *The United Way of Leavenworth County kicks off its annual campaign during the months of September through December to unite the community and enhance the lives of those living in Leavenworth, Kansas*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim the months of September through December as:*

## United Way Months

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-fourth 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 City of Leavenworth is committed to ensuring the safety and security of all those living in and visiting our city; and*
- WHEREAS,** *fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and*
- WHEREAS,** *home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 360,000 home fires; and*
- WHEREAS,** *smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you have as little as 2 minutes to escape safely; and*
- WHEREAS,** *the City of Leavenworth Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and*
- WHEREAS,** *the City of Leavenworth residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and*
- WHEREAS,** *the 2024 Fire Prevention Week theme, “Smoke alarms: Make them work for you™,” effectively serves to remind us the importance of having working smoke alarms in the home.*

**NOW, THEREFORE,** *I, Griff Martin, Mayor of the City of Leavenworth, Kansas hereby proclaim October 6-12, 2024 as:*

## Fire Prevention Week

*and urge all the people of Leavenworth, Kansas to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2024, and to support the many public safety activities and efforts of Leavenworth’s fire and emergency services.*

**IN WITNESS WHEREOF,** *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-fourth 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 Commissioner Jermaine Wilson (via telephone call-in).

**Staff members present:** Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Interim Police Chief Major Dan Nicodemus, Fire Captain Isaiah Maher, Public Information Officer Melissa Bower, 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.

**PROCLAMATIONS:**

**Suicide Prevention Month** - Mayor Martin read the proclamation proclaiming the month of September as Suicide Prevention Month in honor of Darius Jamal Williams. The proclamation was accepted by friends and family members of Darius Jamal Williams.

**Leavenworth Awareness Walk** - Mayor Martin read the proclamation recognizing and commemorating the significance of the Leavenworth Awareness Walk. The proclamation was accepted by members of Pi Omicron Lambda Chapter of Alpha Pi Alpha Fraternity, Inc.

**Constitution Week** – Mayor Martin read the proclamation proclaiming September 17-23, 2024 as Constitution Week. The proclamation was accepted by Heather Bisson and Cindy Henry.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Pittman moved to accept the minutes from the August 27, 2024 Regular Meeting and September 5, 2024 Special 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. 8249 Rezoning Certain Properties at 2<sup>nd</sup> Avenue & Santa Fe Street from RM-F to R1-6** – Interim City Manager Patrick Kitchens reviewed the Ordinance. There have been no changes since first introduced at the August 27, 2024 meeting.

Mayor Martin called the roll and Ordinance No. 8249 was unanimously approved.

**NEW BUSINESS:**

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*  
None.

**Public Hearing:**

**Public Hearing for Unsafe Fire Damaged Structure 3851 Tonganoxie Drive**

**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.

**Review of Property by Staff and Public Comments:**

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damaged by fire on May 24, 2024
- City received insurance proceeds
- Staff has spoken with the owner and contractor regarding the repairs
- A building permit has been issued
- Staff recommends giving 90 days for owner/contractor to make repairs to the structure

Lindsey Blancarte with BELFOR Property Restoration:

- Company has completed demolition on project
- Started cleaning on the project
- Roofing and additional work will be starting on the 30<sup>th</sup> of this month
- House work will be done before the garage will be worked on so the owners can get back in the home
- Will be well on their way at the 90 day mark

**Close Public Hearing:**

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

**Consider Resolution B-2378 Directing Structure to be Repaired or Removed:**

Commissioner Hingula moved to adopt Resolution B-2378 giving the owner 90 days to complete the demolition or repair of the property. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**General Items:**

**Mayor's Appointments**

Mayor Martin moved to appoint to the Leavenworth Main Street Board Ron Booth to a term ending August 15, 2027. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Request for Feasibility Study Funding Frontier Museum of the U.S. Army Foundation** – Interim City Manager Patrick Kitchens introduced Mr. George Pettigrew and Bryan Wampler of the Frontier Museum of the U.S. Army Foundation who presented to the City Commission a request of \$47,500 from the Frontier Museum of the U.S. Army Foundation for a feasibility study for a new museum outside the access gates of

Fort Leavenworth. The Kansas Department of Commerce approved tourism funds of \$47,500 for a feasibility study and professional renderings. That approval provided matching funds for the estimated \$90,000 cost. A feasibility study would provide estimated attendance and financial impacts that would help with project development and a capital campaign. The Frontier Museum of the U.S. Army Foundation has requested the City of Leavenworth fund the matching \$47,500. Should the City Commission agree to fund the full request, the funding would come from the Convention & Visitors Bureau reserve funds.

Commissioner Bauder:

- Like that it is an all-encompassing museum
- Received great feedback from those who saw the presentation at the last meeting
- Supports the project and supports the funding request

Commissioner Pittman:

- Asked about the current Frontier Museum on the Fort
- What is an anticipated build date
- Asked about the hours of operation
- Will there be opportunities/space to bring in speakers and/or presenters

Mr. Pettigrew:

- 2027 to coincide with the bicentennial of the Fort
- Hours will be dictated by the Army
- Yes there will be space for speakers and presenters

Mayor Martin:

- Asked how long will the feasibility study take

Mr. Pettigrew:

- A few months is anticipated for the study

Mr. Kitchens:

- Asked if the Commission is agreeable to the funding request, that the City Manager's office is directed to enter into an agreement with the Frontier Museum of the U.S. Army Foundation

Commissioner Hingula:

- Asked if the Foundation is going to work with and meet with all the museums

Commissioner Wilson:

- Supports the funding request and the mission of the foundation

Commissioner Bauder moved to approve the funding request for the Feasibility Study for the Frontier Museum of the U.S. Army Foundation in an amount not to exceed \$47,500.00 to be funded from the Convention & Visitors Bureau Reserve Funds, and authorize City Staff to enter into an agreement with the Frontier Museum of the U.S. Army Foundation. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Employee Benefit Plan Renewal** – Human Resources Director Lona Lanter reviewed the recommended employee benefit coverages to be effective December 1, 2024. The renewal bid for United Health Care (UHC) came in at a 9.9% premium increase with no plan design changes. The renewal for Delta Dental came in with a 5% premium increase and no plan design changes, and were provided a 2-year rate guarantee. The renewal for UHC Vision came in with a 5% premium increase and no plan design changes, and were provided a 3-year rate guarantee.

Commissioner Bauder:

- Stated we should budget more than 5% for next year

Mayor Martin:

- Asked if there was a tone change with UHC regarding the renewal

Ms. Lanter:

- With starting at a 30% increase and getting to 9.9% at the final number is a great indication of the tone and willingness to work with us

Commissioner Hingula:

- Applaud the HR department for their work on the renewal as he's heard from other businesses that they are all looking at 30% increases

Commissioner Bauder moved to approve the benefit plan renewal as presented, with UHC for both medical and vision coverage and renew with Delta Dental for dental coverage, with no plan design changes to any of the plans, with a plan renewal date of December 1, 2024. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

### **Bids, Contract and Agreements:**

**Consider Award of Bid for Fire Station No. 2 HVAC Replacement Project** – Fire Captain Isaiah Maher presented for consideration award of bid for the HVAC replacement project at Fire Station No. 2. 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 more costly. The new HVAC system will utilize more efficient equipment and be more cost efficient to maintain. The City's 2024 CIP included funds for the replacement of the HVAC equipment at Fire Station No. 2 in the amount of \$59,650.00. Noted that Fire Station No. 1 HVAC project is being re-bid next month.

Commissioner Hingula:

- Asked about a timeline for completion

Commissioner Pittman moved to approve the bid of the Fire Station No. 2 HVAC Replacement Project to Rand Construction Company, in an amount not to exceed \$48,646.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Acceptance of Land Donation 110 N 10<sup>th</sup> Street** – Assistant City Manager Penny Holler presented for consideration acceptance of donated land at 110 N 10<sup>th</sup> Street. The owners of two vacant lots at 110 N 10<sup>th</sup> Street contacted the City with an offer to transfer the ownership of the lots at no cost to the City.



Maintenance on the lots has become more difficult and the owners wanted to eliminate that work. The lots are adjacent to a City-owned lot and across the street from Fire Station No. 2. The lots are nearly unbuildable as one goes directly over Three Mile Creek and other is in the FEMA identified flood plain. City ownership of the lots would allow for future stormwater projects to be conducted at that location and eliminate any access or other issues associated with private ownership.

Commissioner Bauder moved to accept the donation of the two vacant lots at 110 N 10<sup>th</sup> Street and authorize the Mayor or City Staff to execute any necessary transfer documents. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

### **First Consideration Ordinances:**

**First Consideration Ordinance to Adopt Standard Traffic Ordinance 51<sup>st</sup> Edition** – Interim Police Chief Major Dan Nicodemus presented for consideration the adoption of the 51<sup>st</sup> Edition of the Standard Traffic Ordinance as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

**First Consideration Ordinance to Adopt Uniform Public Offense Code 40<sup>th</sup> Edition** – Interim Police Chief Major Dan Nicodemus presented for consideration the adoption of the Uniform Public Offense Code 40<sup>th</sup> Edition as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

### **Staff Report:**

**Camp Leavenworth Update** – Assistant City Manager Penny Holler provided an update regarding the Camp Leavenworth Event happening on September 20<sup>th</sup> and 21<sup>st</sup>. Updates included the following:

- 5k run is on Saturday the 21st
- The event provides free parking
- Yard signs are out around town
- Flyers are up
- 5k door hangers are going out
- Great music, Camp's got Talent, and Silent Disco with Glow Party are happening
- 20 Local vendors
- Fun activities: inflatables and Camp Crafty
- Would love volunteers
- Check out [Campleavenworth.com](http://Campleavenworth.com) for updated information, volunteer signups, etc.

### **Consent Agenda:**

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

**Other:**

Interim City Manager Patrick Kitchens:

- Next week’s study session has been cancelled

Commissioner Hingula:

- The pickleball court ribbon cutting event was a huge success, well attended, and looks like a lot of fun

Commissioner Pittman:

- Mentioned the attendance of the Special Meeting on September 5, 2024
- Mentioned the pickleball event and it was a great success
- Excited to get out there and play

Commissioner Bauder:

- Mentioned that pickleball has been around Leavenworth for a long time thanks to Ron Kenton
- It’s a great sport and the Parks Department did a great job with the project

Commissioner Wilson:

- God bless and have a great week

Mayor Martin:

- Appreciate all who came out for the ribbon cutting
- Hope all have a great week ahead

**Executive Session – Personnel Matter of Non-Elected Personnel** – Mayor Martin moved to recess into executive session for a period of 15 minutes for the purpose of *discussion of a personnel matter, under the justification to discuss personnel matters of non-elected personnel* K.S.A. 75-4319 (b) 1. The City Commission, Human Resources Director and Interim City Manager will be present. The open meeting will resume in the City Commission Chambers at 7:18 p.m. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

The City Commission returned to open session at 7:18 p.m. Commissioner Wilson did not return to open session.

**Adjournment:**

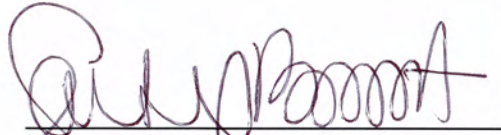
Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 7:18 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8250  
INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCES  
FOR KANSAS CITIES 51<sup>ST</sup> EDITION**

**SEPTEMBER 24, 2024**



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Sarah Bodensteiner, CMC  
City Clerk



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Patrick Kitchens  
Interim City Manager

**BACKGROUND:**

At the September 10, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**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" 51<sup>ST</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8250 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8250

(Summary Publish in the Leavenworth Times on September 28, 2024)

**ORDINANCE NO. 8250**

**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" 51<sup>ST</sup> 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, 51<sup>st</sup> 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

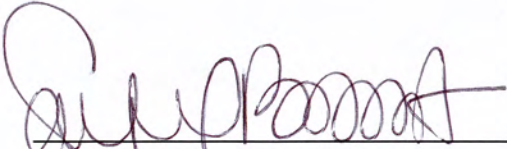
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ATTEST:

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Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8251  
INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE  
FOR KANSAS CITIES 40<sup>TH</sup> EDITION**

**SEPTEMBER 24, 2024**



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Sarah Bodensteiner, CMC  
City Clerk



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Patrick Kitchens  
Interim City Manager

**BACKGROUND:**

At the September 10, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**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" 40<sup>TH</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8251 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8251

(Summary Publish in the Leavenworth Times on September 28, 2024)

**ORDINANCE NO. 8251**

**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" 40<sup>th</sup> 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 Rifle, 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

{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

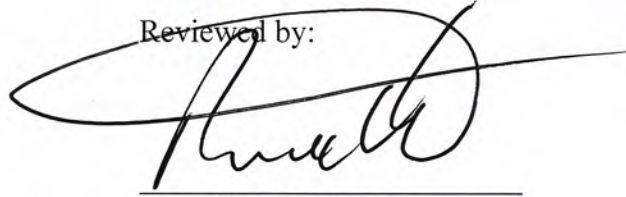
**Policy Report No. 8-2024**  
**2024 Edward Byrne Memorial Justice Assistance Grant Application**  
**September 24, 2024**

Prepared by:



Maj. Dan Nicodemus  
Interim Chief of Police

Reviewed by:



Patrick R. Kitchens  
Interim City Manager

**ISSUE:**

The Police Department is requesting authority to apply for the 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,711.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**BACKGROUND**

On September 9, 2024 the U.S. Department of Justice released the annual Edward Byrne Memorial Justice Assistance Grant local solicitation and identified the City of Leavenworth, Kansas as eligible for \$24,711. This is an annual grant made available to law enforcement agencies in the United States and we have experienced great success with these funds. Typically, we have used these funds to purchase police equipment.

This grant application requires the City of Leavenworth to share the allocation with Leavenworth County as they are categorized as a disparate grouping. The allocation is based on a formula, which provides the City of Leavenworth will receive \$14,711 and Leavenworth County will receive \$10,000. The City of Leavenworth must apply for this grant on behalf of both entities.

The Leavenworth County Sheriff's Office intends to use the funds to purchase law enforcement equipment.

**BUDGET IMPACT**

No City of Leavenworth funds are necessary for this grant application.

**COMMISSION ACTION**

Authorize the Police Department to apply for the 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,711 of which \$10,000 will be given to

Leavenworth County Sheriff's Office. This action requires the City Manager and City Attorney to sign an inter-local agreement with Leavenworth County.

Further, it requires the Mayor to sign an additional document entitled, "Certification and Assurances by the Chief Executive of the Applicant Government."

**ATTACHMENTS**

1. 2024 Byrne Grant allocation list.

**2024 Kansas Local JAG Allocations**

Listed below are all jurisdictions in the state that are eligible for FY 2024 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2022> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

**Finding your jurisdiction:**

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (\*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
KS	CRAWFORD COUNTY	County	*	
KS	PITTSBURG CITY	Municipal	\$11,209	\$11,209
KS	DOUGLAS COUNTY	County	*	
KS	LAWRENCE CITY	Municipal	\$35,863	\$35,863
KS	FINNEY COUNTY	County	*	
KS	GARDEN CITY CITY	Municipal	\$12,900	\$12,900
KS	FORD COUNTY	County	*	
KS	DODGE CITY CITY	Municipal	\$10,464	\$10,464
KS	GEARY COUNTY	County	*	
KS	JUNCTION CITY CITY	Municipal	\$17,315	\$17,315
KS	JOHNSON COUNTY	County	*	
KS	LENEXA CITY	Municipal	\$10,091	
KS	OLATHE CITY	Municipal	\$29,585	
KS	OVERLAND PARK CITY	Municipal	\$38,271	
KS	SHAWNEE CITY	Municipal	\$15,738	\$93,685
KS	LEAVENWORTH COUNTY	County	*	
KS	LEAVENWORTH CITY	Municipal	\$24,711	\$24,711
KS	RENO COUNTY	County	*	
KS	HUTCHINSON CITY	Municipal	\$14,190	\$14,190
KS	SALINE COUNTY	County	*	
KS	SALINA CITY	Municipal	\$20,124	\$20,124
KS	SEDGWICK COUNTY	County	*	
KS	WICHITA CITY	Municipal	\$386,837	\$386,837
KS	SHAWNEE COUNTY	County	*	
KS	TOPEKA CITY	Municipal	\$91,620	\$91,620
KS	RILEY COUNTY	County	\$18,003	

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Memorial Justice Assistance Grant Program FY 2024 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2024 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.
7. If the applicant named below is not the unit of local government itself, I certify that it is an instrumentality of the unit of local government and is approved to serve as the applicant and recipient of FY 2024 JAG funding on behalf of the unit of local government.

\_\_\_\_\_  
Signature of Chief Executive of the Applicant Unit of  
Local Government

\_\_\_\_\_  
Date of Certification

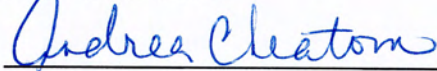
\_\_\_\_\_  
Printed Name of Chief Executive

\_\_\_\_\_  
Title of Chief Executive

\_\_\_\_\_  
Name of Applicant Unit of Local Government


**POLICY REPORT  
RESOLUTION TO ACCEPT THE 2024 CFP GRANT FOR PLANTERS II  
September 24, 2024**

**PREPARED BY:**



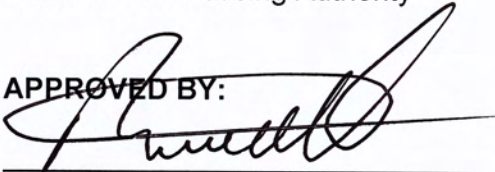
Andrea Cheatom, Housing Manager  
Leavenworth Housing Authority

**REVIEWED BY:**



Julie Hurley, Executive Director  
Director of Planning and Community  
Development

**APPROVED BY:**



Pat Kitchens  
Interim City Manager

**ISSUE:**

Consider a resolution accepting the 2024 Capital Fund Program (CFP) grant (Grant# KS01P06850124) for Planters II in the amount of \$209,449.00

**RESOLUTION:**

The resolution is required by the U.S. Department of Housing and Urban Development (HUD). The CFP grant must be accepted annually by the City Commission.

**COMMISSION ACTION:**

Motion to adopt the attached resolution accepting the 2024 CFP grant for Planters II.

2024 Capital Fund

OMB Approval No. 2577-0303 (exp. 10/31/2026)

Capital Fund Program (CFP) Amendment to Consolidated Annual Contributions Contract Terms and Conditions (HUD-53012)

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0303. There is no personal information contained in this application. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when disclosure is not required. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Whereas, (Public Housing Authority) Leavenworth Housing Authority KS068 (herein called the "PHA") and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into an Annual Contributions Contract ACC(s) Number(s) (On File) dated (On File)

Whereas, in accordance with Public Law No: 118-42,

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. When HUD provides additional amounts, it will notify the PHA and those amended grants will be subject to these terms and conditions.

\$ 209,449.00 for Fiscal Year 2024 to be referred to under the Capital Fund Grant Number KS01P06850124 PHA Tax Identification Number (TIN): On File UEI Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number On File

Now Therefore, the ACC is amended as follows:

- 1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for capital and management activities of PHA projects. This CFP Amendment is a part of the ACC.
2. The PHA must carry out all capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in accordance with section 9(g)(2) of the Act.
3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.
4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.
5. Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.
6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.
7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. Provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.
8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.
9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s). (mark one): Yes [ ] No [X]
10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.
11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authority and all applicable HUD regulations and requirements. For total conversion of public housing projects, no disposition or conversion of any public housing project covered by these terms and conditions shall occur until approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.
12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must have a recorded and effective Declaration(s) of Trust on all property funded with Capital Fund grants (all types) or HUD will exercise all available remedies including recapture of grant funding.
13. Waste, Fraud, Abuse, and Whistleblower Protections. Any person who becomes aware of the existence of apparent existence of fraud, waste or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-37) and its online hotline form. You must comply with 41 U.S.C. § 4712, which includes informing your employees writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a government contractor, subcontractor, grantee, and subgrantee—as well as a personal services contractor—who make a protected disclosure about a Federal grant or contract cannot be discharged, demoted, or otherwise discriminated against as long as they reasonably believe the information they disclose evidence of:
1. Gross mismanagement of a Federal contract or grant;
2. Waste of Federal funds;
3. Abuse of authority relating to a Federal contract or grant;
4. Substantial and specific danger to public health and safety; or
5. Violations of law, rule, or regulation related to a Federal contract or grant.
14. This grant may be subject to the requirements of the Build America Buy, America Act (BABA) which was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (Public Law 117-58), unless waived by the Department: refer to HUD's BABA webpage for further information (https://www.hud.gov/program\_offices/general\_counsel/build\_america\_buy\_america)

The parties have executed this CFP Amendment, and it will be effective on the date HUD signs below.

U.S. Dept of HUD PHA (Executive Director or authorized agent)
By /s/ Date: 8/20/2024
Marianne Nazzaro Title: Deputy Assistant Secretary Office Public Housing Invest.
By Date: 9/17/24
EXECUTIVE DIRECTOR

Previous versions obsolete

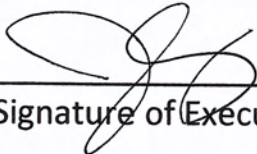
form HUD-53012 OMB Approval No. 2577-0303 (exp. 10/31/2026)



Criteria for Significant Amendment or Modification to the CFP 5-Year Action Plan

The following additions to the CFP 5-Year Action Plan shall constitute a significant amendment or modification: Demolition, disposition, homeownership, Capital Fund financing, conventional development or mixed-finance development.

JULIE HURLEY  
Name of Executive Director

  
Signature of Executive Director

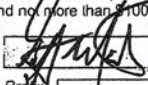
8/19/24  
Date



# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

OMB Number: 4040-0013  
Expiration Date: 02/28/2025

<b>1. * Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. * Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. * Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> SubAwardee * Name: <input type="text" value="Leavenworth Housing Authority"/> * Street 1: <input type="text" value="200 Shawnee"/> Street 2: <input type="text"/> * City: <input type="text" value="Leavenworth"/> State: <input type="text" value="Kansas"/> Zip: <input type="text" value="66048"/> Congressional District, if known: <input type="text"/>		
<b>5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:</b>  		
<b>6. * Federal Department/Agency:</b> <input type="text" value="KS068"/>	<b>7. * Federal Program Name/Description:</b> <input type="text" value="Leavenworth Housing Authority"/> CFDA Number, if applicable: <input type="text"/>	
<b>8. Federal Action Number, if known:</b> <input type="text"/>	<b>9. Award Amount, if known:</b> <input type="text" value="\$ \$208,934.00"/>	
<b>10. a. Name and Address of Lobbying Registrant:</b> Prefix <input type="text"/> * First Name <input type="text" value="N/A"/> Middle Name <input type="text"/> * Last Name <input type="text" value="N/A"/> Suffix <input type="text"/> * Street 1 <input type="text"/> Street 2 <input type="text"/> * City <input type="text"/> State <input type="text"/> Zip <input type="text"/>		
<b>b. Individual Performing Services (including address if different from No. 10a)</b> Prefix <input type="text"/> * First Name <input type="text" value="N/A"/> Middle Name <input type="text"/> * Last Name <input type="text" value="N/A"/> Suffix <input type="text"/> * Street 1 <input type="text"/> Street 2 <input type="text"/> * City <input type="text"/> State <input type="text"/> Zip <input type="text"/>		
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.		
* Signature:  * Name: Prefix <input type="text"/> * First Name <input type="text" value="Griff"/> Middle Name <input type="text"/> * Last Name <input type="text" value="Martin"/> Suffix <input type="text"/> Title: <input type="text" value="Mayor"/> Telephone No.: <input type="text" value="913-682-9201"/> Date: <input type="text" value="8/27/2024"/>		
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)

**Civil Rights Certification**  
**(Qualified PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB Approval No. 2577-0226  
Expires 3/31/2024

**Civil Rights Certification**

**Annual Certification and Board Resolution**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning January 1, 2024 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.


Leavenworth Housing Authority  
PHA Name

KS068  
PHA Number/HA Code

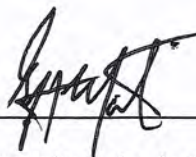
I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Julie Hurley

Name of Board Chairperson: Griff Martin

Signature 

Date 8/19/24

Signature 

Date 08/20/24

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 *et seq.*, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Certification of Payments to Influence Federal Transactions

Public reporting burden for this information collection is estimated to average 30 minutes, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, Office of Policy Development and Research, REE, Department of Housing and Urban Development, 451 7th St SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2577-0157.

Applicant Name

Leavenworth Housing Authority

Program/Activity Receiving Federal Grant Funding

2024 CFP Planters II - City of Leavenworth

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

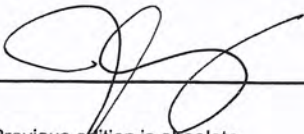
Name of Authorized Official

Julie Hurley

Title

Executive Director

Signature



Date (mm/dd/yyyy)

8/19/24

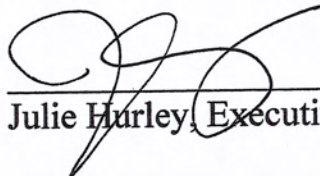
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The Leavenworth Housing Authority conducted a public hearing pursuant to 24 CFR Part 905 reference to the 2024 Capital Fund Program grant on Monday, August 19, 2024 at 9:00 a.m.

All documents pertaining to the 2024 Capital Fund Program grant were available for public viewing.

The Public Hearing was held to answer questions pertaining to the 2024 CFP grant and to accept comments.

  
\_\_\_\_\_  
Julie Hurley, Executive Director

8/19/24  
Date

**RESOLUTION NO. B-2379**

**A RESOLUTION ADOPTING THE 2024 CAPITAL FUND PROGRAM GRANT FOR THE LEAVENWORTH HOUSING AUTHORITY (PLANTERS II), LEAVENWORTH KANSAS.**

**WHEREAS**, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

**WHEREAS**, the 2024 Capital Fund Program Grant (Grant # KS01P06850124) in the amount of \$209,449.00 is specifically approved as a part of the approval process.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS**, that the Capital Fund Program Grant has been appropriately adopted by Resolution of the Leavenworth City Commission.

**BE IT FURTHER RESOLVED** that a copy of the 2024 Capital Fund Program Grant is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

**BE IT FURTHER RESOLED** that this Resolution shall be effective from and after its passage as provided by law.

**IT IS SO RESOLVED** that this Resolution is passed and approved this 24th day of September, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

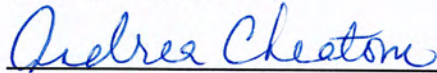
{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT  
RESOLUTION SUBMITTING 2024-2028 CAPITAL FUND PROGRAM FIVE-YEAR  
ACTION PLAN AND THE CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE  
AND EVALUATION REPORT  
September 24, 2024**

**PREPARED BY:**



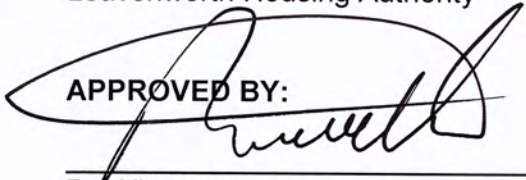
Andrea Cheatom, Housing Manager  
Leavenworth Housing Authority

**REVIEWED BY:**



Julie Hurley, Executive Director  
Director of Planning and Community  
Development

**APPROVED BY:**



Pat Kitchens  
Interim City Manager

**ISSUE:**

Consider a resolution adopting and submitting the 2024-2028 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report for the Leavenworth Housing Authority to the U.S. Department of Housing & Urban Development for the operation of Planters II and Section 8.

**PLAN:**

The 2024-2028 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report will be electronically submitted to the U.S. Department of HUD. A paper copy of the CFP Annual Statement/Performance and Evaluation Report and the 2024-2028 Capital Fund Program Five-Year Action Plan are available at the Leavenworth Housing Authority office.

The plan is standard HUD format. It makes no changes to the operation of either Planters II or the Section 8 (Housing Choice Voucher) programs. Plan approval and submission to the U.S. Department of Housing & Urban Development is required annually. We currently enjoy a favorable status for both programs.

**COMMISSION ACTION:**

Motion to approve the plan (by adoption of resolution) and authorize its submission to HUD.

<b>Part I: Summary</b>					
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850124 Replacement Housing Factor Grant No. Date of CFFP:		<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>					
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (Revision No:                      )					
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>	
		Original	Revised <sup>(2)</sup>	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvement				
4	1410 Administration				
5	1480 General Capital Activity	\$209,449.00			
6	1492 MovingToWorkDemonstration				
7	1501 Collater Exp / Debt Srvc				
8	1503 RAD-CFP				
9	1504 Rad Investment Activity				
10	1505 RAD-CPT				
11	1509 Preparing for, Preventing and Responding to Coronavirus (1509)				

(1) To be completed for the Performance and Evaluation Report  
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement  
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations  
 (4) RHF funds shall be include here

<b>Part I: Summary</b>						
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850124 Replacement Housing Factor Grant No. Date of CFFP:			<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>						
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (Revision No:                      ) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>		
		Original	Revised <sup>(2)</sup>	Obligated	Expended	
12	9000 Debt Reserves					
13	9001 Bond Debt Obligation					
14	9002 Loan Debt Obligation					
15	RESERVED					
16	RESERVED					
17	RESERVED					
18a	RESERVED					
18ba	RESERVED					
19	RESERVED					
20	RESERVED					
21	Amount of Annual Grant: (sum of lines 2-20)	\$209,449.00				

(1) To be completed for the Performance and Evaluation Report  
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement  
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations  
 (4) RHF funds shall be include here



<b>Part I: Summary</b>						
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850124 Replacement Housing Factor Grant No. Date of CFFP:			<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No: )		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:			<input type="checkbox"/> Final Performance and Evaluation Report			
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>		
		Original	Revised <sup>(2)</sup>	Obligated	Expended	
22	Amount of line 21 Related to LBP Activities					
23	Amount of line 21 Related to Section 504 Activities					
24	Amount of line 21 Related to Security - Soft Costs					
25	Amount of line 21 Related to Security - Hard Costs					
26	Amount of line 21 Related to Energy Conservation Measures					

<b>Signature of Executive Director</b> <i>/s/ MYR882</i>	<b>Date</b> <i>09/12/2024</i>	<b>Signature of Public Housing Director</b>	<b>Date</b>
--	-------------------------------	---	-------------

(1) To be completed for the Performance and Evaluation Report  
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement  
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations  
 (4) RHF funds shall be include here

Part II: Supporting Pages								
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850124 Replacement Housing Factor Grant No. CFFP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost <sup>(2)</sup>		Status of Work
				Original	Revised <sup>(1)</sup>	Funds Obligated	Funds Expended	
KS068000001 - PLANTERS II	Chiller Replacement Project (Non-Dwelling Interior (1480), Non-Dwelling Construction - Mechanical (1480)) Description : Remove old Central chiller system and mechanics. Replace with entirely new system and mechanics.	1480		\$209,449.00				
	Total:			\$209,449.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

<b>Part III: Implementation Schedule for Capital Fund Financing Program</b>					
<b>PHA Name:</b> Leavenworth Housing Authority					<b>Federal FFY of Grant:</b>
<b>Development Number Name/PHA-Wide Activities</b>	<b>All Fund Obligated (Quarter Ending Date)</b>		<b>All Funds Expended (Quarter Ending Date)</b>		<b>Reasons for Revised Target Dates <sup>(1)</sup></b>
	<b>Original Obligation End Date</b>	<b>Actual Obligation End Date</b>	<b>Original Expenditure End Date</b>	<b>Actual Expenditure End Date</b>	

(1) Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Status: Approved

Approval Date: 07/11/2024

Approved By: COPELAND, STACY

Part I: Summary						
PHA Name : Leavenworth Housing Authority			Locality (City/County & State)			
PHA Number: KS068			<input checked="" type="checkbox"/> Original 5-Year Plan		<input type="checkbox"/> Revised 5-Year Plan (Revision No: )	
A.	Development Number and Name	Work Statement for Year 1 2024	Work Statement for Year 2 2025	Work Statement for Year 3 2026	Work Statement for Year 4 2027	Work Statement for Year 5 2028
	PLANTERS II (KS068000001)	\$209,449.00	\$209,449.00	\$209,449.00	\$209,449.00	\$209,449.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$209,449.00
ID0000012	Chiller Replacement Project(Non-Dwelling Construction - Mechanical (1480)-Central Chiller,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Interior (1480)-Other)	Remove old Central chiller system and mechanics. Replace with entirely new system and mechanics.		\$209,449.00
	Subtotal of Estimated Cost			\$209,449.00

Part II: Supporting Pages - Physical Needs Work Statements (s)					
Work Statement for Year		2	2025		
Identifier	Development Number/Name	General Description of Major Work Categories		Quantity	Estimated Cost
	PLANTERS II (KS068000001)				\$209,449.00
ID000013	Roof Replacement Project(Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Other)	Replace the entire roof and all Exhaust fans on the roof			\$209,449.00
	Subtotal of Estimated Cost				\$209,449.00

<b>Part II: Supporting Pages - Physical Needs Work Statements (s)</b>				
<b>Work Statement for Year</b>				
3		2026		
<b>Identifier</b>	<b>Development Number/Name</b>	<b>General Description of Major Work Categories</b>	<b>Quantity</b>	<b>Estimated Cost</b>
	PLANTERS II (KS068000001)			\$209,449.00
ID0000014	Boiler Replacement Project(Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Interior (1480)-Other)	Remove old Boiler system and mechanics. Replace with entirely new system and mechanics		\$209,449.00
	Subtotal of Estimated Cost			\$209,449.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$209,449.00
ID0000015	Kitchen Renovations(Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets)	Renovate kitchens in all apartments		\$209,449.00
	Subtotal of Estimated Cost			\$209,449.00



Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2028				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$209,449.00
ID0000016	Update Elevators(Non-Dwelling Interior (1480)-Other)	Renovate Elevator interior		\$209,449.00
	Subtotal of Estimated Cost			\$209,449.00

**RESOLUTION NO. B-2380**

**A RESOLUTION ADOPTING THE LEAVENWORTH HOUSING AUTHORITY, (PLANTERS II) 2024-2028 CAPITAL FUND PROGRAM FIVE-YEAR ACTION PLAN AND THE CAPITAL FUND PROGRAM ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT, LEAVENWORTH KANSAS.**

**WHEREAS**, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

**WHEREAS**, the Leavenworth Housing Authority has prepared the 2024-2028 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS**, that the Leavenworth Housing Authority 2024-2028 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications are hereby approved and authorized for submission to the U.S. Department of Housing & Urban Development.

**BE IT FURTHER RESOLVED** that the policies and procedures identified in the plan have been appropriately adopted by Resolution of the Leavenworth City Commission and that a copy of the adopted plan and report is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

**BE IT FURTHER RESOLED** that this Resolution shall be effective from and after its passage as provided by law.

**IT IS SO RESOLVED** that this Resolution is passed and approved this 24th day of September 2024.

---

Griff Martin, Mayor

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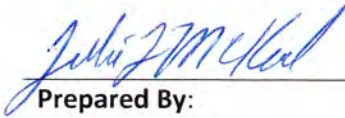
ATTEST:

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Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT**

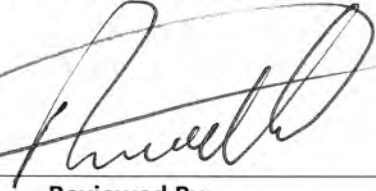
**2023 Consolidated Annual Performance and Evaluation Report (CAPER)  
September 24, 2024**



**Prepared By:**  
Julie McKeel  
Community Development  
Coordinator



**Reviewed By:**  
Julie Hurley  
Director of Planning  
& Community Development



**Reviewed By:**  
Patrick Kitchens  
Interim City Manager

**DISCUSSION**

Each year HUD requires a Consolidated Annual Performance and Evaluation Report (CAPER) to narrate the accomplishments of the previous program year, reflect the implementation of the Consolidated Plan, and acknowledge leveraging of Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds received. The CAPER illustrates compliance with national objectives set by Congress for use of CDBG and ESG funds. The 2023-24 grant year (7-1-23 to 6-30-24) was the 2<sup>nd</sup> year of the 2022-26 Consolidated Plan.

CDBG funds are an entitlement award from HUD to our City. As a brief summary of the 2023-24 program year, CDBG funds provided 13 owner occupied homeowners with minor home repair assistance and 5 home buyers with financial assistance to purchase their home in our City. The City did not utilize CDBG funding for removal of slum or blight for this reporting period. Neighborhood Stabilization was accomplished with CDBG funds for sidewalk repair and ADA compliant ramp replacement on Dakota Street from Cheyenne Curve to 4<sup>th</sup> Street. CDBG funds also provided rent or utility reimbursement to 5 public service agencies for the physical locations of their agencies in our City. The agencies served 4,974 low and moderate income individuals of disadvantaged families, mental health needs, and/or efforts to fight homelessness throughout the duration of their CDBG fund usage.

Kansas Housing Resource Corporation awards ESG funding to the City through an application process including qualified public service agencies. The City administered and subawarded ESG funds to two qualified public service agencies that provided homelessness prevention, rapid rehousing, and emergency shelter needs.

The CAPER was presented to the Community Development Advisory Board and held a public hearing on September 9, 2024 for approval or disapproval before presentation to the City Commission. No public comments were received. The Community Development Advisory Board voted for approval of the CAPER to be presented to City Commission. The 2023 CAPER can be viewed on the City's website, <https://www.leavenworthks.org/cd/page/community-development-block-grant-emergency-solutions-grant>.

**RECOMMENDED ACTION**

Motion to consider and approve the resolution approving the 2023 CAPER for submittal to the Department of Housing and Urban Development.

**RESOLUTION NO. B-2381**

**CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION  
REPORT (CAPER)**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION,  
LEAVENWORTH, KANSAS,** as follows:

**Section 1.** The Consolidated Annual Performance and Evaluation Report (CAPER) for the period July 1, 2023, through June 30, 2024, is approved and shall be submitted to the US Department of Housing & Urban Development (HUD).

**Section 2.** The report shows completion of projects or contractual obligations of all funds available to the City through the Community Development Block Grant program for the report year as well as those projects completed during the year from prior program authorizations.

**Section 3.** The Community Development Advisory Board (CDAB) advertised a public hearing on August 23, 2024 and held the hearing on September 9, 2024, to provide opportunity for public response to the report. Written testimony for entry into the record was accepted until September 9, 2024. The report was published and available prior to the hearing date.

**Section 4.** The CDAB recommends the City Commission approve the report and submit to HUD.

**Section 5.** This resolution shall take effect and be effective from and after its passage as provided by law.

**Passed and approved** this 24<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

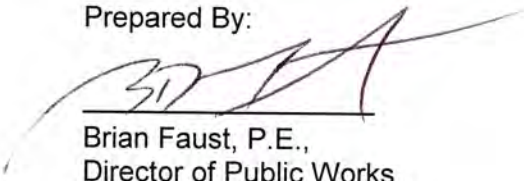
\_\_\_\_\_  
Sarah Bodensteiner, CMC  
City Clerk

ADOPTION OF THE SAFE STREETS AND ROADS FOR ALL (SS4A)  
VISION ZERO ACTION PLAN – RESOLUTION B-2382

City Project No. 2023-021

September 24, 2024

Prepared By:

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

Reviewed By:

  
Patrick Kitchens,  
Interim City Manager

**ISSUE:**

Consider approval of Resolution B-2382 adopting the City's 'Safe Streets and Roads for All' (SS4A) Vision Zero Action Plan.

**BACKGROUND:**

In 2023, the City of Leavenworth was awarded a grant to develop a SS4A Vision Zero (Comprehensive Safety) Action Plan and on September 26, 2023, the City Commission selected WSP to provide the professional services needed to developed the plan.

The purpose of 'Safe Streets for All' is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries. The grant program focuses on the development of a Comprehensive Safety Action Plan and its implementation for all users of our highways, streets, and roadways. The program provides funding to develop tools to strengthen a community's approach to roadway safety and save lives and prevent serious harm.

For an Action Plan to be successful and accepted by the community, it is critically important that our residents be involved throughout the entire development process. Between online engagement with an interactive map, to a project specific email to ask questions, to 7 pop-up meetings and an open house in August, the team of WSP and the City shared information with the public and received valuable input on areas where there were safety concerns. This input combined with 10 years of crash data, identified 5 key areas where our focus should be:

- 1) Vulnerable Road Users
- 2) Arterial Streets & Signalized Intersections
- 3) Impaired and Distracted Driving
- 4) Young Drivers
- 5) Speed

The Plan developed by WSP and the City is a culmination of this effort over the last 12 months and it identifies and prioritizes a set of Vision Zero street reconstruction projects and potential system-wide safety programs that the city can be implementing as we move forward.

After adoption of the Action Plan, the SS4A program can be used to provide funding for Implementation Grants that implement projects and strategies identified in the Plan. Implementation Grant funding may also include project-level planning and design activities and demonstration

activities. Applicants must have a qualifying Action Plan that meets the eligibility requirements to apply for Implementation Grants.

**BUDGET IMPACT:**

There is no budget impact by adopting the Action Plan. The City of Leavenworth applied for and was awarded a \$350,000 planning grant to develop a SS4A Vision Zero (Comprehensive Safety) Action Plan. The Federal Highway Administration (FHWA) covers 80% of this cost (\$280,000) with KDOT covering 10% (\$35,000). While the city pays for all costs upfront, we will be reimbursed by FHWA and KDOT. The final city cost for the Plan is \$35,000.

As stated previously the city will be eligible for Implementation Grants once the Plan is adopted.

**PRESENTATION:**

This evening, Mr. David Church from WSP is here to highlight the findings and recommendations of the First City Vision Zero Action Plan.

**RECOMMENDATION:**

Staff recommends that the City Commission adopt the First City Vision Zero Action Plan by approving Resolution B-2382.

**ATTACHMENTS:**

Resolution B-2382

Action Plan (minus Appendixes A – E)

(Appendixes A-E are located on the City's website)

**RESOLUTION NO. B-2382**

**A RESOLUTION ADOPTING THE FIRST CITY VISION ZERO ACTION PLAN**

**WHEREAS**, 17 people have been killed and 107 seriously injured on Leavenworth streets from 2013 to 2022: and

**WHEREAS**, the City of Leavenworth, Kansas, affirms its commitment to the implementation of the First City Vision Zero Action Plan with the goal of eliminating traffic fatalities and serious injuries within the city;

**WHEREAS**, the City of Leavenworth, Kansas, acknowledges that traffic-related fatalities and serious injuries are preventable, and not an inevitable consequence of mobility;

**WHEREAS**, the City of Leavenworth, Kansas, understands that the safety of all road users is of paramount concern and focuses on safety solutions prioritized to the areas of greatest need;

**WHEREAS**, the First City Vision Zero Action Plan is a comprehensive, data-driven strategy based on the Safe System Approach, emphasizing the shared responsibility of everyone to create a safe transportation system;

**WHEREAS**, the plan outlines specific strategies and policies related to Safe Speeds, Safe Users, and Safe Streets, aimed at addressing and mitigating traffic safety issues;

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

**SECTION 1.** That the City of Leavenworth, Kansas, hereby expresses its steadfast commitment to the First City Vision Zero Action Plan, the Safe System Approach, and the goal to reduce all traffic fatalities and serious injuries by a minimum of 50% by 2035 with the ultimate goal of eliminating all traffic fatalities and serious injuries.

**SECTION 2.** That the City of Leavenworth, Kansas, endorses the plan's strategies, including:

- a. Safe Speeds: Implementing measures to reduce speeds on Leavenworth's streets, such as traffic calming devices, lane reconfigurations, and comprehensive speed management plans.
- b. Safe Users: Supporting efforts to ensure safety for all road users, including drivers, pedestrians, cyclists, and other vulnerable populations through strategies, such as communication, outreach, transit expansion, enhanced police enforcement, and traffic safety education.
- c. Safe Streets: Enhancing the design and accessibility of Leavenworth's streets to be more context-sensitive and safe for users of all ages and abilities, guided by the prioritized projects identified in the plan.

**SECTION 3.** That the City of Leavenworth, Kansas, commits to utilizing evidence-based strategies, transparency, and community engagement in executing the First City Vision Zero Action Plan, ensuring its alignment with city policies and community aspirations.

**ADOPTED AND PASSED** by the Governing Body of the City of Leavenworth, Kansas this 24<sup>th</sup> day of September 2024.

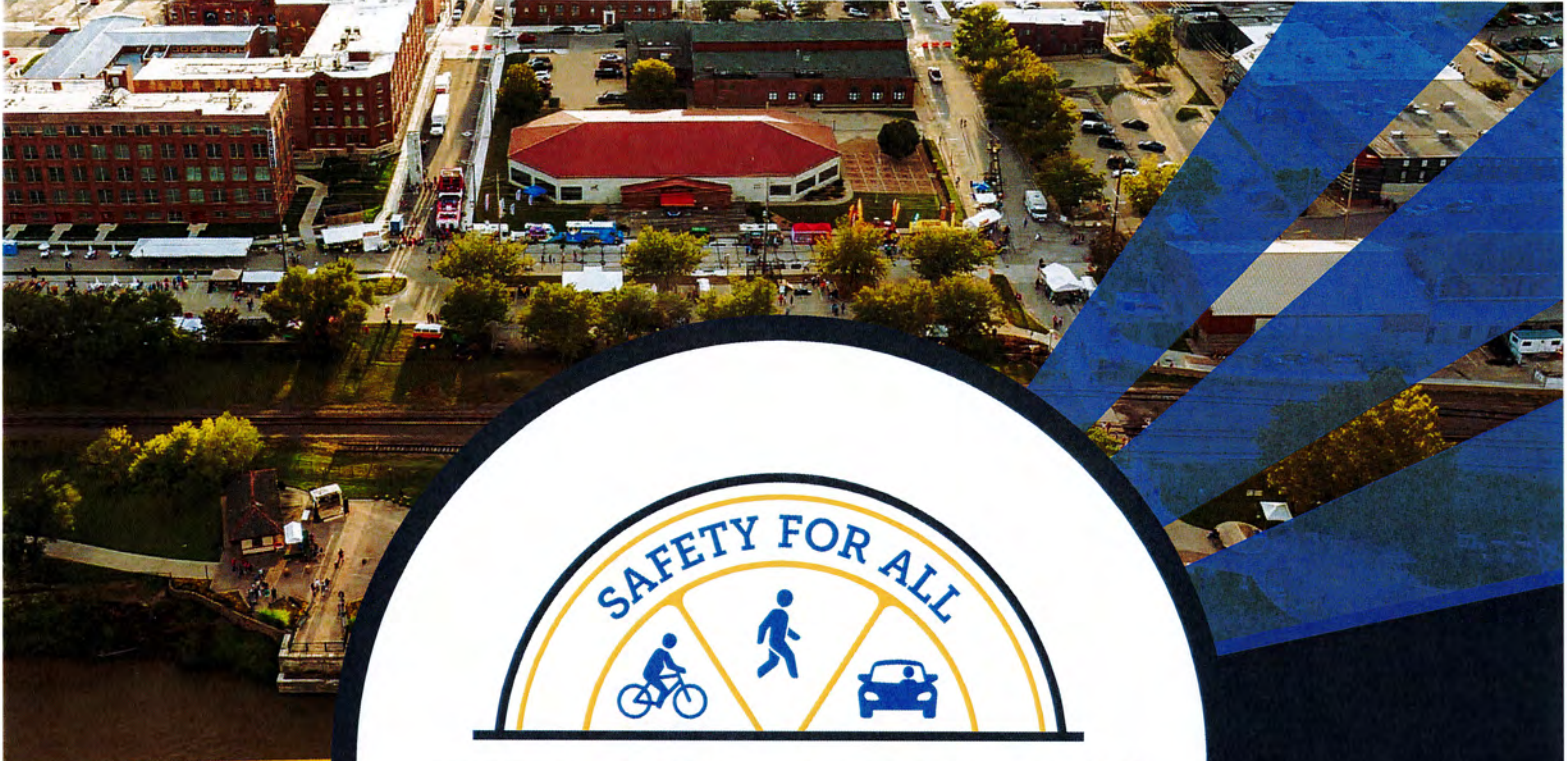
\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



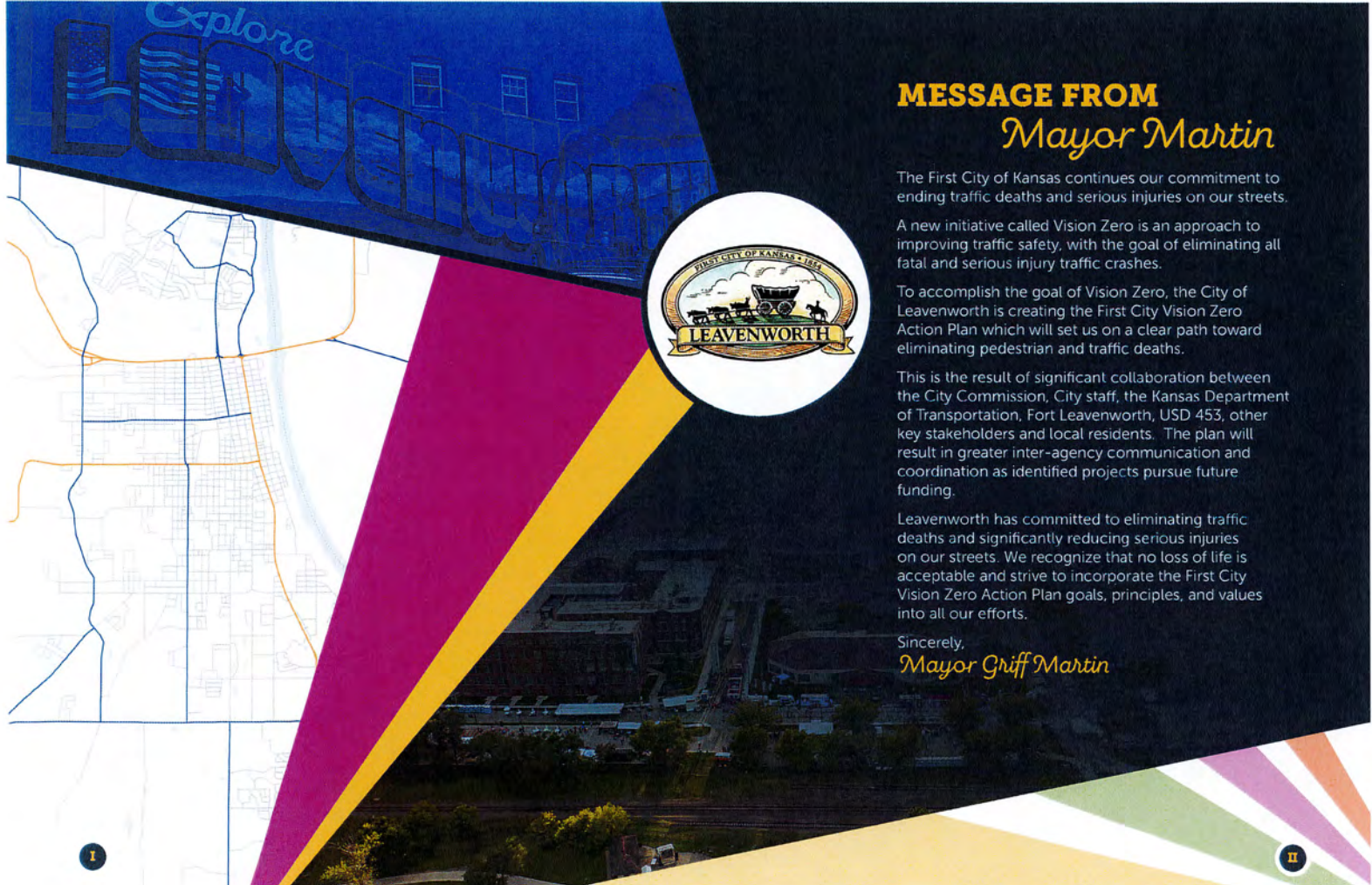


*City of Beavenuorth*

# **ACTION PLAN**

**FALL  
2024**





## MESSAGE FROM *Mayor Martin*

The First City of Kansas continues our commitment to ending traffic deaths and serious injuries on our streets.

A new initiative called Vision Zero is an approach to improving traffic safety, with the goal of eliminating all fatal and serious injury traffic crashes.

To accomplish the goal of Vision Zero, the City of Leavenworth is creating the First City Vision Zero Action Plan which will set us on a clear path toward eliminating pedestrian and traffic deaths.

This is the result of significant collaboration between the City Commission, City staff, the Kansas Department of Transportation, Fort Leavenworth, USD 453, other key stakeholders and local residents. The plan will result in greater inter-agency communication and coordination as identified projects pursue future funding.

Leavenworth has committed to eliminating traffic deaths and significantly reducing serious injuries on our streets. We recognize that no loss of life is acceptable and strive to incorporate the First City Vision Zero Action Plan goals, principles, and values into all our efforts.

Sincerely,  
*Mayor Griff Martin*

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## VISION ZERO *Pledge*

Leavenworth has committed to eliminating traffic deaths and significantly reducing serious injuries on our streets.

*We recognize that no loss of life is acceptable and strive to incorporate the First City Vision Zero Action Plan goals, principles, and values into all our efforts.*

**Patrick Kitchens**  
Interim City Manager  
/ Police Chief

**Penny Holler**  
Assistant City Manager

**Mike Stephan**  
Deputy Public Works Director

**Brian Faust**  
Public Works Director

**Julie Hurley**  
Planning and Community  
Development Director

**Brian Bailey**  
Deputy Parks and  
Recreations Director

## ACKNOWLEDGMENTS

The First City Vision Zero effort was a year-long analysis, planning, and public engagement process that involved community members, city officials, and transportation experts. This plan is the outcome of that process and outlines a wide range of strategies and actions that are intended to reduce traffic-related fatalities and injuries by addressing the underlying causes of crashes.

### Project Team

#### CITY OF LEAVENWORTH

**Penny Holler**  
Assistant City Manager\*

**Paul Kramer**  
Former City Manager\*

**Mike Stephan**  
Deputy Public Works Director\*

**Brian Faust**  
Public Works Director\*

**Julie Hurley**  
Planning and Community Development  
Director\*

**Brian Bailey**  
Deputy Parks and Recreations Director\*

**Melissa Bower**  
Public Information Officer

#### WSP

David Church  
Josh Boehm  
Tim Adams  
Le Zhang  
Steff Hedenkamp  
Liz DiPaola Murray

Leslie Lee  
Andy Fry  
Lauren Brown  
Joe Milsap  
Kevin Carder  
Lauren Plinka

#### KIMLEY-HORN

Anthony Gallo  
Riley Mitts  
Clara Hogsett

Luke Jackson  
Sophia Ung  
Jeff McKerrow

### Technical Advisory Committee & Focus Area Group Members

**Dr. Kellen Adams**  
USD 453 Superintendent

**Myranda Agnew**  
Director of the Interfaith Community of  
Hope / Transit Committee Member

**Brian Golubski**  
Transportation Director at The Guidance  
Center

**Sgt. Brandon Mance**  
Leavenworth Police Department

**Matthew Messina**  
Kansas Department of Transportation Bureau  
Chief of Multimodal Transportation\*\*

**Maggie Myers**  
Chief Operating Officer/CCBHC Director at  
The Guidance Center

**Terry Peters**  
Fort Leavenworth, Garrison Safety

**Michael Polk**  
Fort Leavenworth, Installation Command

**Jake Potter**  
Director of Public Relations

**Brendan Sheehan**  
Sante Fe Trails Bike Shop\*\*

\*also on Technical Advisory Committee  
\*\* members of Focus Area Groups but not the Technical Advisory Committee



# EXECUTIVE *Summary*

Leavenworth, the "First City" to be founded in Kansas, was incorporated in 1854 and has experienced many firsts – 170 year later, Leavenworth became the first city in Kansas to create a Vision Zero Action Plan and dedicate efforts towards improving transportation safety for all. This First City Vision Zero Action Plan aims to maximize the City's potential to reduce the number of fatalities and severe injuries to zero across the local transportation system.

This plan includes several proven strategies for Leavenworth to achieve Vision Zero, including:



## **Safe Users:**

These strategies are intended to make Leavenworth's streets safer for drivers, pedestrians, cyclists, and other vulnerable road users. This includes supporting communication and outreach efforts, expanding multimodal transportation options, enhanced police enforcement, and traffic safety education.

## **Safe Speeds:**

Reducing speeds on Leavenworth's streets is one of the most important things we can do to prevent traffic fatalities and serious injuries. The plan includes several strategies to reduce speeds, such as traffic calming devices, reconfiguring lanes, and speed management strategies.

## **Safe Streets:**

These strategies are intended to make Leavenworth's streets themselves safer and more accessible to people of all ages and abilities. These strategies include improving road design with a more context-sensitive approach and addressing new and existing policies through the perspective of a Safe System Approach.

This Vision Zero Action Plan outlines the City of Leavenworth's ongoing and authentic commitment to a systems-based and equitable safety approach for the First City through a data-driven strategy to eliminate traffic fatalities and severe injuries among all road users.



# 1 WHY VISION ZERO?



**The First City of Kansas recognizes that no loss of life on its streets is acceptable.**

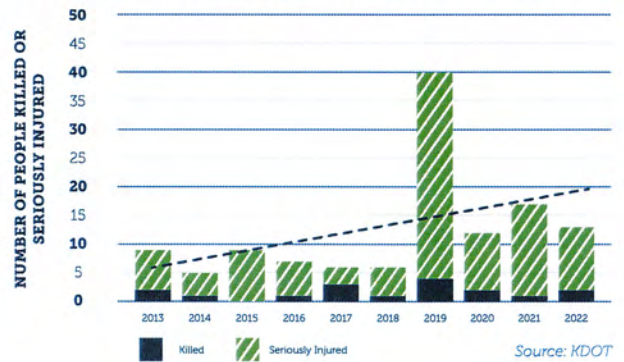
**The City of Leavenworth is committed to significantly reducing or eliminating fatal and serious injury crashes by 2035. This Vision Zero Action Plan sets out strategies and recommendations to maximize the City's potential to achieve this goal.**

This plan will also allow the First City to become more competitive when applying for federal and state grant dollars for actions that support safety for all road users.

In the ten years from 2013-2022, 17 people were killed in traffic crashes in the City of Leavenworth and another 107 people were left with serious lifelong injuries. Like many other communities across the country, Leavenworth has experienced an upward trend in fatal and serious injury crashes in recent years. With each of these crashes, there is a story of immense loss for the victims and their loved ones. Their loss stresses the urgency of taking action to minimize the likelihood of further deaths and serious injuries.



**FATAL AND SERIOUS CRASH TREND IN LEAVENWORTH, KS**



## WHAT IS VISION ZERO?

Vision Zero is a global traffic safety initiative that originated in Sweden in the late 1990s and is now endorsed by the U.S. Department of Transportation. The core principle of Vision Zero is the belief that all traffic fatalities and serious injuries are preventable, and that no loss of life is acceptable. The goal of Vision Zero is to create a transportation system that prioritizes safety above all else, using data-driven analysis to identify the root causes of traffic crashes and addressing them with comprehensive strategies rooted in a Safe System Approach.

### TRADITIONAL APPROACH

Traffic deaths are **INEVITABLE**  
**PERFECT** human behavior  
 Prevent **COLLISIONS**  
**INDIVIDUAL** responsibility  
 Saving lives is **EXPENSIVE**

VS

### Vision Zero

Traffic deaths are **PREVENTABLE**  
 Integrate **HUMAN FAILING** in approach  
 Prevent **FATAL** and **SEVERE CRASHES**  
**SYSTEMS** approach  
 Saving lives is **NOT EXPENSIVE**

## THE SAFE SYSTEM APPROACH

Over the previous five decades, traffic fatalities in Kansas decreased from 4.1 fatalities per 100 million vehicle miles (HMVA) in 1970 to 1.0 fatalities per HMVA in 2015. In those 45-years we should be proud of the lives saved, but the same strategies have either been exhausted or failed to adapt to current conditions. This incredible progress has been reversed over the last decade with a 15% uptick in fatalities in 2022. The Safe System Approach is a new, holistic way of addressing transportation safety.

The Safe System Approach is a comprehensive strategy for managing road safety that is closely aligned with Vision Zero principles. Developed by the Federal Highway Administration (FHWA), the goal of the Safe System Approach is to create a transportation system that is forgiving of human error and that does not rely on individual road users to be perfect. Instead, the approach recognizes that people will make mistakes and that the transportation system must be designed to the extent possible to protect the road user from the consequences of those mistakes.

The Safe System Approach is based on six foundational principles\*.

**DEATHS AND SERIOUS INJURIES ARE UNACCEPTABLE:** A Safe System Approach prioritizes the elimination of crashes that result in death and serious injuries.

**HUMANS MAKE MISTAKES:** People will inevitably make mistakes and decisions that can lead or contribute to crashes, but the transportation system can be designed and operated to accommodate certain types and levels of human mistakes and avoid death and serious injuries when a crash occurs.

**HUMANS ARE VULNERABLE:** Human bodies have physical limits for tolerating crash forces before death or serious injury occurs; therefore, it is critical to design and operate a transportation system that is human-centric and accommodates physical human vulnerabilities.

**RESPONSIBILITY IS SHARED:** All stakeholders—including government at all levels, industry, non-profit/advocacy, researchers, and the public—are vital to preventing fatalities and serious injuries on our roadways.

**SAFETY IS PROACTIVE:** Proactive tools should be used to identify and address safety issues in the transportation system, rather than waiting for crashes to occur and reacting afterwards.

**REDUNDANCY IS CRUCIAL:** Reducing risks requires that all parts of the transportation system be strengthened, so that if one part fails, the other parts still protect people.



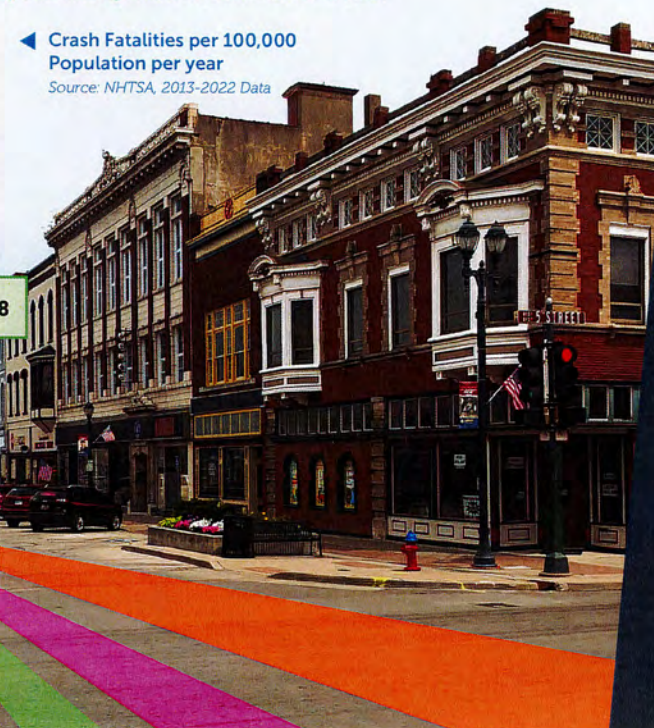
Source: U.S. Department of Transportation

Leavenworth's rate of people killed in crashes over the past 10 years puts it in the middle of the pack when compared to other cities in the surrounding region, but there is still significant room for improvement.

By applying the Safe System Approach and proven safety countermeasures that have been successful in other communities, Leavenworth can effectively work toward the goal of significantly reducing and eventually eliminating traffic fatalities on its streets.

Crash Fatalities per 100,000 Population per year  
 Source: NHTSA, 2013-2022 Data

Leawood, KS	2.1
Bellevue, NE	2.3
Lawrence, KS	2.4
Atchison, KS	2.8
Manhattan, KS	4.1
Emporia, KS	4.2
<b>Leavenworth, KS</b>	<b>4.8</b>
Salina, KS	5.5
St Joseph, MO	9.5
Topeka, KS	9.9
Wichita, KS	10.1
Kansas City, KS	12.9
Kansas City, MO	14.8



## VISION ZERO GUIDING PRINCIPLES



### ALL TRANSPORTATION

Eliminate traffic deaths for people walking, biking, accessing transit, and driving



### EQUITY

Prioritize areas of greatest need to ensure safe access is available to everyone



### DATA-DRIVEN SOLUTIONS

Based on industry best practices, evidence-based solutions, and data analysis



### PUBLIC INPUT

Community Informed and guided by public feedback



### EDUCATION

Teach the importance of Vision Zero and a shared responsibility of all roadway users



### COMMITMENT AND ACCOUNTABILITY

Guide alignment of funding, policies, and processes with leadership



### URGENCY

Focus actions to address urgent need to stop loss of life and severe injuries



## COMMUNITY ENGAGEMENT

Community engagement is the cornerstone of the Vision Zero Action Plan, its implementation, and long-term success.

Pop-up events were hosted at the Leavenworth Public Library and at various community events. By listening to the public and incorporating this input into solutions, the plan can address traffic safety issues for everyone who lives, works, and plays in the City of Leavenworth. Seven pop-up events were held between February and June 2024 to share project information and receive public feedback. This feedback was incorporated into the plan's recommendations. On August 7, 2024, a public open house was held at the Riverfront Community Center. Comment forms were received following a two-week comment period. Appendix A contains a comprehensive summary of all community and public engagement activities.



### POP UP EVENTS

- 2/22/24: Leavenworth Public Library
- 3/23/24: Leavenworth Easter Egg Hunt
- 3/23/24: The Heritage Center Flower, Home and Garden Show
- 4/16/24: Kiwanis Club of Leavenworth
- 5/29/24: Late Night Under the Lights Bike Race
- 6/6/24: Lions Club of Leavenworth
- 6/15/24: Juneteenth Parade and Festival



### TECHNICAL ADVISORY COMMITTEE

The Vision Zero Technical Advisory Committee (TAC) was formed to review data analysis and public input, determine safety focus areas, as well as filter, prioritize, and implement recommendations from the public. The TAC is made up of City of Leavenworth department staff, partnering agencies representatives, and members of community advocacy groups. The committee's input was critical to the development of the First City Vision Zero Action Plan.

### ONLINE ENGAGEMENT

To ensure engagement activities for this project were accessible and transparent to as many City of Leavenworth residents as possible, the First City Vision Zero website was launched in February 2024 to provide project information, materials, and engagement opportunities. The site provides information on upcoming events and encourages the public to share their input through surveys and an interactive engagement map, which allows citizens to identify areas they feel unsafe driving, walking, or biking on Leavenworth streets.

Organizations of the TAC include:

- ◆ City Manager's Office
- ◆ Public Works Department
- ◆ Planning & Community Development Department
- ◆ Parks & Recreation Department
- ◆ Leavenworth Police Department
- ◆ The Guidance Center
- ◆ Interfaith Community of Hope
- ◆ Unified School District 453
- ◆ Fort Leavenworth









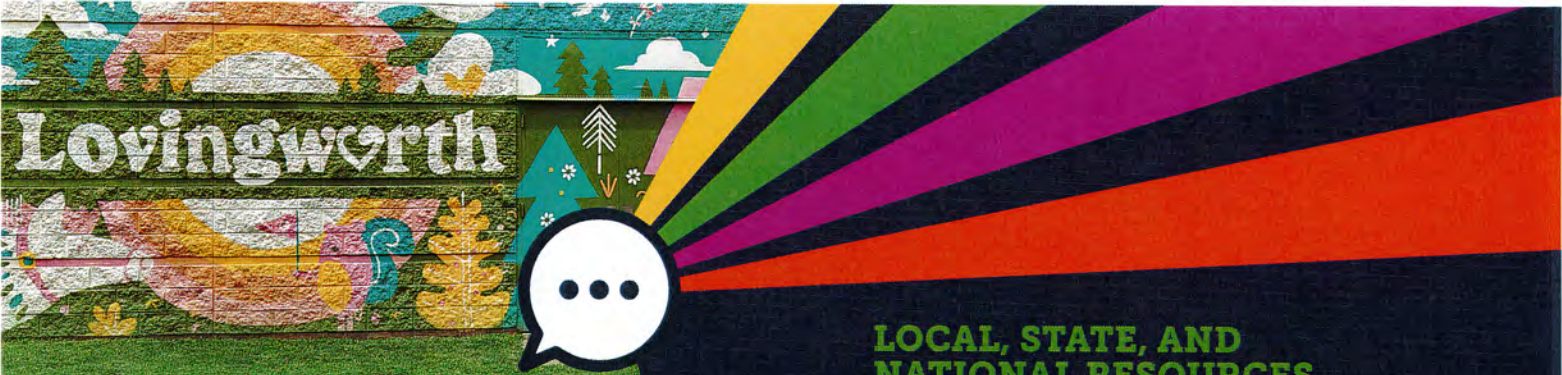
## PUBLIC INPUT

Over the course of the planning process, we received public input from seven pop-up events and the project website.

The icons on this map represent areas mentioned during this outreach.

 Driving  Walking  Cycling  Other





### KEY THEMES FROM PUBLIC INPUT

The following were common themes in the input provided during pop-up events and through the project website:

- ◆ Potholes, distracted driving, and people driving too fast were the top three safety concerns reported.
- ◆ Many residents expressed a desire for increased enforcement for speeding and drivers not yielding or stopping at intersections.
- ◆ Many Leavenworth residents identified locations where they feel unsafe while walking or bicycling due to a lack of sidewalks, crosswalks, pedestrian crossing signage and signals, and quality bicycle facilities.
- ◆ Residents would like to see improved sight distance, clear pavement markings, and enhanced traffic control measures on Leavenworth streets.
- ◆ There is strong support for safety education efforts, such as the S.A.F.E. program, to be implemented at Leavenworth schools.

## LOCAL, STATE, AND NATIONAL RESOURCES

**While Leavenworth is the first city in the State of Kansas to complete a Vision Zero action plan, there are many example Vision Zero action plans or safety action plans from across the country from which Leavenworth can incorporate best practices and lessons learned.**

During development of this Vision Zero Action Plan, the project team reviewed several of these plans and identified best practices related to public engagement, data analysis, equity considerations, safety countermeasures development, and implementation that helped to guide the development of this plan.

This Vision Zero Action Plan also aligns with and builds upon several state, regional, and local plans, such as the Kansas Strategic Highway Safety Plan, the Connected KC 2050 Regional Long Range Transportation Plan, the Downtown / North Leavenworth Redevelopment Area Master Plan, and the Leavenworth 2030 Comprehensive Plan.

The projects and strategies in this plan will require funding to be allocated – much of which may come from non-City funds. The First City Vision Zero Action Plan project team reviewed and compiled a list of available programs for funding transportation safety – whether those are infrastructure projects or educational/enforcement initiatives.

All these relevant plans and potential funding programs are described in Appendix B.



# 2 DATA & FOCUS AREAS



**The First City carried out a comprehensive analysis of ten years of crash data across the city. Applying data-driven solutions is a guiding principle of this action plan and is essential for successful implementation.**

This data-driven approach aids in identifying patterns in where crashes occur, who is involved, and what factors contribute to serious injuries and fatalities. By merging this data analysis with active involvement from the Vision Zero Technical Advisory Committee and public input, we established purposeful areas for enhancement, identified effective countermeasures, and created an Action Plan poised to propel Leavenworth's journey towards Zero fatalities and serious injuries on its streets.

# CRASH MAPPING

## ALL FATAL & INJURY CRASHES, 2013-2022

The First City's goal is to significantly reduce or eliminate crashes that result in people being killed or seriously injured (KSI crashes) in the City of Leavenworth by 2035. A total of 108 crashes have resulted in people being killed or seriously injured, with another 1,125 crashes resulting in a non-incapacitating (minor) or possible injuries. Although non-injury crashes (aka property damage only crashes) account for more than three-quarters of all crashes in Leavenworth, the data analysis for the Vision Zero Action Plan focuses only on KSI crashes. KSI crashes are by far the most impactful and life-altering type of crashes.

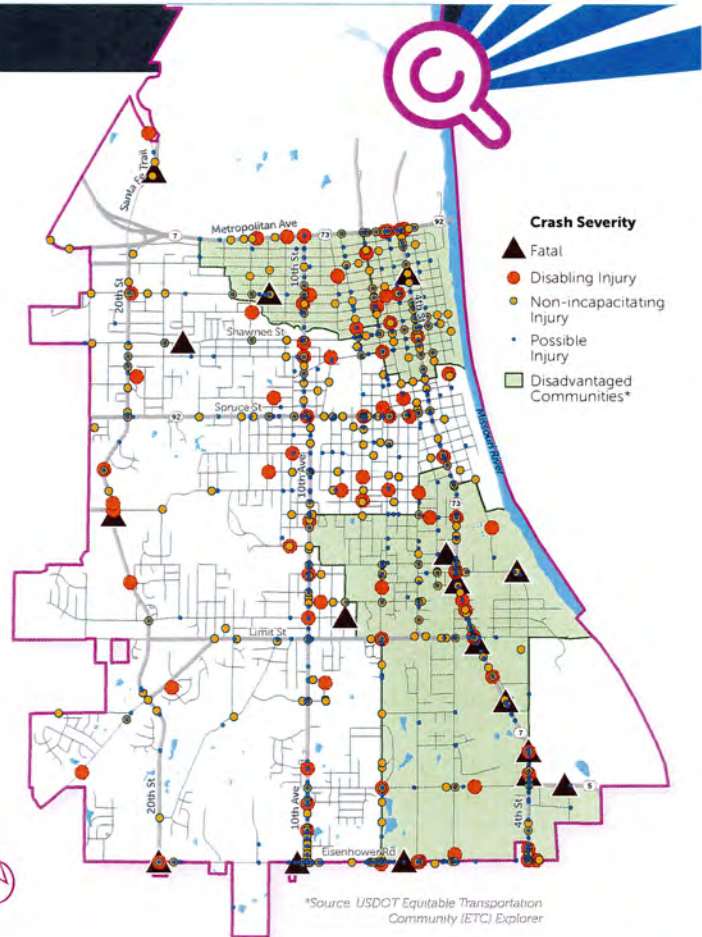
Crash Severity	# of Crashes
Fatal	17
Disabling Injury	91
Non-Incapacitating Injury	452
Possible Injury	673
<b>Not Injured</b>	<b>4,154</b>
<b>Total</b>	<b>5,387</b>

**By mapping crashes through multiple methods, Leavenworth can identify how to make the most impactful change as timely as possible with limited resources.**



With this goal in mind, the data indicates that significant priority should be given to projects in disadvantaged communities as defined by socio-economic indicators identified by the USDOT. These disadvantaged communities are more likely to be impacted by fatal and serious crashes: **they account for 49% of KSI crashes but 30% of road miles.**

By prioritizing the areas of greatest need, the disparities in KSI crash rates for disadvantaged communities will be reduced. **By simply following the data, we can start creating equitable solutions that get us to Zero.**



- Crash Severity**
- Fatal
  - Disabling Injury
  - Non-incapacitating Injury
  - Possible Injury
  - Disadvantaged Communities\*

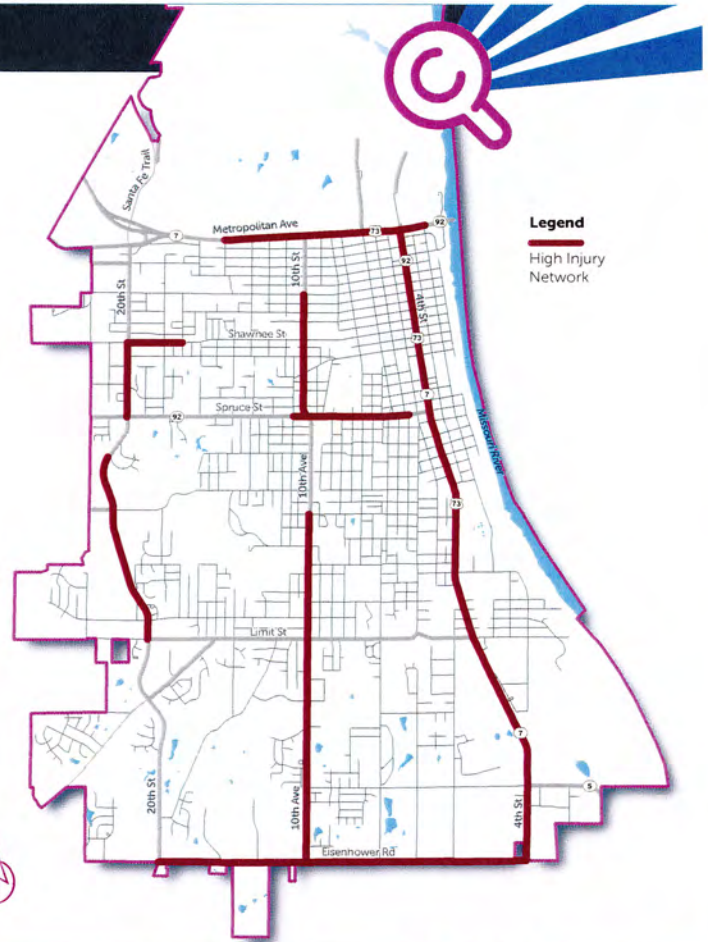
\*Source: USDOT Equitable Transportation Community (ETC) Explorer

## HIGH INJURY NETWORK

The High Injury Network (HIN) is a mapping tool to help identify where the highest number of people are being killed and seriously injured (KSI) on Leavenworth's transportation system. This data-driven approach helps the First City focus resources in areas of most urgent need. The most recently available 10-years of crash data (2013–2022) was used to create the HIN.

**The HIN accounts for 58% of KSI crashes but 9% of road miles. This shows that on these 16.7 miles of road, KSI crashes are over 6x more likely to occur.**

	KSI Crashes		Road Miles	
	#	%	#	%
<b>HIN</b>	43	58%	16.7	9%
<b>Citywide</b>	2553	100%	184.0	100%



## HIGH INJURY INTERSECTIONS

The High Injury Intersections (HII) are another key mapping tool in the Vision Zero toolbox. Like the HIN, the HII uses 10-years of injury crash data to identify the most dangerous intersections in order to most effectively allocate City resources and give context to transportation safety problems.

The HII locations have the highest concentration of intersection crashes. Leavenworth has over 1,100 intersections and just 11 "High Injury Intersections" had 25 KSI crashes and 156 total crashes (excluding property damage only crashes) during the 10-year analysis period.

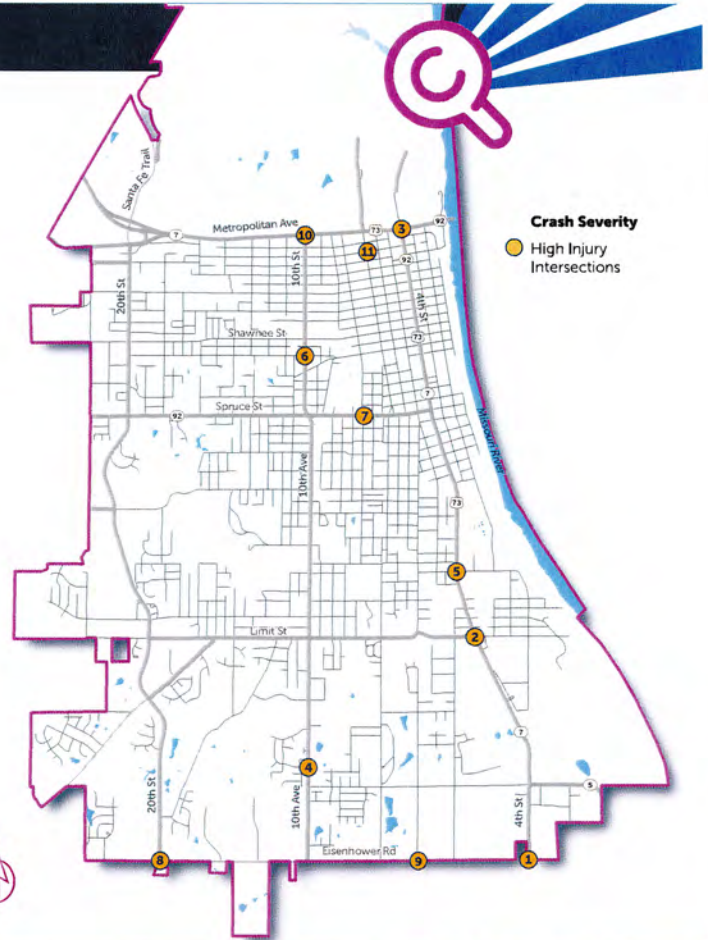
**In total, the HII identifies 1% of intersections that account for 41% of KSI intersection crashes in Leavenworth.**

Rank	Intersection	KSI Crashes	All Crashes*
1	S 4th St / Eisenhower Rd**	3	39
2	S 4th St / Limit St	3	29
3	N 4th St / Metropolitan Ave	2	26
4	10th Ave / Wallis Ln	3	6
5	S 4th St / Marion St	2	17
6	S 10th St / Cherokee St	2	14
7	S Broadway St / Spruce St	2	10
8	S 20th St / Eisenhower Rd**	2	5
9	Lakeview Dr / Eisenhower Rd	2	5
10	N 10th St / Metropolitan Ave	2	3
11	N 7th St / Pawnee St	2	2

\*Excluding Property Damage Only crashes

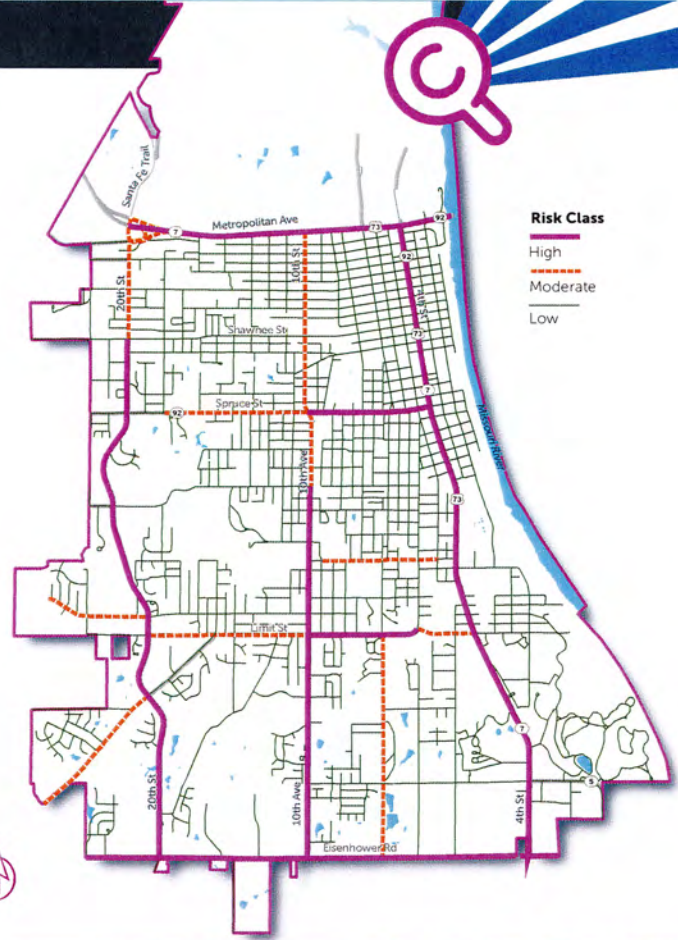
\*\*Recently improved

	KSI Crashes		Road Miles	
	#	%	#	%
 HII	25	41%	11	1%
Citywide	61	100%	1120	100%



## HIGH RISK NETWORK

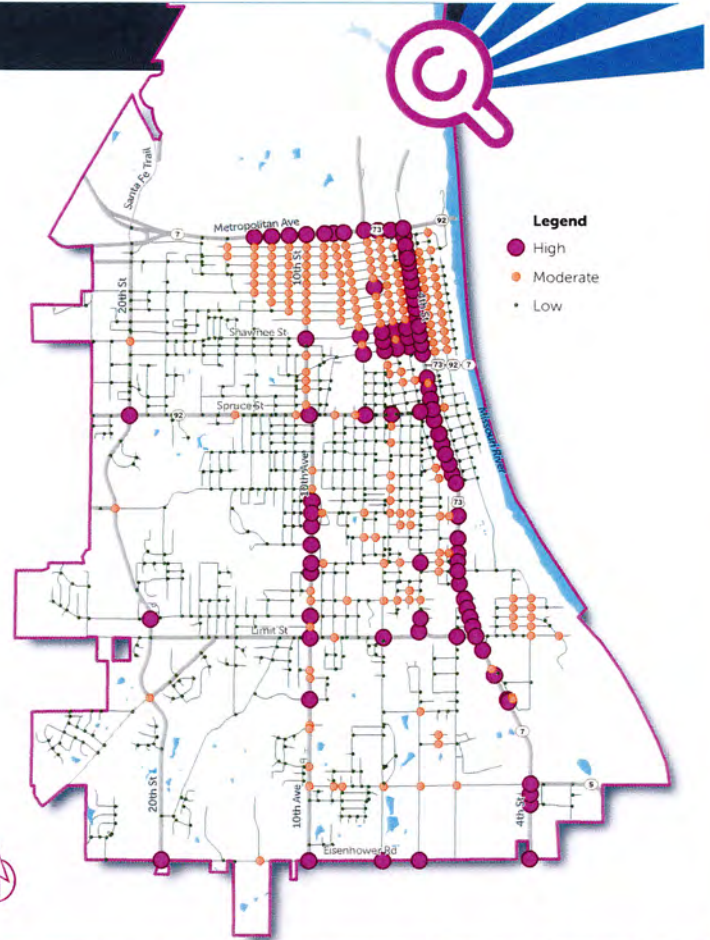
Both the HIN and HII are based on historical crash data, which is very useful in addressing existing problems where we have data. Since we know that killed and seriously injured (KSI) crashes are a small share of total vehicle interactions and near misses never get reported, some of the most dangerous roadways may not be represented in the HIN and HII data. Therefore, the High Risk Network (HRN) can be used to identify streets where KSI crashes are likely to occur based on existing attributes, such as number of lanes, traffic volumes, truck route designation, and location within disadvantaged communities.





## HIGH RISK INTERSECTIONS

Similar to the High Risk Network, existing intersection characteristics can be used to identify intersections where KSI crashes are most likely to occur, based on attributes such as traffic volume, traffic control type (stop signs, yield signs, or traffic signals), intersection geometry, and location within disadvantaged communities. These High Risk Intersections (HRI) are most concentrated in the northeast part of Leavenworth and along major arterials including 4th St, Eisenhower Rd, 10th Ave, Limit St, and Spruce St.



## FOCUS AREAS

The Vision Zero Technical Advisory Committee (TAC) determined five focus areas based on the findings of the data analysis. Focus areas provide specific issues for the action plan to address. These include:



### ◆ Vulnerable Road Users

### ◆ Impaired and Distracted Driving

### ◆ Speed

### ◆ Young Drivers

### ◆ Arterial Streets & Signalized Intersections



The following sections highlight the relationship between each focus area, KSI crashes, and their respective over- or under-representation in the data.

Crashes by Focus Areas in Leavenworth\*

Focus Area	KSI Crashes	All Crashes
Vulnerable Road Users	22%	2%
Impaired/Distracted Driving	27%	26%
Speed	16%	6%
Young Drivers	34%	40%
Arterial Streets & Signalized Intersections	60%	64%

\*Percentages do not total 100% because crashes can be associated with several contributing factors



## VULNERABLE ROAD USERS

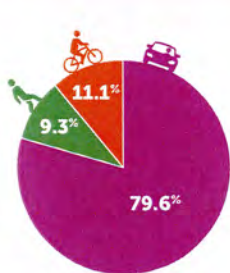
Vulnerable road users, made up of pedestrians, bicyclists, and other non-motorized vehicles, account for over 22% of all KSI crashes. Most vulnerable road users KSI crashes occur in Downtown. When we examine transportation mode share in Leavenworth, vehicle traffic makes up 88.3% of commute trips but less than 79.6% of KSI crashes. This means that the other modes of travel in Leavenworth are far over-represented:

Pedestrians are **4 TIMES** more likely to be KSI crashes based on modeshare

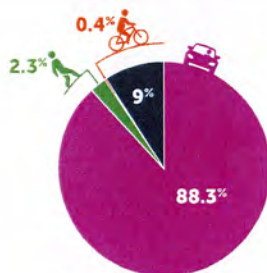
Bicyclists are **27 TIMES** more likely to be KSI crashes based on modeshare



Crashes resulting in injury or death of people walking or bicycling are concentrated primarily in and around the downtown and neighborhoods in northeast Leavenworth. There are also concentrations of these vulnerable road user crashes along arterials and major intersections, most notably along 10th Avenue near Leavenworth Senior High School.



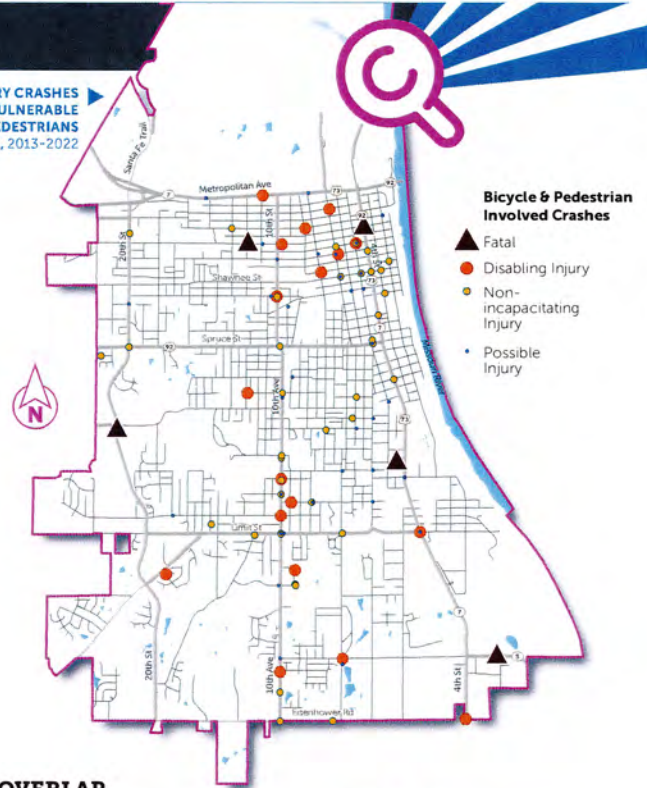
All Leavenworth KSI Crashes by Mode



Leavenworth Commute Mode Share

Vehicle Pedestrian Bicyclist Other

## FATAL AND INJURY CRASHES INVOLVING VULNERABLE ROAD USERS (PEDESTRIANS & BICYCLISTS), 2013-2022



### Bicycle & Pedestrian Involved Crashes

- ▲ Fatal
- Disabling Injury
- Non-incapacitating Injury
- Possible Injury

## OVERLAP WITH OTHER FOCUS AREAS

Of the 37 KSI crashes involving vulnerable road users:

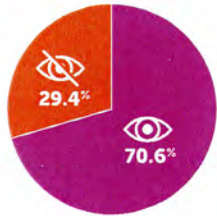
**22.7%** involved young drivers

**36.4%** occurred at signalized intersections or along arterials



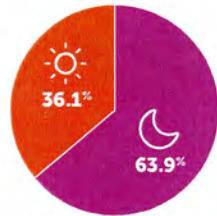
## IMPAIRED & DISTRACTED DRIVING

People aren't perfect. Sometimes, they make mistakes and poor decisions—however, they should not have to pay with their lives or live their lives permanently altered because of a single moment or choice. Some behaviors may be considered reckless, or even negligent, and have an outsized impact on KSI crashes. Impairment, the use of alcohol or drugs while traveling, is one of those.



Nearly 30% of All Fatal Crashes Involved Impaired Driving

- Non-Impaired Driving
- Impaired Driving



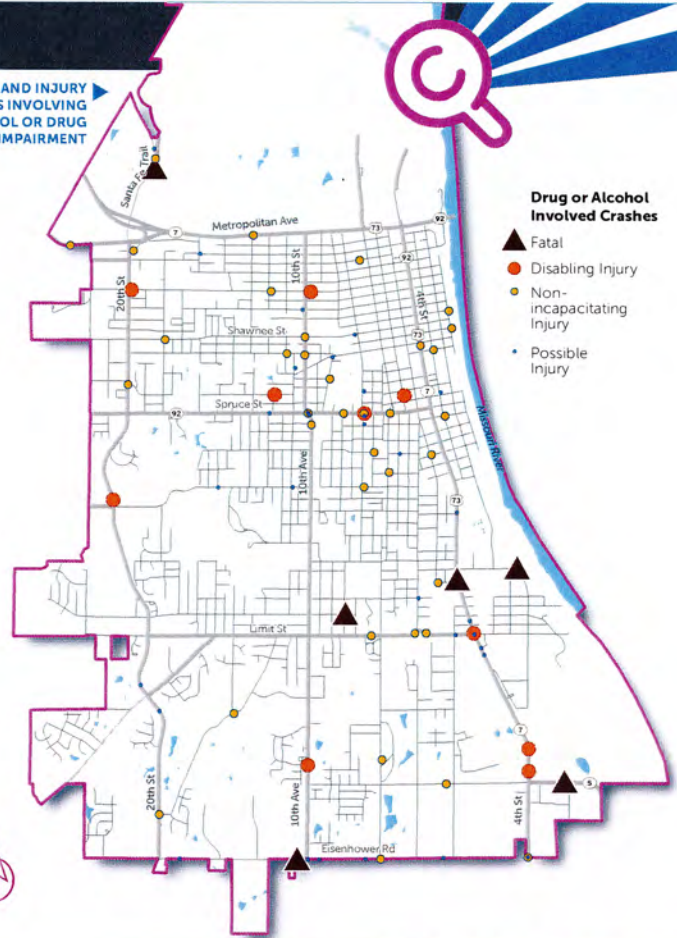
63.9% of Impairment-Related KSI Crashes Occur Between 7PM-3AM

- 19:00 - 03:00
- 03:00 - 19:00

The highest concentration of impaired-related crashes in Leavenworth occur on Spruce Street between 5th Avenue and Newman Street.

The map shows the location of crashes\* involving alcohol or drug impairment.  
\*Excluding Property Damage Only crashes

### FATAL AND INJURY CRASHES INVOLVING ALCOHOL OR DRUG IMPAIRMENT



#### Drug or Alcohol Involved Crashes

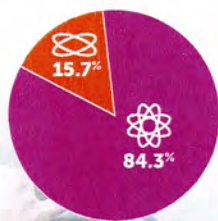
- Fatal
- Disabling Injury
- Non-incapacitating Injury
- Possible Injury





## IMPAIRED & DISTRACTED DRIVING

Distracted driving is another behavior that may be considered reckless or negligent, as drivers keep their attention away from their environment and other road users. Distracted driving was reported as a factor in over 15% of KSI crashes.



### All Leavenworth KSI Crashes by Distraction

- Distracted Driving
- Other Contributing Factors



## SPEED

Speed is one of, if not the most, important factor that dictates if a crash results in a serious injury or fatality rather than a minor injury or merely property damage. 65% of KSI crashes happened where the posted speed limits were 35 mph or higher.



Source: Tefft, B.C. (2011). *Impact Speed and a Pedestrian's Risk of Severe Injury or Death*. AAA Foundation for Traffic Safety

Streets with the highest speed limits (40mph or more) have a 5x higher representation of KSI crashes for all modes, when compared to all Leavenworth streets. Streets with speed limits of 30mph or 35mph have the lowest representation of KSI crashes, while lower speed streets (with speed limits of 25mph or less) have a 2x higher representation of KSI crashes compared to all Leavenworth streets.

This over-representation of lower speed streets may seem counter-intuitive. However, these crashes are mostly concentrated in and around the downtown area, such as along 4th Street, Shawnee Street, and Broadway Street, where the posted speed is 20 mph or 25 mph, but the physical design characteristics of the streets are similar to higher speed roadways. The higher representation of KSI crashes in this area is also influenced by the higher traffic volumes and greater numbers of pedestrians and bicyclists, who are more vulnerable to being killed or seriously injured in a crash.

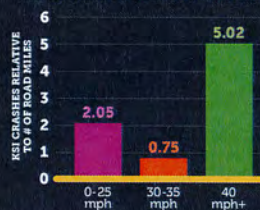
## OVERLAP WITH OTHER FOCUS AREAS

Of the 29 KSI crashes where impaired or distracted driving were noted as a contributing factor:

**27.6%**  
involved young drivers

**62.1%**  
occurred at traffic signals  
or along arterials

## KSI CRASHES BY POSTED SPEED LIMIT



## OVERLAP WITH OTHER FOCUS AREAS

Of the 17 KSI crashes where speeding was noted as a contributing factor:

**47.1%**  
involved young drivers

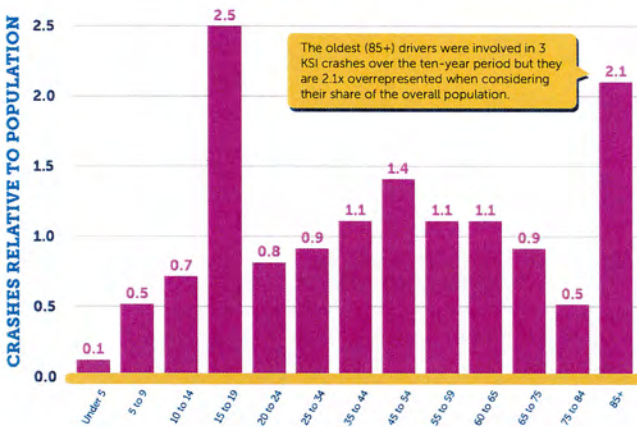
**52.9%**  
occurred at traffic  
signals or along arterials



## YOUNG DRIVERS

Based on the age analysis of the road users involved in crashes, young drivers—drivers aged 25 and under—are involved in one-third of all KSI crashes. When normalizing these KSI crashes to the population of Leavenworth, users aged 15-19 are 2.5 more likely to be involved in a KSI crash than the average.

### KSI CRASHES BY AGE



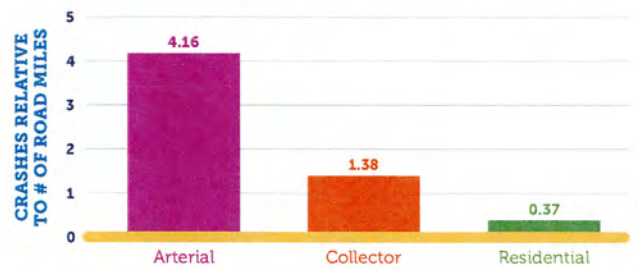
The oldest (85+) drivers were involved in 3 KSI crashes over the ten-year period but they are 2.1x overrepresented when considering their share of the overall population.



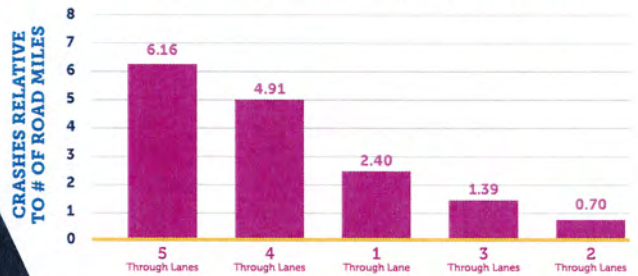
## ARTERIAL STREETS & SIGNALIZED INTERSECTIONS

The majority of KSI crashes occur on a minority of streets in Leavenworth. Arterial roadways are over-represented in the data by a factor of 4x. Additionally, more lanes of travel translates to a higher risk in KSI crashes.

### KSI CRASHES BY ROAD CLASSIFICATION



### KSI CRASHES BY NUMBER OF THROUGH LANES



## OVERLAP WITH OTHER FOCUS AREAS

Of the 37 KSI crashes involving young drivers:

**13.5%**  
involved vulnerable road users

**21.6%**  
involved impairment or distraction

**21.6%**  
involved speeding

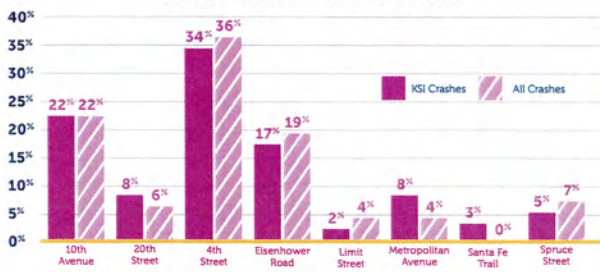
**62.2%**  
were on arterial streets

**Approximately half of KSI crashes in Leavenworth occur at intersections, compared to mid-block segments.**

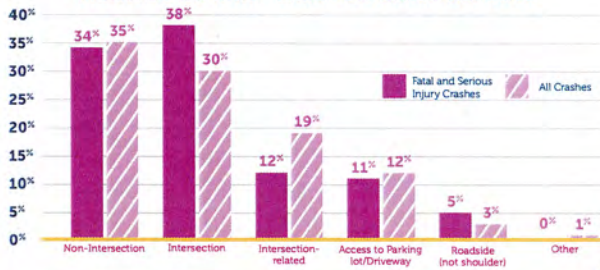
Intersections account for a higher share of KSI crashes (38%) than overall crashes (30%). Comparing signalized intersections to stop-controlled (all-way and two-way stop signs) intersections, signalized intersections are over 10x more likely to have a KSI crash occur. Stop controlled intersections are safest when used in low to moderate traffic volume situations, as shown in the data.



**CRASHES BY ARTERIAL ROADWAY**



**CRASH LOCATIONS - BASED ON CRASH REPORTS**



**KSI CRASHES BY INTERSECTION CONTROL**



**OVERLAP WITH OTHER FOCUS AREAS**

Of the 65 KSI crashes along arterials or at signalized intersections:

**12.3%**  
involved vulnerable road users

**13.8%**  
involved speeding

**27.7%**  
involved impairment or distraction

**35.4%**  
involved young drivers

# 3 TOOLBOX OF SAFETY COUNTERMEASURES




**The First City has created a toolbox of infrastructure countermeasures, from engineering and design solutions like signage or traffic signal improvements to education campaigns that raise awareness about safe road behaviors.**

With this toolbox, the City of Leavenworth can tailor its approach to specific road user groups, locations, and conditions, ensuring a holistic and effective strategy towards Vision Zero.





# ROADWAY COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL CRASH REDUCTION
<b>Pavement Reallocation</b> 	Pavement reallocation (also known as a road diet) is a context-sensitive strategy that reduces the number of lanes or the width of lanes, resulting in several safety benefits. The freed-up space can be repurposed for safety infrastructure, such as facilities for pedestrians or cyclists. Additionally, this has the potential to reduce the number of potential conflict points, contribute to slower and safer operating speeds for motor vehicles, and even decrease crossing distances by either eliminating a lane or introducing pedestrian median islands.	\$\$	40%
<b>Lane Narrowing</b>	Lane narrowing reduces lane width, typically by two or more feet, while maintaining the existing number of lanes. By reducing the lane width, motorists are encouraged to drive slower, and pedestrians have a shorter distance to cross. The reclaimed space can be used for pedestrian and bicyclist-friendly spaces, such as a wider sidewalk, establish a shared-use path, or create a protected/ dedicated bicycle lane. In downtown or other locations with on-street parking, on-street parking can be striped out to visually narrow travel lanes.	\$\$	15%
<b>Roadway Lighting</b>	Street lighting enhances safety and accessibility by illuminating key areas and improving visibility. Improved visibility decreases crash risk. This tool is particularly effective at controlled and uncontrolled intersections, at midblock crossings, along sidewalks, and in areas with high pedestrian volumes like transit stops, commercial zones, schools, and parks.	\$\$	10%
<b>Traffic Calming</b>	Traffic Calming is a deliberate set of design strategies and measures implemented on roadways to improve the safety of all users by slowing down vehicle speeds. Introducing physical changes to the road (such as speed humps, chicanes, raised crosswalks, and narrowed travel lanes) is a proven strategy to reduce speeds and enhance roadway safety between different users.	\$\$	30%
<b>Raised Medians and Access Management</b>	Medians separate opposing streams of traffic, reducing the number of head-on, cross-median crashes that can be especially dangerous. Raised medians, medians built higher than the road level, offer VRU refuges mid-crossing, limit motor vehicle turns, and mitigate head-on collisions. These types of medians are applicable at intersections, along blocks, and midblock crossings for VRUs, particularly beneficial at intersections where left turns need restriction due to safety concerns like inadequate yielding or high speeds.	\$\$\$	45%
<b>Curve Delineation Improvements</b>	Installation of retroreflective chevron signs and advance curve warning sign is shown to significantly reduce crashes along curves, especially nighttime crashes and in rural areas.	\$	15%



## SUCCESS STORY

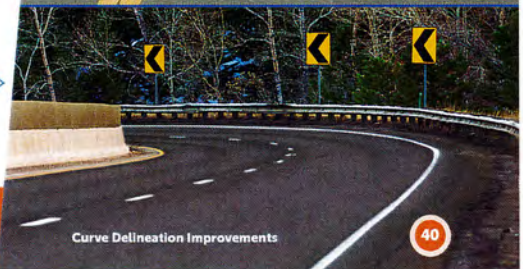
### COLUMBIA, MO Neighborhood Traffic Management Program

Columbia's Neighborhood Traffic Management Program focuses on increasing safety, reducing speed, and reducing volumes. The program categorizes traffic calming devices based on their desired effect.

Columbia prioritizes requests with a ranking system based on traffic volume, speed (highest weighted), proximity to schools, proximity to pedestrian generators, collisions, and locations along bicycle routes. This traffic calming program is focused on local/neighborhood facilities.



Traffic Calming




Curve Delineation Improvements

40

# INTERSECTIONS

## GEOMETRIC DESIGN COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL CRASH REDUCTION
<b>Roundabouts</b> 	Roundabouts are the safest intersection control type known and are much safer than signalized intersections. This versatile tool reduces the number of and the severity of crashes due to speed reduction, elimination of angle collisions, and reduced crossing distances for vulnerable road users (VRUs). Roundabouts can be customized by shape, size, and design to fit a variety of traffic conditions, creating a safer intersection among all modes of transportation.	\$\$\$	80%
<b>Curb Radius Reduction</b>	A Curb Radius Reduction reduces turning speeds, shortens crossing distance, and improves sight distance by sharpening the corner through temporary materials or by permanently changing the curb line, which increases yielding to pedestrians in the crosswalk and other roadway compliance that can reduce the number and severity of crashes.	\$\$	30%
<b>Intersection Daylighting</b>	Intersection daylighting improves the sight-distance for road users as they enter and navigate an intersection by restricting curb parking spaces leading up to an intersection. Restrictions can be accomplished through the use of pavement markings and flexible guideposts.	\$	30%
<b>Curb Extensions/ Bulb Outs</b>	Curb Extension and Bulb-Outs extend sections of sidewalks into the roadway, primarily at intersections and crossings, to decrease VRU crossing distances and enhance visibility and comfort. Curb extensions prove to be effective across various locations, ranging from mid-block crosswalks to signalized intersections. They can be implemented within all-day parking lanes or spacious shoulders, particularly suited for transitioning into lower-speed zones.	\$\$	30%



## SUCCESS STORY

### FLINT HILLS METROPOLITAN PLANNING ORGANIZATION

#### Quick-Build Safety Improvements

The Flint Hills MPO has been implementing low-cost, quick-build safety improvement projects for several years. The MPO has also developed helpful guides, templates, and tutorial videos intended to serve as resources for communities in the Flint Hills region and beyond looking to implement their own quick-build projects.



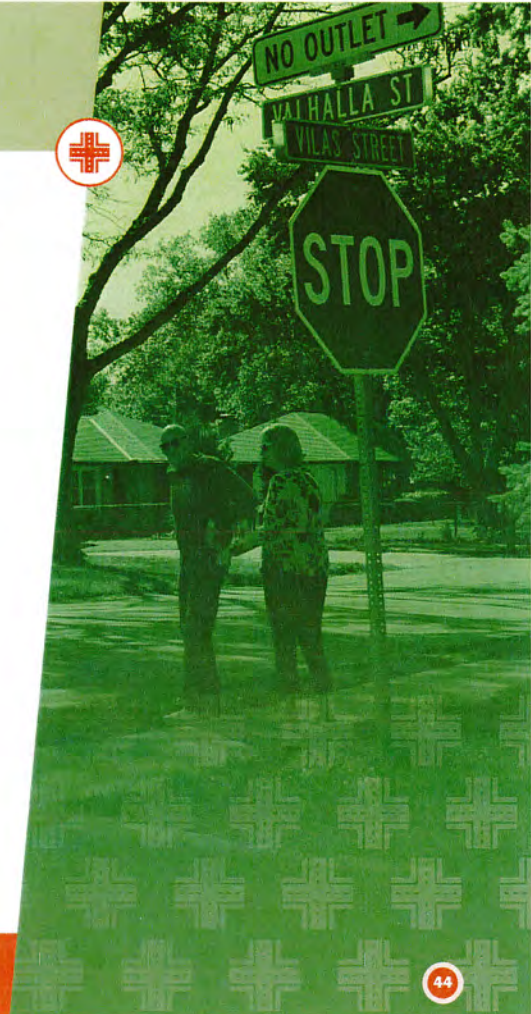
Quick Build Midblock Crossing Bulb Out



Quick Build Bulb Out

## INTERSECTIONS SIGNAL & SIGNAGE COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL CRASH REDUCTION
<b>Systemic Traffic Signal Improvements</b>	Systemic traffic signal improvements achieve a balance between safety and efficiency by adjusting motorist behaviors through smaller scale tools. These improvements include adjustments to signal timings (especially yellow and all-red timings to reduce red-light running), protected left-turn phasing, installation of flashing yellow arrows, adding retroreflective or light-up LED backplates to signal heads, and implementing Leading Pedestrian Intervals (LPis). In particular, LPis increase pedestrian visibility and reinforce pedestrian right-of-way to improve yielding behavior by motorists. To improve visibility and reduce red-light running at signals in the downtown area, all of the road-side pedestal-mounted traffic signals should be converted to overhead mast-arm signals.	\$\$	40%
<b>Right-Turn-on-Red (RTOR) Restrictions</b>	Right-Turn-on-Red (RTOR) Restrictions prevent motorists from turning right at a red light for select periods or entirely. RTOR creates potential risks for pedestrians, as some motorists prioritize their movement over pedestrians (e.g., pulling into the crosswalk, focused on approaching traffic that they don't look for approaching pedestrians, etc.), especially at intersections with wide turning radii. Restricting RTOR improves safety for pedestrians by eliminating potential conflict with right-turning motorists. RTOR restrictions pair well with curb radius reduction and Leading Pedestrian Intervals. RTOR Restrictions are especially beneficial for locations with higher pedestrian crossing activity, such as in downtown or near schools.	\$	15%
<b>All-way Stop Control Conversion (from 2-way)</b>	All-way Stop Control Conversion is the conversion of an unwarranted signalized intersection or a two-way stop-controlled intersection to be stop-controlled on all approaches. All-way stops, as compared to two-way stops, reduces the need for drivers to wait for a safe gap in traffic to go and are more predictable. This countermeasure can serve as a temporary solution for other, more expensive traffic control solutions, such as roundabouts.	\$	60%
<b>Systemic Intersection Signage &amp; Markings Improvements</b>	Signage and marking improvements at stop-controlled and signalized intersections can mitigate location-specific safety issues. These improvements include dashed pavement marking extensions through intersections, improving visibility of stop signs (doubling-up signs on both sides of the intersection and adding retroreflective red strips to the signposts), improving visibility of painted stop bars, and installing signage such as "stop ahead," "cross traffic does not stop," or "signal ahead" signage.	\$	10%





## PEDESTRIAN COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL PEDESTRIAN CRASH REDUCTION
<b>Pedestrian Traffic Control Devices</b>	Rectangular Rapid-Flashing Beacons (RRFB) and Pedestrian Hybrid Beacons (PHB) or High Intensity Activated crossWalk (HAWK Signals) use flashing lights to improve vehicle stopping and yielding behavior to crossing pedestrians at unsignalized locations. Beacon activation occurs only when pedestrians are present. RRFBs, which use a bright, rapid-pulsing flash rate, are most effective at multi-lane crossings with speed limits less than 40 mph, roadways with speeds higher than this are better suited for PHBs, which use flashing and solid-colored lights.	\$\$	55%
<b>High Quality Pedestrian Crossings</b>	This roadway feature prioritizes the safety, accessibility, and convenience of pedestrians of all ages and abilities by providing pedestrians with a secure and easily recognizable path to cross busy streets. These crossings often include clearly marked crosswalks, pedestrian-activated signals or buttons, ample lighting, refuge islands, and well-defined signage. By enhancing visibility and ensuring dedicated time for pedestrians to cross, high-quality pedestrian crossings contribute to reducing the risk of dangerous conflicts with vehicles that could result in a serious or fatal crash.	\$	60%
<b>Sidewalks</b>	Utilizing sidewalks and paved shoulders as safety measures serves to enhance pedestrian and cyclist safety by providing designated spaces for their movement, separate from vehicular traffic. Integrating ADA-compliant features guarantees equitable access and promotes inclusivity, fostering a safer and more accommodating environment for all community members. Existing sidewalks can be improved in conjunction with road diets.	\$\$	65%
<b>Midblock Crossing</b>	Midblock Crossings designate a space via a marked crosswalk for pedestrians to cross between major intersections, increasing connectivity within the existing transportation network. Through this designated space, other road users are warned of possible crossings and are better prepared to stop, decreasing the number of potential conflicts. Midblock crossings pair well with additional tools, such as curb extensions/bulb-outs, raised crossings, RRFBs, and PHBs, to reduce crossing distance and improve yielding/stopping behavior.	\$\$	15%
<b>Off-Street Trails</b>	Off-street trails contribute to enhanced safety and accessibility for active transportation and recreation by offering designated paths outside the curb and away from potential conflict with vehicles. These trails are designed to cater to the needs of both bicyclists and pedestrians. These shared-use paths can accommodate two-way traffic and are often situated along railway or utility corridors, as well as public land areas.	\$\$\$	65%
<b>Raised Crossings</b>	Raised Crossings are flush with the sidewalk, encouraging motorists to yield to pedestrians in the crosswalk and reinforcing slower speeds. Accessibility of the crossing is improved with raised crosswalks, as it allows pedestrians to cross at the same height as the sidewalk. Raised crosswalks can be implemented at mid-block locations or at intersections in the form of a raised intersection.	\$\$	45%
<b>Street Trees and Landscaped Buffers</b>	Street trees and providing wider landscaped buffers between sidewalks and the roadway can significantly improve the pedestrian experience on urban streets. Mature tree canopy can visually narrow the roadway and potentially provide a traffic calming effect.	\$\$	NA



## SUCCESS STORY

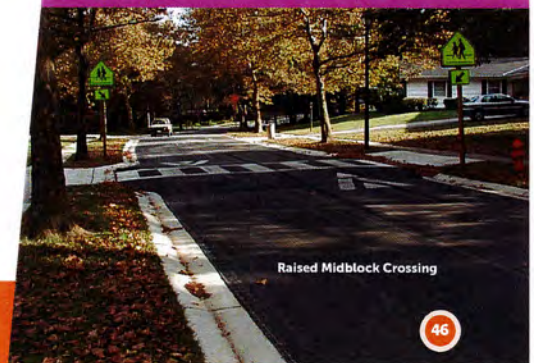
LENEXA, KS & CHARLOTTESVILLE, VA

### Sidewalk Inventory & Improvements

Lenexa, KS, recently completed a sidewalk inventory, updated their standards for sidewalks, and began a phased improvement project as part of their Complete Streets program.

Charlottesville, VA, uses a public bike/ped advocate group to filter and prioritize projects (due to lack of City staff availability) that are requested by citizens. Charlottesville recently completed a sidewalk prioritization effort, staff noted considerations around the following:

- ◆ **Inventory:** this is the most resource intensive step. Once the inventory is created, it is recommended to continually update the GIS layer as projects impact sidewalk conditions and new facilities are built to keep the dataset up to date.
- ◆ **Prioritization:** Charlottesville has different prioritization frameworks for new facilities versus improvements to existing facilities. For new facilities, gaps in the network are scored based on element such as proximity to transit, schools, parks, roadway speed, etc. There is also a qualitative exercise that is necessary to evaluate project readiness, political feasibility, and constructability. For existing facilities, prioritization is primarily a GIS-based effort using condition, estimated pedestrian activity, ADA compliance, etc.



Raised Midblock Crossing

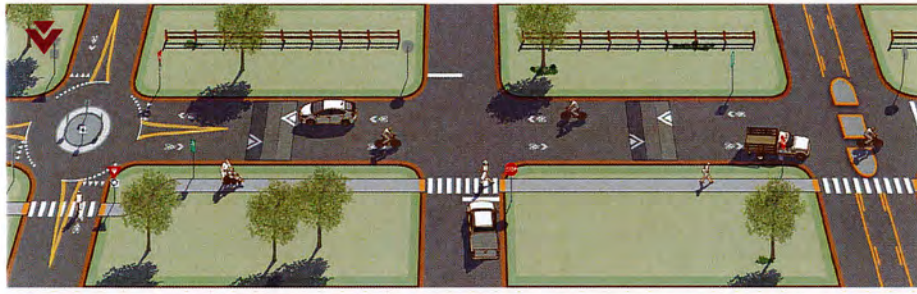


## BIKE COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL BICYCLE CRASH REDUCTION
<b>Bicycle Lanes</b>	Bicycle lanes are dedicated facilities on or along roadways that make bicycling safer and more comfortable; they can mitigate or prevent interactions, conflicts, and crashes between bicyclists and motor vehicles. Bicycle lanes can be established through paint striping or separation by vertical elements like posts, curbs, or vegetation.	\$\$	60%
<b>Protected Bicycle Lanes / Cycle Tracks</b>	Protected bicycle lanes are integral to Vision Zero implementation as they establish physically separated spaces for pedal cyclists, substantially reducing cyclist-vehicle collisions. With a physical barrier, these lanes enhance safety by preventing risky interactions, thus curbing severe injuries and fatalities; the physical barrier also improves perceived safety, which may encourage more users to bike as a form of transportation.	\$\$\$	70%
<b>Bicycle Boulevards</b>	Bicycle boulevards (also called "neighborhood greenways") are streets with low motorized traffic volumes and speeds, designed to offer priority for bicyclists operating within a roadway shared with motor vehicle traffic. Bicycle Boulevards use signs, pavement markings, and speed and volume management measures to create safe, convenient bicycle crossings of busy arterial streets.	\$	60%



Protected Bicycle Lane



Example of potential Bicycle Boulevard treatments  
Source: Small Town & Rural Design Guide



## BEHAVIORAL COUNTERMEASURES

COUNTERMEASURE	DESCRIPTION	COST	POTENTIAL CRASH REDUCTION
High Visibility Enforcement	High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue. Law enforcement efforts are combined with visibility elements and a publicity strategy to educate the public and promote voluntary compliance with the law.	\$\$	NA
Roadway Feedback Signs	Speed Feedback Signs, posted alongside the Posted Speed Limit, register and display approaching drivers' speeds as they approach the sign to make them aware of their current speed. If the driver's speed is above the posted speed limit, the displayed speed numbers will flash. Speed Feedback Signs can be temporarily or permanently installed. Previous studies have shown these to be highly effective at reducing speeds.	\$	5%
Safe Routes to School	Safe Routes to School promotes children to take active modes of transportation to school and educates them on how to walk and bike safely. Safe Routes to Schools also facilitates the planning, development, and implementation of projects that supports healthy, active, and safe walking and biking habits. Some example projects include: assemblies, poster contests, pedestrian safety walks, bike lessons and safety training (BLAST), bicycle rodeos, bicycle gardens, bicycle buses/trains, and relevant quick-build projects.	\$\$	30%
Speed Limit Reduction	Speed Limit Reductions are the systematic reduction of speed limits based on context, activity level, and conflict density, which reduces the number of and severity of crashes. Greater reductions in crash frequency and severity is possible when pairing this countermeasure with other traffic calming or speed management countermeasures.	\$	25%
Slow Zones	Slow Zones are areas that designate lower speeds than other areas nearby to create safe spaces for vulnerable populations (e.g., children, seniors, pedestrians, and bicyclists) that frequent them, such as parks, school zones, work zones, senior areas, neighborhoods, and downtowns. These areas typically are signed for 15 or 20 miles per hour.	\$	30%

# 4 IMPLEMENTATION PLAN

**The First City Vision Zero Action Plan is an ambitious, data-driven, and comprehensive roadmap toward safer streets and the ultimate elimination of traffic related fatalities and severe injuries.**

In the final section of this transformative document, we adjust our focus from understanding the challenges and setting the stage for change, to setting out tangible Action Steps, Priority Corridors & Intersections, and Performance Measures that will guide us toward the realization of our Vision Zero goals.

**As we turn the pages of this final chapter, let us keep in mind that our efforts here extend beyond policies, strategies, and projects. They reach into the lives of every resident, every family, and every person who travels the streets of Leavenworth. The journey ahead will demand collaboration, persistence, and a shared belief in the attainability of our Vision Zero goals.**



## ACTION STEPS

The following action step recommendations are based on discussions with the First City Vision Zero Technical Advisory Committee and Focus Area Working Groups, as well as review of the City's current policies, programs, and processes related to transportation safety.

Additional information and context around many of these recommendations is provided in Appendix C, along with a summary of federal funding opportunities that could be leveraged to support implementation of the recommended policies, programs, and projects in this chapter.

This set of targeted action steps spans three crucial categories based on the Safe Systems Approach:

- ◆ Safe Speeds will explore measures to curtail excessive speeds, a key contributor to the severity of traffic collisions.
- ◆ Safe Users will tackle education and awareness, fostering a culture of shared responsibility among all road participants.
- ◆ Safe Streets will underscore the need for well-designed infrastructure that accommodates diverse modes of travel.

Each action step is accompanied by a suggested lead implementation department or agency, as well as a recommendation on the timeline to begin implementing the action step.



## SAFE SPEEDS

### CONTEXT-SENSITIVE SPEED LIMITS

Reducing and enforcing speed limits increases reaction time and reduces the severity of crashes, thus reducing fatalities and serious injuries. The City should implement updated federal guidelines emphasizing land-use context for setting speed limits. For the City of Leavenworth, this means speed limits can be modified to better fit land-use context or other factors such as pedestrian and bicyclist activity, crash history, intersection and driveway spacing, roadway geometry, and traffic volumes. The Manual on Uniform Traffic Control Devices (MUTCD) specifically calls out the use of traffic calming, geometric design, and increased enforcement in tandem with reduced speed limits.



**START YEAR**  
Year 1



**RESPONSIBLE PARTY**  
Public Works

### TRAFFIC & SPEED STUDY PROGRAM

The City should increase its capacity through internal hiring or on-call consultation to conduct traffic studies and respond to citizen complaints about speeding. This could free up the time and resources the Leavenworth Police Department currently spends providing these services.



**START YEAR**  
Year 2



**RESPONSIBLE PARTY**  
Public Works

### DYNAMIC SPEED DISPLAY / FEEDBACK SIGNS

Speed feedback signs dynamically show the driver's speed alongside the posted speed limits and have been shown to slow overall speeds where deployed; they also can educate drivers on the importance of safe speeds. The City should deploy speed feedback signs (temporary/mobile or permanent) in locations determined through a data-driven process, targeting locations with high rates of speed-related crashes, a high rate of prevailing speeds, a high number of pedestrian and bicycle users, and based on public input.



**START YEAR**  
Year 2



**RESPONSIBLE PARTY**  
Public Works

### TRAFFIC CALMING PROGRAM

Traffic Calming refers to physical improvements—such as speed humps, lane narrowing, medians, or mini-roundabouts—whose design is to reduce motor vehicle speeds or volumes and improve safety for motorists, pedestrians, and cyclists. The City of Leavenworth should institute a formal traffic calming program. Peer communities' traffic calming programs typically document and outline the traffic calming process functions. Traffic calming initiatives can be spurred by public requests or identified by city personnel, which are then prioritized based on pre-established criteria. A traffic calming program identifies tiers of improvements, outlines eligibility requirements for the different tiers of projects, involves a public input phase (depending on the tier of the project), deploys the project, and monitors its effectiveness.



**START YEAR**  
Year 3



**RESPONSIBLE PARTY**  
Public Works







## SAFE USERS

### SAFE PROGRAM IN SCHOOLS

From the SAFE webpage: "SAFE (Seatbelts Are for Everyone) is a free, student-led program for high school students focusing on peer-to-peer promotion of traffic safety. Through education, rewards, and enforcement, SAFE highlights the importance of wearing a seatbelt, driving alert, and following traffic laws with the goal of decreasing the number of teen injuries and deaths from vehicle crashes."

Over half of Kansas Counties have schools with SAFE programs, including all counties bordering Leavenworth County. There are not currently any schools that participate in the SAFE program in the City of Leavenworth or Leavenworth County. The Leavenworth Unified School District should coordinate with the Kansas Traffic Safety Resource Office to bring the SAFE Program into its schools.



#### START YEAR

Year 1



#### RESPONSIBLE PARTY

Leavenworth Unified School District

### GRADUATED DRIVER LICENSING AWARENESS

The Kansas Graduated Drivers License process allows teen drivers increased driving privileges with age and experience. The process eases teens into licensure so that they may build skills in an environment that minimizes factors shown to cause the greatest risk for new drivers. However, there is a need for increased education to increase awareness of the Graduated Drivers License process and to provide parents with the tools they need to monitor, coach, and support their new teen driver. Through a program similar to Missouri's "First Impact" program, trained law enforcement officers and facilitators could help to coach parents of teen drivers by presenting them with key facts and proven strategies to lower their teen's crash risk by utilizing the Kansas GDL law.



#### START YEAR

Year 2



#### RESPONSIBLE PARTY

Kansas Traffic Safety Resource Center

### TARGETED ENFORCEMENT AND INTER-AGENCY COORDINATION

Enforcement is a critical component in limiting unsafe roadway behaviors such as speeding, distracted driving, impaired driving, red light running, and more. Increased police visibility and enforcement are effective in limiting dangerous driving behaviors.

Conversations with the Leavenworth Police Department (LPD) noted that the biggest challenge currently is having a visible presence, given staffing limitations. With the addition of new members of the traffic division team, additional resources may be available. Discussions with LPD suggested the following actions:

- ◆ Coordinate with the County Sheriff and Kansas Highway Patrol to share resources and best practices for targeted enforcement techniques, such as saturation patrols or DUI checkpoints.
- ◆ Implement targeted enforcement campaigns focusing on impaired driving, red light running, and speeding.
- ◆ Pair enforcement campaigns with pro-enforcement, safety-focused media coverage.



#### START YEAR

Year 1



#### RESPONSIBLE PARTY

Police Dept

### COMMUNICATIONS AND OUTREACH SUPPORTING ENFORCEMENT

To effectively promote traffic safety priorities and engage the public, communication campaigns should focus on curtailing speeding, red-light running, impaired driving, not wearing seatbelts, and distracted driving. These campaigns should emphasize the personal and human toll of these risky driving behaviors, employ persuasive marketing materials, and utilize carefully crafted messaging. The city should leverage outreach channels such as mailing lists, websites, public space signage, and coordinate with churches and schools (such as publishing safety campaign messaging in their newsletters) to ensure widespread dissemination of the messaging.



#### START YEAR

Year 1



#### RESPONSIBLE PARTY

Public Information Office



## SAFE STREETS

### SAFE ROUTES TO SCHOOL PLAN

Safe Routes to School (SRTS) is a program that promotes walking and bicycling to school through technical assistance and through providing resources and project funding. SRTS includes both infrastructure and non-infrastructure countermeasures and programs. Eligible projects include trails/paths, ADA/sidewalk upgrades, streetscape improvements, educational initiatives, and more.

The City of Leavenworth should work with KDOT to develop an updated Safe Routes to School Plan. KDOT can do SRTS plans in-house. No agreements are required (just a memorandum of understanding). The City of Leavenworth is eligible, considering the age of its current SRTS plan.



**START YEAR**  
Year 1



**RESPONSIBLE PARTY**  
Public Works

### QUICK-BUILD & DEMONSTRATION DEPLOYMENTS

The City should consider using low-cost, quick-build safety countermeasures. Quick-build projects are easily reversible and adjustable safety improvements that can be designed and installed in months or even weeks and are intended to be evaluated within the first 24 months of construction. These deployments typically utilize bollards, paint, parking stops, planters, and other widely-available, low-cost materials.

Examples of quick-build projects include intersection daylighting, paint-and-post curb extensions, mobility (bike) lanes, mini-roundabouts, and pavement reallocation projects.



**START YEAR**  
Year 2



**RESPONSIBLE PARTY**  
Public Works

### INTERSECTION TRAFFIC CONTROL EVALUATION POLICY

All public and private street improvements shall evaluate warrants for existing or new traffic signals. Traffic volume warrants should be based on the 8-hour warrants in the MUTCD. If a traffic signal is warranted, the intersection should be evaluated for either a roundabout, all-way stop control, or other alternative intersection design (e.g. Reduced Left-Turn Conflict Intersection). Signalized intersections should be considered only if costs for other intersection control types exceed available funds or the cost exceeds the value of potential benefits.



**START YEAR**  
Year 1



**RESPONSIBLE PARTY**  
Public Works

### UPDATE TRAFFIC SIGNAL TIMINGS & EQUIPMENT

The City should leverage its recently completed traffic signal equipment inventory and prioritize several key traffic signal timing and infrastructure improvements

- + **Signal Timing Updates:** Implement Leading Pedestrian Intervals (LPIs) to give pedestrians a 3-7 second head start, making them more visible to turning vehicles. Use pedestrian recall to automatically call the pedestrian phase. Shorten cycle lengths to better accommodate foot traffic. Adjust yellow light timings and add all-red intervals to reduce red light running and reduce severe right-angle crashes
- + **Signal Equipment Updates:** Upgrade signal infrastructure with retroreflective backplates and pedestrian countdown timers. Add high-visibility crosswalk striping at signalized intersections. Improve coordination with advanced signal communications. Replace roadside pedestal-mounted signals, only if warranted based on the Intersection Traffic Control Evaluation Policy, with overhead mast arms for better visibility

Prior to implementing any signal equipment updates, the intersection should be evaluated based on signal warrants (using 8-hr traffic volume warrants) and unwarranted signals should be evaluated for conversion to all-way stop signs.



**START YEAR**  
Year 2



**RESPONSIBLE PARTY**  
Public Works





# SAFE STREETS

## ACCESS MANAGEMENT POLICY

Access Management is the proactive management of locations of driveways, side streets, and alleyway accesses along roadways. Good access management promotes safe and efficient use of the transportation network.

KDOT has statewide guidance; however, their policy only pertains to state highways and links. The City of Leavenworth should adopt an access management policy that focuses on city-owned facilities and provides guidance based on context and functional classification of the roadway, similar to other cities such as Overland Park, Kansas, and Lee's Summit, Missouri. These guidelines should outline criteria on driveway throat length, access spacing, access density, access alignment, sight distance, turn lane requirements, median openings, and connection geometry.

**START YEAR**  
Year 2

**RESPONSIBLE PARTY**  
Public Works

## SIDEWALK INVENTORY AND PRIORITIZATION

One key step to improving pedestrian safety—and increasing the utility of the transportation system for pedestrians—is to inventory and prioritize existing gaps in the sidewalk network and where the existing sidewalk network needs to be improved. The City completed a sidewalk conditions assessment in 2023. The City should leverage this data and develop a prioritization framework and implementation strategy for sidewalk improvements. The sidewalk inventory should be continuously updated as projects impact sidewalk conditions and new facilities are built. The prioritization framework should score network gaps based on proximity to schools and parks, roadway speed, project readiness, constructibility, etc. Prioritization for updating and improving existing facilities should be based on condition, estimated pedestrian activity, and ADA compliance.

**START YEAR**  
Year 2

**RESPONSIBLE PARTY**  
Public Works

## BICYCLE AND PEDESTRIAN PLAN

The City should develop a Bicycle and Pedestrian Plan that identifies corridors/paths/connections for the future and evaluates funding opportunities (federal grants, MARC grants, or resurfacing budget) to incrementally move toward the network vision.

The plan should be developed with community outreach, with the goal of getting input from the full spectrum of users (e.g., every experience level of bicyclist, as well as other non-auto users such as motorized wheelchair or scooter users). The planning effort should identify what type of bicycle facilities the community desires and what works with the existing infrastructure in Leavenworth.

**START YEAR**  
Year 2

**RESPONSIBLE PARTY**  
Planning & Community Development

## PEDESTRIAN SAFETY ZONES

Pedestrian Safety Zones are geographic areas containing a high concentration of severe crashes involving pedestrians or in areas with high pedestrian usage where severe pedestrian crashes could occur. These locations should be identified, followed by creating a plan to systematically improve pedestrian safety and slow vehicle speeds in the area. Cities that have implemented pedestrian safety zones have seen severe pedestrian crashes reduced by up to 40% within them. Strategies for improving pedestrian safety should follow the Safe System approach, aiming to create safer roads, safer users, and safer/slower vehicle speeds through roadway countermeasures, public education, and active traffic enforcement.

**START YEAR**  
Year 3

**RESPONSIBLE PARTY**  
Public Works





## PRIORITY CORRIDORS & INTERSECTIONS

A set of high Priority Corridors & Intersections profiles were developed to guide the City's future street improvement efforts and to maximize its progress toward eliminating deaths and serious injuries on its streets.

These profiles provide detailed recommendations for safety improvements that draw on the tools summarized in the Safety Countermeasures Toolbox.



Seven Priority Corridors (divided into 17 segments) and Ten Priority Intersections are profiled in Appendix D. These corridors and intersections were selected based on their ranking on the High Injury Network and the High Risk Network. In other words, these locations should be prioritized for improvements due to the severity of safety issues demonstrated by their crash history and the potential for additional severe crashes based on existing risk factors.

The Priority Corridor & Intersection Profiles provide both short-term and long-term improvement recommendations:

### Short-Term Improvement Examples

- ✦ Signage improvements
- ✦ Adding retroreflective traffic signal backplates
- ✦ Updating/enhancing pavement markings (e.g. high visibility crosswalks)
- ✦ Street lighting improvements
- ✦ Clearing landscaping/vegetation sight obstructions
- ✦ Signal coordination improvements
- ✦ Rectangular Rapid Flashing Beacons (RRFBs) at unsignalized pedestrian crossings
- ✦ Improving ADA curb ramps
- ✦ Replacing signal heads and modifying timings
- ✦ Pavement reallocation (aka "road diet") projects\*

### Long-Term Improvement Examples

- ✦ Constructing roundabouts
- ✦ Constructing center medians
- ✦ Constructing sidewalks or trails\*

\* Can be short-term or long-term depending on the scope of the specific improvements and timing of opportunities to complete in conjunction with other improvements, such as street resurfacing projects

The scope and proposed improvement recommendations for each Priority Corridor and Intersection found in Appendix D should not be taken as conclusive, but rather a starting place for further study when moving toward implementation.



## PROJECT PRIORITIZATION

The tables that follow provide an overview of the approximate safety benefit-to-cost ratio (BCR) for each Priority Corridor & Intersection, based on their full set of short-term and long-term proposed improvement recommendations. This benefit-to-cost ratio is intended to aid in prioritizing locations with the most significant potential impact. All BCR calculations were based on the latest FHWA guidance.

## Priority Corridors

Corridor	Approximate Cost of Recommended Improvements*	Benefit-to-Cost Ratio	Priority Rank
Eisenhower Road: From 10th Avenue to 20th Street	\$ 220,000	27.55	1
Spruce Street: From 4th Street to 10th Avenue	\$ 80,000	23.13	2
4th Street: From Eisenhower Road to Limit Street	\$ 3,230,000	12.53	3
Metropolitan Avenue: From 10th Street to 20th Street	\$ 160,000	11.19	4
4th Street: From Limit Street to Spruce Street	\$ 1,790,000	9.47	5
4th Street: From Spruce Street to Metropolitan Avenue	\$ 2,730,000	7.52	6
10th Avenue: From Eisenhower Road to Limit Street	\$ 1,470,000	6.84	7
20th Street: From Limit Street to Spruce Street	\$ 2,760,000	6.56	8
10th Street: From Spruce Street to Metropolitan Avenue	\$ 980,000	5.22	9
Eisenhower Road: From 4th Street to 10th Avenue	\$ 1,960,000	3.39	10
20th Street: From Eisenhower Road to Limit Street	\$ 5,250,000	2.98	11
Spruce Street: From 10th Avenue to 20th Street	\$ 1,360,000	2.38	12
Limit Street: From 4th Street to 10th Avenue	\$ 2,310,000	2.06	13
10th Avenue: From Limit Street to Spruce Street	\$ 2,670,000	2.03	14
Metropolitan Avenue: From 4th Street to 10th Street	\$ 2,700,000	1.83	15
20th Street: From Spruce Street to K7/US-73	\$ 3,620,000	0.56	16
Limit Street: From 10th Avenue to 20th Street	\$ 2,900,000	0.11	17

## Priority Intersections

Intersection	Approximate Cost of Recommended Improvements*	Benefit-to-Cost Ratio	Priority Rank
10th Ave & Wallis Ln	\$ 60,000	10.67	1
Shrine Park Rd & Muncie Rd	\$ 60,000	6.33	2
Broadway St & Spruce St	\$ 1,370,000	4.13	3
10th St & Cherokee St	\$ 270,000	3.93	4
4th St & Limit St	\$ 2,940,000	3.49	5
Limit St and Maple St/Shrine Park Rd	\$ 1,310,000	3.05	6
Spruce Street and 7th Street/5th Avenue	\$ 1,410,000	2.52	7
10th St & Spruce St	\$ 620,000	1.84	8
10th Ave & Eisenhower Rd	\$ 2,980,000	1.61	9
4th St & Idaho St	\$ 670,000	0.91	10

\*Cost estimates are rounded up to the nearest \$10,000.

Note: Some intersections that ranked highly on the High Injury Network were excluded from the Priority Intersections Profiles due to the fact that they already had recent safety improvements completed by the City. Several other high ranking intersections are not profiled because they are minor unsignalized intersections (e.g. 10th & Metropolitan Ave; 4th St & Pennsylvania Ave) where the recommendations for improvements are limited or the appropriate improvements could be addressed through implementation of the Priority Corridor Profile recommendations.



## PERFORMANCE MEASURES

The following performance measures, including target outputs (actions) and outcomes (desired results) are recommended for each of the five Focus Areas of the First City Vision Zero Action Plan.



The Target Outputs are intended to guide actions in the near/intermediate term (next five years) with the aim of propelling the First City toward the Target Outcomes (significant reductions in traffic fatalities and serious injuries) in the longer term, by 2035. All of the Target Outputs for each focus area aim for a minimum 50% reduction in their related KSI crashes by 2035, using a five-year rolling average of total KSI crashes.\*

At least every five years, this Vision Zero Action Plan should be revised and updated, including regularly reviewing progress toward these performance measures and updating them as needed.

\* Using a five-year rolling average is recommended to control for outliers. To calculate the five-year rolling average for 2035, you would calculate the average number of KSI crashes per year from 2031-2035.



## VULNERABLE ROAD USERS

### Target Outputs

1. Create a Bicycle and Pedestrian Plan by 2028.
2. Establish a dedicated local funding set-aside to leverage federal funding opportunities for implementation of sidewalk, trail, and bike infrastructure improvements.
3. Implement "quick-build" or permanent pedestrian safety countermeasures in at least one location per year.
4. Implement at least five miles of bicycle lanes or trails by 2030.



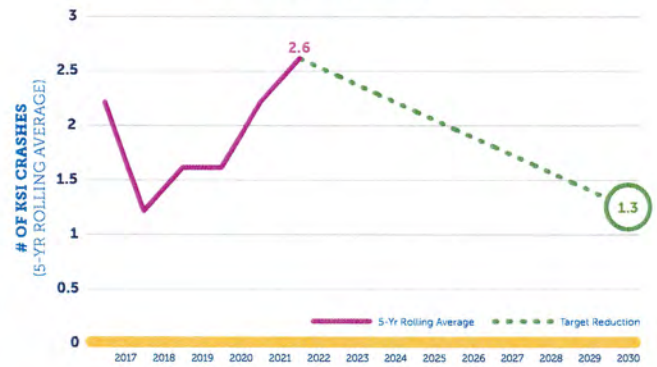
### Target Outcome:

Reduce KSI crashes involving pedestrians and bicyclists by at least

**50%**  
by 2035



### KSI CRASHES INVOLVING PEDESTRIANS AND BICYCLISTS (5-YR ROLLING AVERAGES)



## SPEED

### Target Outputs

1. Install speed feedback signs (permanent or temporary) in at least 2 locations per year.
2. Complete speed studies or city-wide Speed Management Plan along all of the High Injury Network and High Risk Network (risk levels "High" and "Highest") corridors, aiming to identify where speed limits could be lowered based on updated federal guidance and opportunities to implement appropriate safety countermeasures.
3. Implement "quick-build" or permanent traffic calming countermeasures in at least 5 locations per year.



### Target Outcome:

Reduce KSI crashes involving speeding by at least

**50%**  
by 2035

**KSI CRASHES INVOLVING SPEEDING**  
(5-YR ROLLING AVERAGES)



## IMPAIRED AND DISTRACTED DRIVING

### Target Outputs

1. Conduct at least one targeted enforcement campaign (e.g. publicized sobriety checkpoints; saturation patrols) per year aimed at reducing impaired driving.
2. Implement education and outreach campaigns aimed at reducing impaired driving and distracted driving.

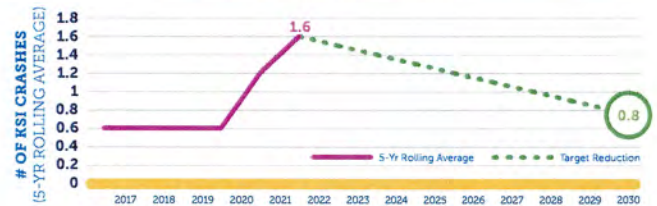


### Target Outcome:

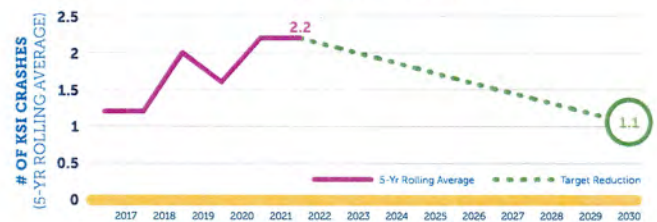
Reduce KSI crashes involving alcohol, drug-impaired and distracted driving by at least

**50%**  
by 2035

**KSI CRASHES INVOLVING IMPAIRED DRIVING**  
(5-YR ROLLING AVERAGES)



**KSI CRASHES INVOLVING DISTRACTED DRIVING**  
(5-YR ROLLING AVERAGES)





## YOUNG DRIVERS

### Target Outputs

1. Establish an active S.A.F.E. (Seatbelts Are For Everyone) program at Leavenworth High School.
2. Create a Safe Routes to Schools Plan that identifies infrastructure and non-infrastructure recommendations for all schools in Leavenworth. By 2030, obtain funding for implementation of the Safe Routes to School plan.

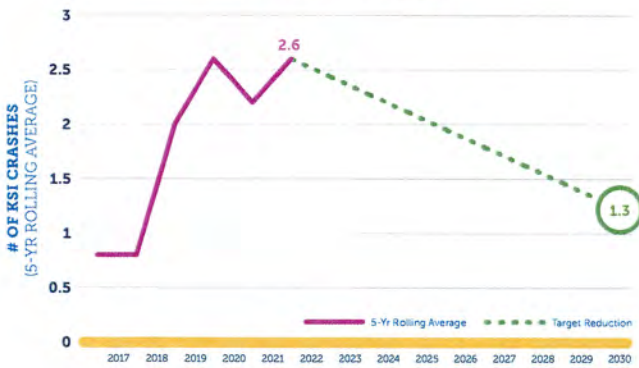


### Target Outcome:

Reduce KSI crashes involving young drivers by at least

**50%**  
by 2035

**KSI CRASHES INVOLVING YOUNG (AGE 15-19) DRIVERS**  
(5-YR ROLLING AVERAGES)



## SIGNALIZED INTERSECTIONS & ARTERIALS

### Target Outputs

1. Implement safety improvements at a minimum of one of the Priority Intersections per year over the next five years.
2. Implement safety improvements along, at minimum, one of the Priority Corridors per year over the next five years.
3. Implement an education, outreach, and targeted enforcement campaign aimed at reducing red-light running.

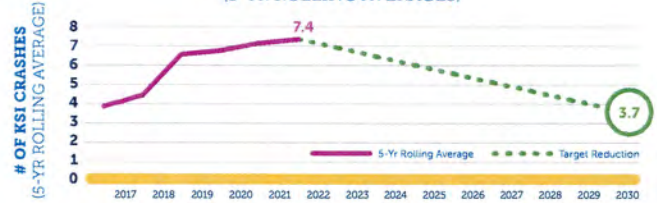


### Target Outcome:

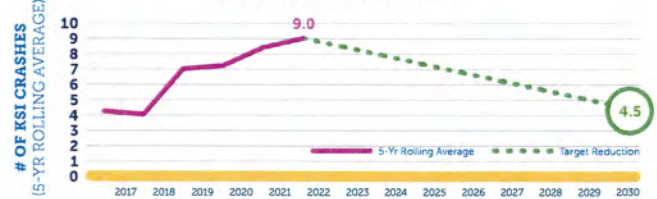
Reduce KSI crashes along Arterials and at Signalized Intersections by at least

**50%**  
by 2035

**KSI CRASHES ALONG ARTERIALS**  
(5-YR ROLLING AVERAGES)



**KSI CRASHES ALONG SIGNALIZED INTERSECTIONS**  
(5-YR ROLLING AVERAGES)





**POLICY REPORT PWD/MSC NO. 24-34  
CONSIDER AWARD OF THE 2024/2025 SALT BID**

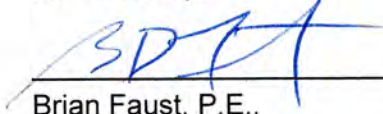
**September 24, 2024**

Prepared by:

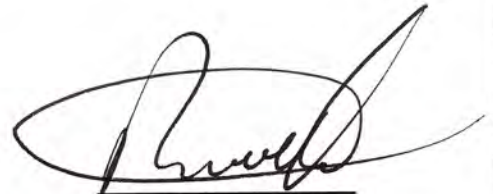


Becky Beaver,  
Asst. Ops. Superintendent

Reviewed by:



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



Patrick Kitchens,  
Interim City Manager

**ISSUE:** Consider award of the 2024/2025 Salt Bid.

**BACKGROUND:** This procurement is for up to 1,000 tons of crushed deicing rock salt. The City replenished our salt supply this spring; however, a winter with a number of small or large events will require the purchase of additional material. In previous years, we have requested up to 1,500 tons; however, with our current supply and the use of salt brine, we feel that reducing the amount is appropriate.

Leavenworth County advertised salt bids for their needs, and their bid specifications allow the City of Leavenworth and other cities in the county to purchase salt at the bid price.

Leavenworth County's bid opening was held on September 5, 2024 and the County awarded the contract to the low bidder, Central Salt LLC.

<u>Bids Submitted</u>	<u>Cost Per Ton</u>
Cargill Deicing Technology, North Olmstead, OH .....	No Bid
Central Salt, Lyons, KS.....	\$58.32
Compass Minerals, Overland Park, KS.....	No Bid
Hutchinson Salt Co., Inc., Baxter Springs, KS.....	\$59.07
Independent Salt, Kanapolis, KS .....	\$59.75

As mentioned, Public Works is utilizing salt brine to pretreat streets. Salt brine is applied before storm events and helps melt snow and ice from underneath. We initially started treating only the 'hot spots', but we have added significantly more capacity over the last year. As a result, we will be pretreating more streets in 2024/2025.

**BUDGET IMPACT:**

The City currently has a significant stockpile of deicing material in our salt dome. Budget impact will depend on the severity of the winter season. Funding is available within the 2025 budget for purchasing the full 1,000 tons if needed.

**STAFF RECOMMENDATION:** Staff recommends that the City Commission approve the Leavenworth County bid for rock salt at \$58.32/ton for up to 1,000 tons from Central Salt LLC.

Below is a recap of salt purchases and costs from previous years:

<b>YEARS</b>	<b>VENDOR</b>	<b>TONS PURCHASED</b>	<b>COST PER TON</b>
1998/1999	Hutchinson Salt Company	600	\$24.50
1999/2000	Hutchinson Salt Company	700	\$24.50
2000/2001	Cargill Salt Company	800	\$24.29
2001/2002	Cargill Salt Company	800	\$29.14
2002/2003	True North Distribution	400	\$29.85
2003/2004	Cargill Salt Company	430	\$31.95
		300	\$32.75
		200	\$32.95
2003/2004	Hutchinson Salt Company	320	\$32.31
		250	\$37.31
2004/2005	Cargill Salt Company	600	\$32.95
2005/2006	Cargill Salt Company	600	\$33.95
2006/2007	Cargill Salt Company	600	\$35.44
2007/2008	Hutchinson Salt Company	700	\$43.85
2008/2009	Independent Salt Company	1,000	\$55.61
2009/2010	Independent Salt Company	700	\$53.39
2011	Cargill Incorporated	582	\$54.62
2013/2014	Central Salt	647	\$56.48
2014/2015	Independent Salt Company	509	\$57.97
2015/2016	Central Salt	314	\$58.97
2018/2019	Independent Salt Company	800	\$53.68
2019/2020	Independent Salt Company	1,200	\$62.38
2020-2021	Independent Salt Company	1,500	\$60.13
2021/2022	Independent Salt Company	502	\$54.26
2022/2023	Independent Salt Company	605	\$57.61
2023/2024	Central Salt	401.79	\$58.74

This 1,000-ton purchase will fill the dome and ensure an adequate resupply during the winter season. Annual usage is dependent on storm types and frequency.

**ATTACHMENTS:**  
County Award Letter



**COUNTY OF LEAVENWORTH**  
 Department of Public Works



*Leavenworth County Department of Public Works*  
 23690 187<sup>th</sup> Street  
 Leavenworth, KS 66048

September 12, 2024

Central Salt LLC  
 Attn: Lori Young  
 1420 State Road 14  
 Lyons, KS 67554

RE: Salt Bids for Leavenworth County

We are pleased to announce that Central Salt LLC has been awarded the bid for Leavenworth County.

On 09.12.2024 bids were opened for 3,000 tons of medium rock salt (with the option to purchase more if necessary) for Leavenworth County. In addition, the City of Tonganoxie, City of Basehor and City of Leavenworth and the City of Lansing are added as bulk bids. Each municipality would make arrangements and purchase their requested amount of rock salt directly from Central Salt. The following is a bid tabulation of the bids received:

2024 Salt Bid Tabulation

<u>Vendor</u>	<u>Bid Price per ton</u>	<u>Bid Alternate per ton</u>
Compass Minerals	No Bid	No Bid
Hutchinson Salt	\$59.07	\$59.07
Independent Salt Co	\$59.75	\$59.75
Cargill	No Bid	No Bid
Central Salt LLC	\$58.32	\$58.32

We are pleased that Central Salt was awarded the bid, and look forward to working with you this upcoming winter. If you have any questions or concerns, please feel free to contact either myself or Vincent Grier, Rd & Br Superintendent at 913-727-1800.

Sincerely,

Bill Noll  
 Infrastructure and Construction Services Director

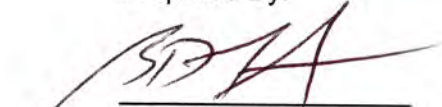
POLICY REPORT PWD NO. 24-31

CONSIDER APPROVAL OF THE DESIGN-BUILD ADMENDMENT WITH JULIUS KAAZ  
CONSTRUCTION COMPANY FOR CONSTRUCTION OF FIRE STATION #3  
AND WPC ADMINISTRATIVE OFFICE

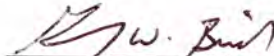
City Project No. 2023-002


September 24, 2024

Prepared By:

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

Reviewed By:

  
Gary Birch,  
Fire Chief

  
Patrick Kitchens,  
Interim City Manager

**ISSUE:**

Consider approval of a design-build amendment with Julius Kaaz Construction Company for the construction of Fire Station #3 and the WPC Administrative Office.

**BACKGROUND:**

The City previously programmed the replacement of Fire Station #3 due to the age of the structure, energy inefficiencies and to accommodate larger trucks along with ADA and gender-based requirements. In addition to the fire station, the assessment of our Wastewater Treatment Plant identified a need to relocate, for health and safety reasons, the WPC Administration Office.

The City solicited qualifications from design-build teams that were interested in these two projects. Design-build is where both the designer and construction contractor are part of the team that works together for a cost effective design and buildable structure. This is different from a design-bid-build process where a design is complete then the construction is bid.

In July of 2023, the City Commission approved an agreement with Julius Kaaz Construction for the initial design of the project. The designs for both the Fire Station and WPC have been reviewed by staff and the design-build team has finalized construction costs based on these designs.

The new Fire Station #3 will include 3 full bays for fire equipment and will have an overall footprint of approximately 9,444sf. Time to complete the construction of the Fire Station is set at 425 days. The WPC structure will be approximately 2,370sf with a construction schedule of 270 days.

**BUDGET IMPACT:**

The City budgeted \$4.1M in the 2023 CIP for this project. The proposed 2024 CIP includes \$4.5M for Fire Station #3 funded by Bond Proceeds and an additional \$775,000 from the Sewer Fund Operating Budget for the WPC Administration Office.

WPC Administration Office: Cost for construction of the new administration building is \$754,120.56. This equates to \$318/sf based on a 2,370sf building. This is within the budgeted amount.

Fire Station #3: Cost for construction is \$4,898,435.25. This equates to \$519/sf based on a 9,444sf building. Budget was \$4.5M, but \$5M was borrowed for the project which will be sufficient for the construction of the new fire station.

The construction cost shown will be a Guaranteed Maximum Price (GMP). Any project costs that exceed this amount will be absorbed by the contractor. There is also a liquidated damages clause in the amendment if the contract time is exceeded. As the Fire Department will be displaced during construction, damages are set at \$1,000/day. Impacts to operations at WPC are more limited and damages are set at \$250/day.

**POLICY:**

The Commission can elect to approve the contract amendment between the City and Julius Kaaz Construction or the Commission can reject the agreement.

**RECOMMENDATION:**

Staff recommends the Commission approve the amendment between the City and Julius Kaaz Construction for the construction of Fire Station #3 and the WPC Administration Building at the guaranteed maximum prices defined in the amendment and authorize the Mayor to sign the agreement.

**ATTACHMENTS:**

Design-Build Amendment - Exhibit A  
2024 Draft CIP Sheets  
Fire Station #3 Profile Sheet  
WPC Admin Profile Sheet

# AIA<sup>®</sup> Document A141<sup>™</sup> - 2014

## Exhibit A

### *Design-Build Amendment*

This Amendment is incorporated into the accompanying AIA Document A141<sup>™</sup>-2014, Standard Form of Agreement Between Owner and Design-Builder dated the 12th day of July in the year 2023 (the "Agreement")  
(In words, indicate day, month and year.)

for the following PROJECT (the Fire Station Portion and the WPC Portion):  
(Name and location or address)

Owner Project Name: Fire Station 3 (the "Fire Station Portion") and Water Pollution Control Administration Building (the "WPC Portion").  
Owner Project Number: 2023-002  
See Owner Request for Proposals (RFP) dated December 7, 2022, and Design-Builder's Response dated January 24, 2023  
(collectively, the "Project Description")

**THE OWNER:**  
(Name, legal status and address)

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

**THE DESIGN-BUILDER:**  
(Name, legal status and address)

Julius Kaaz Construction Company, Inc.  
716 Cherokee Street  
Leavenworth, Kansas 66048

The Owner and Design-Builder hereby amend the Agreement as follows.

At the time of the initial execution of the Agreement, Owner and Design-Builder mistakenly executed an undated version of this Design-Build Amendment, contrary to the provisions of Article 4 of the Agreement. Owner and Design-Builder acknowledge and agree that such previous version of the Design-Build Amendment is ineffective, terminated, and withdrawn, and that the provisions of this Design-Build Amendment supersede and replace any previously-executed versions of the Design-Build Amendment.

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Consultation with an attorney is also encouraged with respect to professional licensing requirements in the jurisdiction where the Project is located.

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**TABLE OF ARTICLES**

- A.1 CONTRACT SUM
- A.2 CONTRACT TIME
- A.3 INFORMATION UPON WHICH AMENDMENT IS BASED
- A.4 DESIGN-BUILDER'S PERSONNEL, CONTRACTORS AND SUPPLIERS
- A.5 COST OF THE WORK

**ARTICLE A.1 CONTRACT SUM**

§ A.1.1 The Owner shall pay the Design-Builder the Contract Sum in current funds for the Design-Builder's performance of the Contract after the execution of this Amendment. The Contract Sum shall be one of the following and shall not include compensation the Owner paid the Design-Builder for Work performed prior to execution of this Amendment:

[ X ] Stipulated Sum, in accordance with Section A.1.2 and Section A.1.3 below

**§ A.1.2 Stipulated Sum—Fire Station Portion**

§ A.1.2.1 The Stipulated Sum shall be the not-to-exceed amount of **\$4,898,435.25**, subject to authorized adjustments as provided in the Design-Build Documents. The Stipulated Sum does not include those costs payable for Work performed prior to Execution of the Design-Build Amendment, as provided in Article 2 of the Agreement, which final amount Owner and Design-Builder stipulate and agree is **\$473,547.00**, pay applications for which have been submitted by the Design-Builder as of the date of this Amendment in the amount of **\$362,309.96**.

§ A.1.2.2 The Stipulated Sum is based upon the following alternates, if any, which are described in the Design-Build Documents and are hereby accepted by the Owner:

Not applicable.

**§ A.1.2.3 Unit prices, if any:**

*(Identify item, state the unit price, and state any applicable quantity limitations.)*

Item	Units and Limitations	Price per Unit (\$0.00)
Not applicable.	Not applicable.	Not applicable.

**§ A.1.3 Stipulated Sum—WPC Portion**

§ A.1.3.1 The Stipulated Sum shall be the not-to-exceed amount of **\$754,120.56**, subject to authorized adjustments as provided in the Design-Build Documents. The Stipulated Sum does not include those costs payable for Work performed prior to Execution of the Design-Build Amendment, as provided in Article 2 of the Agreement, which final amount Owner and Design-Builder stipulate and agree is **\$117,441.00**, pay applications for which have been submitted by the Design-Builder as of the date of this Amendment in the amount of **\$96,415.74**.

§ A.1.3.2 The Stipulated Sum is based upon the following alternates, if any, which are described in the Design-Build Documents and are hereby accepted by the Owner:

See the WPC Portion Drawings, "Project Alternates", as described in Sec. A.3.1.3 below.

**§ A.1.3.3 Unit prices, if any:**

*(Identify item, state the unit price, and state any applicable quantity limitations.)*

Item	Units and Limitations	Price per Unit (\$0.00)
See Estimate Review-Design Development Drawings, dated April 4,	See Estimate Review-Design Development Drawings, dated	See Estimate Review-Design Development

2024, incorporated herein by this reference.

April 4, 2024, incorporated herein by this reference.

Drawings, dated April 4, 2024, incorporated herein by this reference.

§ A.1.4 Intentionally deleted.

§ A.1.5 Payments

§ A.1.5.1 Progress Payments

§ A.1.5.1.1 Based upon Applications for Payment submitted to the Owner by the Design-Builder, the Owner shall make progress payments on account of the Contract Sum to the Design-Builder as provided below and elsewhere in the Design-Build Documents.

§ A.1.5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month.

§ A.1.5.1.3 The parties acknowledge and agree that Owner's City Commission regularly meets only twice per month, and that such limited meeting schedule shall be deemed an extenuating circumstance for purposes of K.S.A. 16-1901, *et seq.*, as amended. Subject to extenuating circumstances, as described in K.S.A. 16-1901 *et seq.*, amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Design-Builder.

*(Insert rate of monthly or annual interest agreed upon.)*

Eighteen percent (18%) per annum

*(Federal, state or local laws may require payment within a certain period of time.)*

§ A.1.5.1.4 Intentionally deleted.

§ A.1.5.1.5 With each Application for Payment, the Design-Builder shall submit the most recent schedule of values in accordance with the Design-Build Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. Compensation for design services, if any, shall be shown separately. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Owner may require. This schedule of values, unless objected to by the Owner, shall be used as a basis for reviewing the Design-Builder's Applications for Payment.

§ A.1.5.1.6 In taking action on the Design-Builder's Applications for Payment, the Owner shall be entitled to rely on the accuracy and completeness of the information furnished by the Design-Builder and shall not be deemed to have made a detailed examination, audit or arithmetic verification of the documentation submitted in accordance with Section A.1.5.1.5, or other supporting data; to have made exhaustive or continuous on-site inspections; or to have made examinations to ascertain how or for what purposes the Design-Builder has used amounts previously paid. Such examinations, audits and verifications, if required by the Owner, will be performed by the Owner's auditors acting in the sole interest of the Owner.

§ A.1.5.1.7 Except with the Owner's prior approval, the Design-Builder shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ A.1.5.2 Progress Payments—Stipulated Sum

§ A.1.5.2.1 Applications for Payment where the Contract Sum is based upon a Stipulated Sum shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ A.1.5.2.2 Subject to other provisions of the Design-Build Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of ten percent (10%) on



- the Work. Pending final determination of cost to the Owner of Changes in the Work, amounts not in dispute shall be included as provided in Section 6.3.9 of the Agreement;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of ten percent (10%);
  - .3 Subtract the aggregate of previous payments made by the Owner; and
  - .4 Subtract amounts, if any, the Owner has withheld or nullified, as provided in Section 9.5 of the Agreement.

§ A.1.5.2.3 The progress payment amount determined in accordance with Section A.1.5.2.2 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Owner shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and  
(Section 9.8.6 of the Agreement discusses release of applicable retainage upon Substantial Completion of Work.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Design-Builder, any additional amounts payable in accordance with Section 9.10.3 of the Agreement.

§ A.1.5.2.4 Reduction or limitation of retainage, if any, shall be as follows:

*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections A.1.5.2.2.1 and A.1.5.2.2.2 above, and this is not explained elsewhere in the Design-Build Documents, insert provisions here for such reduction or limitation.)*

See Sec. 9.3.1.3 of the Agreement.

§ A.1.5.3 Intentionally deleted.

§ A.1.5.4 Intentionally deleted.

**§ A.1.5.5 Final Payment**

§ A.1.5.5.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Design-Builder not later than 30 days after the Design-Builder has fully performed the Contract and the requirements of Section 9.10 of the Agreement have been satisfied, except for the Design-Builder's responsibility to correct non-conforming Work discovered after final payment or to satisfy other requirements, if any, which extend beyond final payment.

§ A.1.5.5.2 Intentionally deleted.

**ARTICLE A.2 CONTRACT TIME**

§ A.2.1 Contract Time, as defined in the Agreement at Section 1.4.13, is the period of time, including authorized adjustments, for Substantial Completion of the Work.

§ A.2.2 The Design-Builder shall achieve Substantial Completion of the Work as follows:

Portion of Work	Substantial Completion Date
Fire Station Portion:	Not to exceed 425 calendar days after Owner issuance of notice to proceed.
WPC Portion:	Not to exceed 270 days after Owner issuance of notice to proceed.

, subject to adjustments of the Contract Time as provided in the Design-Build Documents.

*(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)*

The Owner will suffer financial damages if the Project (or the Fire Portion or WPC Portion) is not Substantially Complete on the date(s) set forth above.

The Design-Builder (and its surety) shall pay to Owner sums hereinafter stipulated as fixed, agreed, and stipulated liquidated damages (and not as a penalty) for each calendar day of delay until there is Substantial Completion of the entire Work of the Fire Station Portion: **\$1,000.00** per day.

The Design-Builder (and its surety) shall pay to Owner sums hereinafter stipulated as fixed, agreed, and stipulated liquidated damages (and not as a penalty) for each calendar day of delay until there is Substantial Completion of the entire Work of the WPC Portion: **\$250.00** per day.

Owner and Design-Builder further acknowledge that (i) the amount of loss or damages likely to be incurred is incapable or is difficult to precisely estimate, and (ii) the amount specified above is a reasonable approximation of, and is not plainly or grossly disproportionate to, the amount of damages Owner is likely to suffer.

**ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED**

§ A.3.1 The Contract Sum and Contract Time set forth in this Amendment are based on the following:

§ A.3.1.1 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
N/A			

§ A.3.1.2 The Specifications:

*(Either list the specifications here or refer to an exhibit attached to this Amendment.)*

Fire Portion: See original plan documents dated August 9, 2024, as amended by Addenda #01 (08/15/2024), #02 (08/22/2024), and #03 (08/30/2024), prepared by WSKF Architects, and the Specifications referenced therein, all of which are incorporated herein by this reference.

WPC Portion: See Specifications included with Leavenworth WPC, 100% Construction Documents, dated April 2, 2024, prepared by WSKF Architects, which are incorporated herein by this reference.

§ A.3.1.3 The Drawings:

*(Either list the drawings here or refer to an exhibit attached to this Amendment.)*

Fire Portion: See original plan documents dated August 9, 2024, as amended by Addenda #01 (08/15/2024), #02 (08/22/2024), and #03 (08/30/2024), prepared by WSKF Architects, and the Specifications referenced therein, all of which are incorporated herein by this reference.

WPC Portion: See Leavenworth WPC, 100% Construction Documents, dated April 2, 2024, prepared by WSKF Architects, which are incorporated herein by this reference.

§ A.3.1.4 Exclusions, if any:

Fire Portion: See original plan documents dated August 9, 2024, as amended by Addenda #01 (08/15/2024), #02 (08/22/2024), and #03 (08/30/2024), prepared by WSKF Architects, and the Specifications referenced therein, all of which are incorporated herein by this reference.

WPC Portion: See Leavenworth WPC, 100% Construction Documents, dated April 2, 2024, prepared by WSKF Architects, which are incorporated herein by this reference.

§ A.3.1.5 Allowances and Contingencies:

*(Identify any agreed upon allowances and contingencies, including a statement of their basis.)*

- .1 Allowances  
Not applicable.
- .2 Contingencies  
Not applicable.

§ A.3.1.6 Design-Builder’s assumptions and clarifications:

Not applicable.

§ A.3.1.7 Deviations from the Owner’s Criteria as adjusted by a Modification:

Not applicable.

§ A.3.1.8 To the extent the Design-Builder shall be required to submit any additional Submittals to the Owner for review, indicate any such submissions below:

Not applicable.

**ARTICLE A.4 DESIGN-BUILDER’S PERSONNEL, CONTRACTORS AND SUPPLIERS**

§ A.4.1 The Design-Builder’s key personnel are identified below:

*(Identify name, title and contact information.)*

- .1 Superintendent  
To be determined.
- .2 Project Manager  
To be determined.
- .3 Others  
Not applicable.

§ A.4.2 The Design-Builder shall retain the following Consultants, Contractors and suppliers, identified below:  
*(List name, discipline, address and other information.)*

To be determined.

**ARTICLE A.5 COST OF THE WORK**

§ A.5.1 Cost To Be Reimbursed as Part of the Contract—Subject to Not-to-Exceed Stipulated Sum

§ A.5.1.1 Labor Costs

§ A.5.1.1.1 Wages of construction workers directly employed by the Design-Builder to perform the construction of the Work at the site or, with the Owner's prior approval, at off-site workshops.

§ A.5.1.1.2 With the Owner’s prior approval, wages or salaries of the Design-Builder's supervisory and administrative personnel when stationed at the site.

§ A.5.1.1.3 Wages and salaries of the Design-Builder's supervisory or administrative personnel engaged at factories, workshops or on the road, in expediting the production or transportation of materials or equipment required for the Work, but only for that portion of their time required for the Work.

§ A.5.1.1.4 Costs paid or incurred by the Design-Builder for taxes, insurance, contributions, assessments and benefits required by law or collective bargaining agreements and, for personnel not covered by such agreements, customary

benefits such as sick leave, medical and health benefits, holidays, vacations and pensions, provided such costs are based on wages and salaries included in the Cost of the Work under Section A.5.1.1.

§ A.5.1.1.5 [Intentionally deleted.]

§ A.5.1.2 **Contract Costs.** Payments made by the Design-Builder to the Architect, Consultants, Contractors and suppliers in accordance with the requirements of their subcontracts.

§ A.5.1.3 **Costs of Materials and Equipment Incorporated in the Completed Construction**

§ A.5.1.3.1 Costs, including transportation and storage, of materials and equipment incorporated or to be incorporated in the completed construction.

§ A.5.1.3.2 Costs of materials described in the preceding Section A.5.1.3.1 in excess of those actually installed to allow for reasonable waste and spoilage. Unused excess materials, if any, shall become the Owner's property at the completion of the Work or, at the Owner's option, shall be sold by the Design-Builder. Any amounts realized from such sales shall be credited to the Owner as a deduction from the Cost of the Work.

§ A.5.1.4 **Costs of Other Materials and Equipment, Temporary Facilities and Related Items**

§ A.5.1.4.1 Costs of transportation, storage, installation, maintenance, dismantling and removal of materials, supplies, temporary facilities, machinery, equipment and hand tools not customarily owned by construction workers that are provided by the Design-Builder at the site and fully consumed in the performance of the Work. Costs of materials, supplies, temporary facilities, machinery, equipment and tools that are not fully consumed shall be based on the cost or value of the item at the time it is first used on the Project site less the value of the item when it is no longer used at the Project site. Costs for items not fully consumed by the Design-Builder shall mean fair market value.

§ A.5.1.4.2 Rental charges for temporary facilities, machinery, equipment and hand tools not customarily owned by construction workers that are provided by the Design-Builder at the site and costs of transportation, installation, minor repairs, dismantling and removal. The total rental cost of any Design-Builder-owned item may not exceed the purchase price of any comparable item. Rates of Design-Builder-owned equipment and quantities of equipment shall be subject to the Owner's prior approval.

§ A.5.1.4.3 Costs of removal of debris from the site of the Work and its proper and legal disposal.

§ A.5.1.4.4 Costs of document reproductions and postage and parcel delivery charges.

§ A.5.1.4.5 Costs of materials and equipment suitably stored off the site at a mutually acceptable location, with the Owner's prior approval.

§ A.5.1.5 **Miscellaneous Costs**

§ A.5.1.5.1 Premiums for that portion of insurance and bonds required by the Design-Build Documents that can be directly attributed to the Contract. With the Owner's prior approval self-insurance for either full or partial amounts of the coverages required by the Design-Build Documents.

§ A.5.1.5.2 The Design-Builder acknowledges that the Project is tax-exempt and Owner shall not be responsible for any sales, consumer, use and similar taxes, for the Work provided by the Design-Builder. Any assessed tax because of Design-Builder oversight shall be at Design-Builder's cost.

§ A.5.1.5.3 Fees and assessments for the building permit and for other permits, licenses and inspections for which the Design-Builder is required by the Design-Build Documents to pay.

§ A.5.1.5.4 Fees of laboratories for tests required by the Design-Build Documents, except those related to defective or nonconforming Work for which reimbursement is excluded by Section 15.5.3 of the Agreement or by other provisions of the Design-Build Documents, and which do not fall within the scope of Section A.5.1.6.3.

§ A.5.1.5.5 Royalties and license fees paid for the use of a particular design, process or product required by the Design-Build Documents. If such royalties, fees and costs are excluded by the second to last sentence of Section 3.1.13.2 of the Agreement or other provisions of the Design-Build Documents, then they shall not be included in the Cost of the Work.

§ A.5.1.5.6 With the Owner's prior approval, costs for electronic equipment and software directly related to the Work.

§ A.5.1.5.7 Deposits lost for causes other than the Design-Builder's negligence or failure to fulfill a specific responsibility in the Design-Build Documents.

§ A.5.1.5.8 [Intentionally deleted.]

§ A.5.1.5.9 [Intentionally deleted.]

§ A.5.1.5.10 That portion of the reasonable expenses of the Design-Builder's supervisory or administrative personnel incurred while traveling in discharge of duties connected with the Work.

#### § A.5.1.6 Other Costs and Emergencies

§ A.5.1.6.1 Other costs incurred in the performance of the Work if, and to the extent, approved in advance in writing by the Owner.

§ A.5.1.6.2 Costs incurred in taking action to prevent threatened damage, injury or loss in case of an emergency affecting the safety of persons and property.

§ A.5.1.6.3 [Intentionally deleted.]

#### § A.5.1.7 Related Party Transactions

§ A.5.1.7.1 For purposes of Section A.5.1.7, the term "related party" shall mean a parent, subsidiary, affiliate or other entity having common ownership or management with the Design-Builder; any entity in which any stockholder in, or management employee of, the Design-Builder owns any interest in excess of ten percent in the aggregate; or any person or entity which has the right to control the business or affairs of the Design-Builder. The term "related party" includes any member of the immediate family of any person identified above.

§ A.5.1.7.2 If any of the costs to be reimbursed arise from a transaction between the Design-Builder and a related party, the Design-Builder shall notify the Owner of the specific nature of the contemplated transaction, including the identity of the related party and the anticipated cost to be incurred, before any such transaction is consummated or cost incurred. If the Owner, after such notification, authorizes the proposed transaction, then the cost incurred shall be included as a cost to be reimbursed, and the Design-Builder shall procure the Work, equipment, goods or service from the related party, as a Contractor, according to the terms of Section A.5.4. If the Owner fails to authorize the transaction, the Design-Builder shall procure the Work, equipment, goods or service from some person or entity other than a related party according to the terms of Section A.5.4.

#### § A.5.2 Costs Not to Be Reimbursed as Part of this Contract

The Cost of the Work shall not include the items listed below:

- .1 Salaries and other compensation of the Design-Builder's personnel stationed at the Design-Builder's principal office or offices other than the site office, except as specifically provided in Section A.5.1.1;
- .2 Expenses of the Design-Builder's principal office and offices other than the site office;
- .3 Overhead and general expenses, except as may be expressly included in Section A.5.1;
- .4 The Design-Builder's capital expenses, including interest on the Design-Builder's capital employed for the Work;
- .5 Except as provided in Section A.5.1.6.3 of this Agreement, costs due to the negligence or failure of the Design-Builder, Contractors and suppliers or anyone directly or indirectly employed by any of them or for whose acts any of them may be liable to fulfill a specific responsibility of the Contract;
- .6 Any cost not specifically and expressly described in Section A.5.1; and

- .7 Costs, other than costs included in Change Orders approved by the Owner, that would cause the not-to-exceed Stipulated Sum to be exceeded.

**§ A.5.3 Discounts, Rebates, and Refunds**

§ A.5.3.1 Cash discounts obtained on payments made by the Design-Builder shall accrue to the Owner. Trade discounts, rebates, refunds and amounts received from sales of surplus materials and equipment shall accrue to the Owner, and the Design-Builder shall make provisions so that they can be obtained.

§ A.5.3.2 Amounts that accrue to the Owner in accordance with Section A.5.3.1 shall be credited to the Owner as a deduction from the Cost of the Work.

**§ A.5.4 Other Agreements**

§ A.5.4.1 When a specific bidder (1) is recommended to the Owner by the Design-Builder; (2) is qualified to perform that portion of the Work; and (3) has submitted a bid that conforms to the requirements of the Design-Build Documents without reservations or exceptions, but the Owner requires that another bid be accepted, then the Design-Builder may require that a Change Order be issued to adjust the Stipulated Sum by the difference between the bid of the person or entity recommended to the Owner by the Design-Builder and the amount of the subcontract or other agreement actually signed with the person or entity designated by the Owner.

§ A.5.4.2 Agreements between the Design-Builder and Contractors shall conform to the applicable payment provisions of the Design-Build Documents, and shall not be awarded on the basis of cost plus a fee without the prior consent of the Owner. If an agreement between the Design Builder and a Contractor is awarded on a cost plus a fee basis, the Design-Builder shall provide in the agreement for the Owner to receive the same audit rights with regard to the Cost of the Work performed by the Contractor as the Owner receives with regard to the Design-Builder in Section A.5.5, below.

§ A.5.4.3 The agreements between the Design-Builder and Architect and other Consultants identified in the Agreement shall be in writing. These agreements shall be promptly provided to the Owner upon the Owner's written request.

**§ A.5.5 Accounting Records**

The Design-Builder shall keep full and detailed records and accounts related to the cost of the Work and exercise such controls as may be necessary for proper financial management under the Contract and to substantiate all costs incurred. The accounting and control systems shall be satisfactory to the Owner. The Owner and the Owner's auditors shall, during regular business hours and upon reasonable notice, be afforded access to, and shall be permitted to audit and copy, the Design-Builder's records and accounts, including complete documentation supporting accounting entries, books, correspondence, instructions, drawings, receipts, subcontracts, Contractor's proposals, purchase orders, vouchers, memoranda and other data relating to the Contract. The Design-Builder shall preserve these records for a period of three years after final payment, or for such longer period as may be required by law.

**§ A.5.6 Relationship of the Parties**

The Design-Builder accepts the relationship of trust and confidence established by this Agreement and covenants with the Owner to exercise the Design-Builder's skill and judgment in furthering the interests of the Owner; to furnish efficient construction administration, management services and supervision; to furnish at all times an adequate supply of workers and materials; and to perform the Work in an expeditious and economical manner consistent with the Owner's interests.

**§ A.5.7 Additional Terms**

§ A.5.7.1 The Design-Builder shall maintain good Project site cleanup standards at all times as an integral part of the Work. Daily cleanup of work, lay-down, access and personnel areas is mandatory and must be performed to ensure a Project site free of hazards. Notwithstanding anything to the contrary in the Contract Documents, the Design-Builder agrees to perform regular sweeps of the Project site with Rare Earth Magnets (K&J Magnetics, Inc. – Model BY0X08-N52, equal or better as a measurement of pull force), as required to ensure a Project site free of hazards. These Project site cleanup activities must be documented on daily reports and submitted to the Owner monthly.

§ A.5.7.2 As a requirement of attaining Substantial Completion status, the Design-Builder shall notify the Owner in writing when all construction debris has been eliminated from the Project site. As an additional requirement of attaining Substantial Completion status, the Design-Builder shall notify the Owner in writing when all hazards and metal objects, including, but not limited to, nails, screws, sheet metal shards, razor blades, bolts, washers, wire, etc., on and within 100 feet of the Project site have been removed and that no metal objects exist within the Project site as a result of the Work or any previous activity, whether the responsibility of the Design-Builder or not. Upon Substantial Completion of the Project, the Owner will invite the Design-Builder to participate in a contract compliance verification survey of the Project site. If any metal objects are found by the Owner through use of the magnets identified above, equal or less, each metal object found will result in a deduct of \$100.00 to the final Contract Amount.

§ A.5.7.3 Notwithstanding anything to the contrary in the Contract Documents, the requirements necessary for achieving Substantial Completion for all or part of a Project are as follows:

- (a) The Design-Builder shall submit the Design-Builder's detailed list of anticipated punch list items to the Owner and notify the Owner that the Project is available for consideration of Substantial Completion status.
- (b) All scope of Work as originally defined by base bid/guaranteed maximum price proposal/amendment, plus any accepted alternates and all post bid scope changes, shall be complete.
- (c) All areas affected by the Project shall be available for the Owner's use and must allow all intended purposes of the Project site to be afforded to the Owner.
- (d) All areas affected by the Project shall be clean and free of sharp metal objects and/or hazards as required by the Contract Documents.
- (e) A Temporary Certificate of Occupancy, if required, shall be secured by the Design-Builder from the authority having jurisdiction.

When the Design-Builder has met the requirements identified in subparagraphs (a) through (e) above, the Owner will (a) establish the date of Substantial Completion, (b) formalize this through the execution of the appropriate documents, and (c) begin the process of developing the Owner's punch list for the Project. Punch list items shall be completed as coordinated with the Owner at times when these activities will not infringe on, nor interfere with, the ability of the Owner to fully utilize areas of the Project for planned activities. The date of Substantial Completion shall be the date used to determine if, and to what extent, Liquidated Damages are assessed to the Design-Builder.

§ A.5.7.4 Notwithstanding anything herein or in the Agreement to the contrary, in a facility occupied by anyone other than the Design-Builder's employees, contractors, subcontractors, and Owner's Project representatives or construction contractors, the Design-Builder must provide personnel and materials required by the jurisdiction having authority to staff and document a fire watch of the entire facility for any duration construction activities require the fire alarm system be placed in test mode.

This Amendment to the Agreement entered into as of the day and year first written above.

**OWNER:**

**CITY OF LEAVENWORTH, KANSAS**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**DESIGN-BUILDER:**

**JULIUS KAAZ CONSTRUCTION COMPANY,  
INC.**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Sarah Bodensteiner, CMC  
City Clerk

**Capital Improvements Program  
2024 - 2028  
Fire - Replace Fire Station #3**

**Purpose:**

This allocation provides funds to replace Fire Station #3 because of age and lack of energy efficiency. In addition, the fire trucks are larger than when the station was built in 1965, so additional space is necessary. ADA and gender-based requirements also need to be addressed. The current location has enough space to construct the new station.

Source	Comments	Year	Requested	Projected
Bond Proceeds	Design and Construction	2024	\$ 4,500,000	\$ 4,500,000
		2025	-	-
		2026	-	-
		2027	-	-
		2028	-	-

Uses	Comments	Year	Requested	Projected
Public Safety	Design and Construction	2024	\$ 4,500,000	\$ 4,500,000
		2025	-	-
		2026	-	-
		2027	-	-
		2028	-	-



Fire Station #3 was built in 1965. At the time, ADA and separate gender facilities were not considered. Additionally, the facility continues to experience drainage and sewer problems.



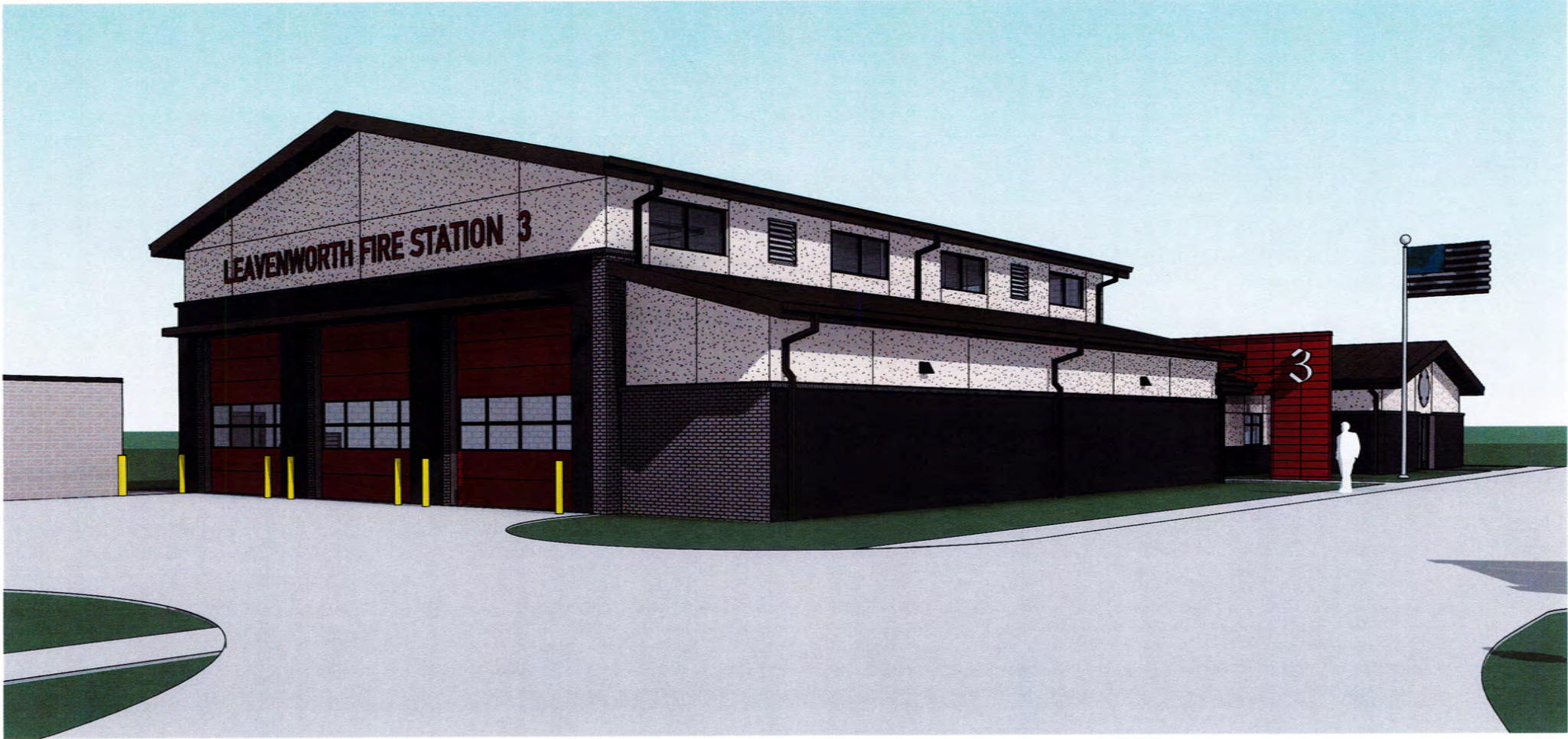
**Capital Improvements Program  
2024 - 2028  
Sewer Fund - New Admin Building and Conversion of Current Building**

**Purpose:**

Source	Comments	Year	Requested	Projected
Sewer Fund Operating Budget		2024	\$ 775,000	\$ 775,000
Sewer Fund Operating Budget		2025	25,000	25,000
		2026	-	-
		2027	-	-
		2028	-	-
			<b>\$ 800,000</b>	<b>\$ 800,000</b>

Uses	Comments	Year	Requested	Projected
WWTP	Furniture Fixtures for Admin Bldg	2024	\$ 25,000	\$ 25,000
WWTP	Admin Building	2024	750,000	750,000
WWTP	Decommission of old admin bldg - turn into storage	2025	25,000	25,000
		2026	-	-
		2027	-	-
		2028	-	-
			<b>\$ 800,000</b>	<b>\$ 800,000</b>







Kansas Corporation of Architects  
 #2412  
 C. M. Johnson  
 44 East High Street, 4th Fl.  
 Leavenworth, Kansas 66048  
 Phone: (785) 842-0223  
 Fax: (785) 842-0224  
 Email: cjohnson@wskf.com

Professional Engineer  
 License # 01010  
 Leavenworth, Kansas 66048  
 2008 Midway, Suite 201  
 Leavenworth, KS 66048  
 (785) 842-0224

Job Number: 22042

NEW LEAVENWORTH FIRE STATION 3  
 2805 2ND AVENUE  
 LEAVENWORTH, KANSAS 66048  
 CITY OF LEAVENWORTH  
 1001 1st, © 2020

ENGINEER'S NAME  
 SITE NUMBER  
 2020 0418 1/27/20

SITE DIMENSION & PAVING PLAN  
 C 1.02

**LEGAL DESCRIPTION:**

A tract of land in Block Ten (10), Johnson's Subdivision, Leavenworth County, Kansas, beginning at a point 100.00 feet east of the Southwest corner of said Block 10; thence East along the South line of Lot 10, 200.00 feet thence North parallel with the West line of said Lot 10, 250.00 feet; thence West parallel with the South line of said Lot 10, 203.13 feet; said point being 16.67 feet east of the West line of said Block 10; thence Southwesterly 169.41 feet to the point of beginning, containing 0.43 acres, City of Leavenworth, Leavenworth County, Kansas.

**RESTORATION NOTE:**

ALL OFF-SITE AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO CONDITIONS EQUAL TO OR BETTER THAN THOSE EXISTING PRIOR TO ENTRY. RESTORATION SHALL BE COMPLETED AND ACCEPTED BY OWNER AND THE CITY PRIOR TO ACCEPTANCE OF THE PROJECT.

**EXISTING SIDEWALK & DRIVE RESTORATION NOTE:**

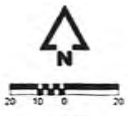
ALL ASPHALT PAVEMENT AND CONCRETE SIDEWALK TO BE REMOVED FOR INSTALLATION OF THE DRIVES AND SIDEWALK SHALL BE SAW-CUT FULL DEPTH AND REPLACED. ANY CURB, SIDEWALK, PAVEMENT, ETC. DAMAGED DURING CONSTRUCTION SHALL BE REPLACED TO AN EQUAL CONDITION OR BETTER THAN THOSE EXISTING PRIOR TO CONSTRUCTION AT THE CONTRACTOR'S EXPENSE. RESTORATION SHALL BE COMPLETED AND ACCEPTED BY THE CITY AND THE OWNER PRIOR TO ACCEPTANCE OF THE PROJECT.

**Line Table**

Line #	Length	Direction
L1	100.12	N67°13'16"E
L2	23.99	S67°25'08"W
L3	17.00	N02°34'52"W
L4	128.00	S67°25'08"W
L5	17.00	S02°34'52"E
L6	2.00	N67°25'08"E
L7	24.00	N02°34'52"W
L8	156.16	N67°25'08"E
L9	52.68	N67°13'15"E
L10	2.70	S02°34'52"E
L11	49.11	N67°25'08"E
L12	12.87	N03°23'32"W
L13	105.79	N67°25'08"E
L14	2.25	S67°25'08"W
L15	4.96	N30°25'17"W
L16	0.30	N30°25'17"W
L17	1.80	N67°33'00"E

**Curve Table**

Curve #	Length	Radius	Delta
C1	23.60	25.00	054°05'28"
C2	17.83	50.00	020°11'53"
C3	4.71	3.00	090°00'00"
C4	4.71	3.00	090°00'00"
C5	49.58	15.78	180°00'00"
C6	41.42	20.00	118°36'52"
C7	24.37	20.00	069°48'07"
C8	28.27	18.00	090°00'00"
C9	23.22	20.00	083°42'59"
C10	31.53	20.00	090°00'00"
C11	3.25	3.00	062°09'34"
C12	1.03	0.50	117°02'26"



**CONCRETE JOINT NOTE:**  
 THE CONTRACTOR SHALL SUBMIT PRIOR TO CONSTRUCTION, SHOP DRAWINGS INDICATING THE PROPOSED CONCRETE JOINT LAYOUT AND SPACING FOR APPROVAL BY THE ENGINEER.

**SPECIFICATIONS:**  
 THE SPECIFICATIONS FOR THE PROJECT SHALL BE IN ACCORDANCE TO THE CITY OF LEAVENWORTH - STANDARD SPECIFICATIONS, THE PROJECT GEOTECHNICAL REPORT AND THE PROJECT MANUAL.

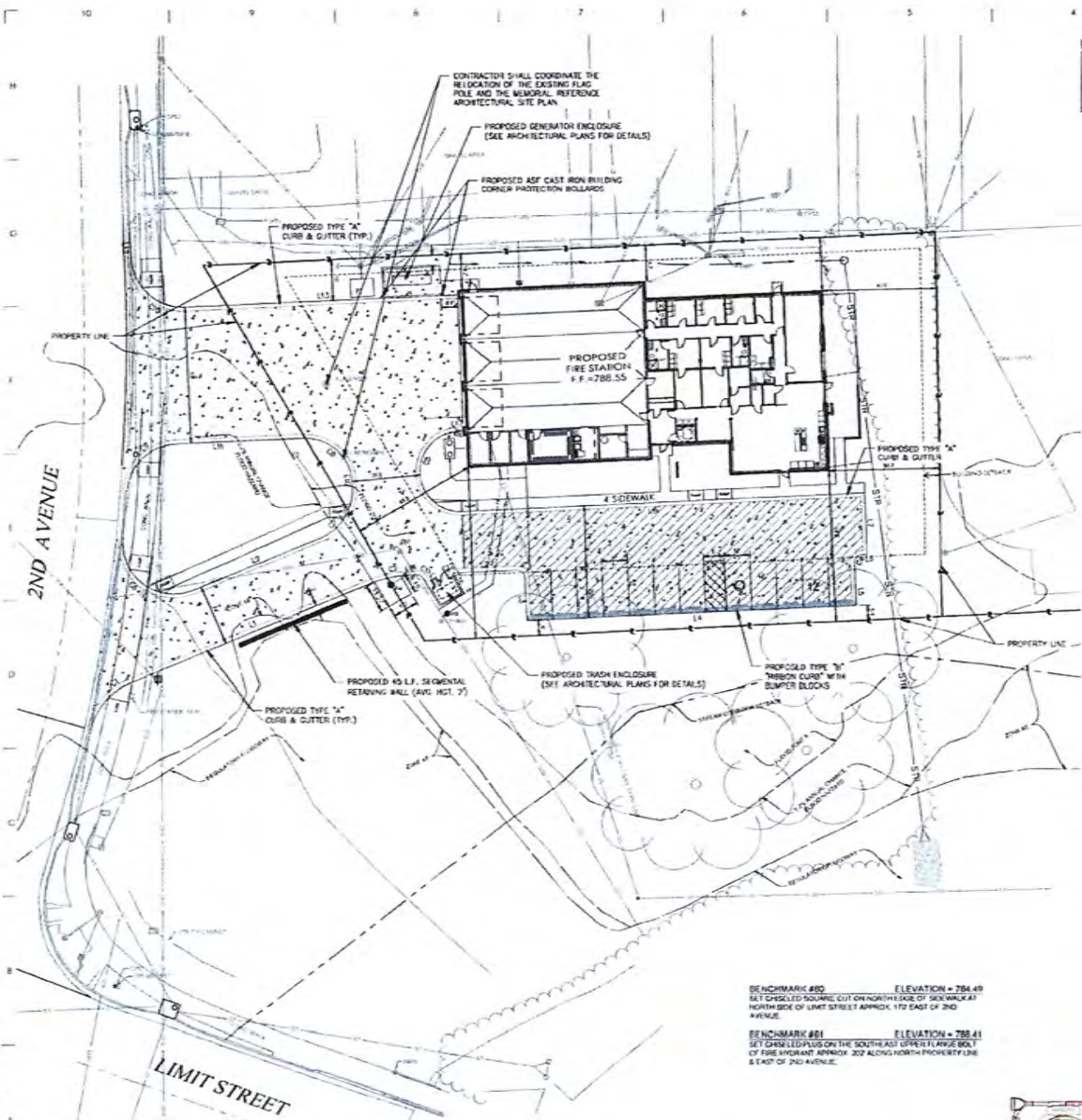
**UTILITY NOTES:**

1. VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THE RESPECTIVE UTILITY COMPANIES, ARE APPROXIMATE AND SHALL BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES, CALL BY FAB NUMBER AND MESSAGE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUCTING ALL UTILITY COMPANIES FOR FIELD LOCATION OF ALL UNDERGROUND UTILITY LINES PRIOR TO ANY EXCAVATION AND FOR THE COORDINATION AND SCHEDULING WITH UTILITY DEVELOPERS OF ALL WORK REQUIRED TO RELOCATE CONDUITS, RE-ROUTING, CONDUITING, EXCAVATIONS, REMOVALS, PLACEMENTS, RECONSTRUCTION AND OTHER NECESSARIES WORK SHOWN FROM THESE PLANS OR REQUIRED WITHIN CONTRACT DOCUMENTS.
3. ALL MANHOLES, CATCH BASINS, UTILITY VALVES AND WEIR BOXES SHALL BE ADJUSTED OR REBUILT TO MAKE AS ROUNDED.

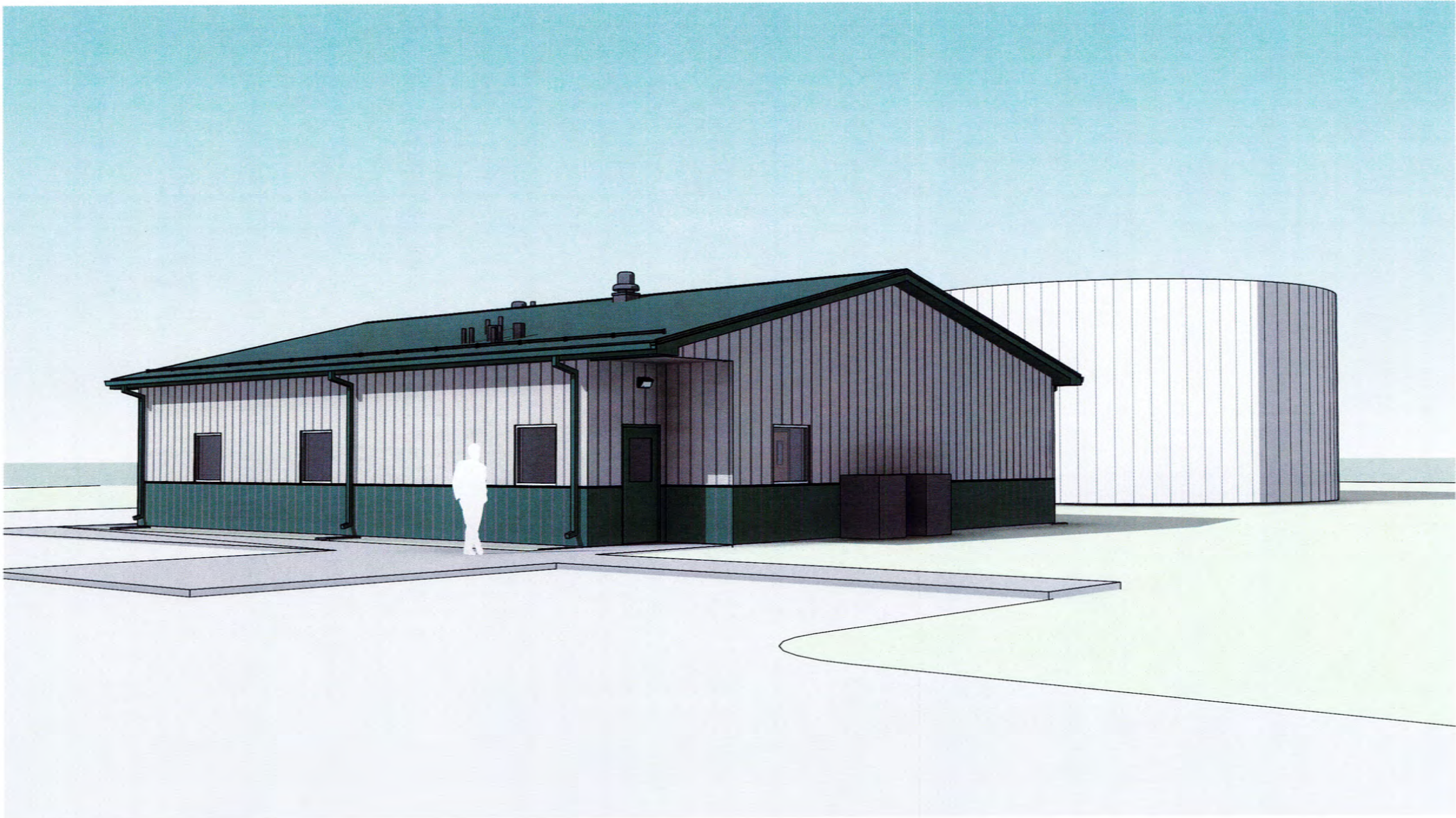


**BENCHMARK #80** ELEVATION = 784.49  
 SET CHISELED SQUARE CUT ON NORTH SIDE OF SIDEWALK AT NORTH SIDE OF LIMIT STREET APPROX. 172' EAST OF 2ND AVENUE.

**BENCHMARK #81** ELEVATION = 788.41  
 SET CHISELED PEGS ON THE SOUTHEAST CORNER PLUMB LINE OF FIRE HYDRANT APPROX. 302' ALONG NORTH PROPERTY LINE & EAST OF 2ND AVENUE.



P:\2020\2020-04-01\Drawings\Civil\Construction\Documents\20200401-000 DM.dwg  
 Aug 19, 2020 11:11 AM

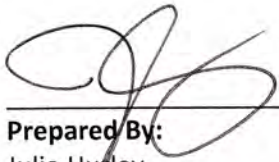


**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2024-19 SUP  
1830 S. BROADWAY STREET**

**SEPTEMBER 24<sup>TH</sup>, 2024**

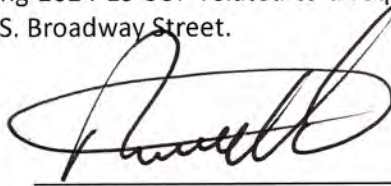
**SUBJECT:**

Place on first consideration an ordinance regarding 2024-19-SUP related to a request for a Special Use Permit to allow the operation of a Day Care Center at 1830 S. Broadway Street.



**Prepared By:**

Julie Hurley,  
Director of Planning and  
Community Development



**Reviewed By:**

Patrick Kitchens,  
Interim City Manager

**NATURE OF REQUEST**

The owner, 1830 S Broadway LLC, is requesting a special use permit for the operation of a Day Care Center at 1830 S. Broadway Street to be operated by Happy Little Hearts Daycare. The property is currently zoned RMX, Residential Mixed Use District, and Day Care Centers are allowed in the RMX zoning district with issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

1830 S. Broadway is the former site of the Council on Aging, and was previously rezoned from PUD to RMX in 2022 to accommodate a mixture of appropriate uses for the site. The property is surrounded by an existing single-family neighborhood.

**CONDITIONS OF DETERMINATION**

In recommending approval of a special use, the Planning Commission may impose such conditions, safeguards and restrictions as may be necessary to carry out the general purpose and intent of the ordinance. The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.

*The subject property is bordered on 4 sides by streets; Pennsylvania, Garland, Rees, and Broadway Streets. All four streets are classified as Local Streets.*

2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.

*The operator has indicated that she is currently working with a contractor to arrange installation of a fence to enclose the required outdoor space. Such space shall be reviewed by staff to ensure compliance.*

3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.

*The subject property includes two separate parking lots capable of accommodating multiple vehicles.*

4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.

*The applicants have provided a copy of their Temporary Permit for a Group Day Care Home from the Kansas Department of Health and Environment (KDHD). The applicant shall provide a copy of their permanent license once obtained.*

5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.

*Not applicable for the RMX zoning district, as it is a mixed-use district.*

6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.

*Any signage displayed will conform to the signage requirements of the RMX district.*

#### **COMMISSION FINDINGS**

The Commission may recommend issuance of a special use permit whenever it finds that:

1. The proposed special use complies with all applicable provisions of this ordinance.

*Staff believes that this application complies, or will comply, with all provisions of City of Leavenworth Development Regulations, based upon review of all available materials.*

2. The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.

*Child Care Centers are an essential service to working parents in the community, and promote the economic development, welfare and convenience of the public.*

3. The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.

*Staff has no indication that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood, based upon available data.*

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

*No new structures or building modifications are proposed as part of this special use permit. The daycare could account for an increase in up to 48 car trips per day on the street, when at full capacity of 12 children.*

The Planning Commission considered this item at their September 9, 2024 meeting. No individuals spoke during the public hearing. The Planning Commission voted 4-0 to recommend approval of the request.

Prior to the Planning Commission, notification was sent to property owners within 200' of the subject property, as required by Kansas statute. After notifications were mailed, staff has received no questions or comments.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.

Failure to maintain compliance with all conditions shall result in revocation of the Special Use Permit.

**ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a Day Care Center at 1830 S. Broadway Street.
- Deny the Special Use Permit request to allow a Day Care Center at 1830 S. Broadway Street.
- Remand the Special Use Permit request to allow a Day Care Center at 1830 S. Broadway Street to the Planning Commission for further consideration.

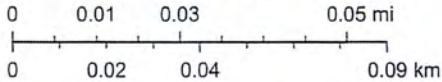
# 2024-19-SUP 1830 S. Broadway



9/6/2024, 10:17:34 AM

1:2,257

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- Buildings
- Address (Points)
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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





**SPECIAL USE PERMIT**  
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-19 SUP

Application No.	<u>15757</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>7-12-24</u>
Received By	<u>pd online</u>
Hearing Date	<u>9-9-24</u>
Publication Date	<u>8-15-24</u>

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: child care center  
License 10084173

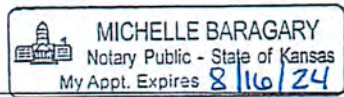
in accordance with the attached site plan on the following described property:

Subject Property:	<u>1830 S Broadway St</u>		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:			
Zoning:	<u>RMX</u>	Historic District:	

I/We, the undersigned, depose and state we are the owners of the above described property:

Name(s) of Owner (print):	<u>1830 Broadway LLC</u>		
Owner Address:	<u>14413 Reeds St Overland Park KS 66223</u>		
Contact No.	<u>615-218-8423</u>	Email:	<u>Baidwan.Baljit@gmail.com</u>
Signature of Owner(s):	<u>Baidwan</u>		

State of Kansas  
County of Leavenworth (SEAL)



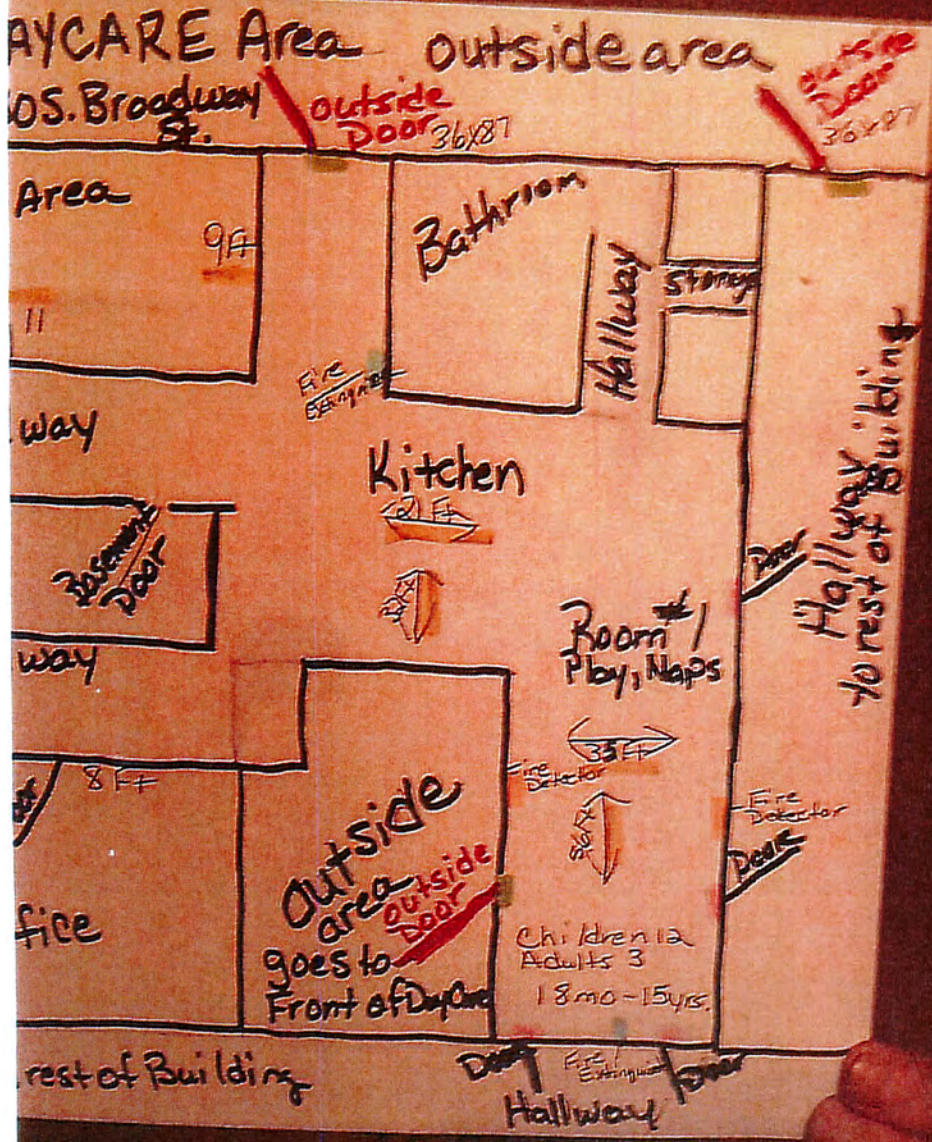
Signed or attested before me on: April 12, 2024  
Notary Public: Michelle Baragary  
My Appointment Expires: 8/16/24

If business is operated by someone other than the owner, provide name and address of operator(s).  
Name of Lessee: Happy Little Heaste daycare [Sherry Hurnighan]  
Address: 1830 S Broadway St Leavenworth KS 66045  
Contact No. 913-368-6326 Email: sherry8865@gmail.com

NOTE: All signatures must be in ink. Signature of owner(s) must be secured and notarized.

**Check list below...**

<input type="checkbox"/>	Non-Refundable Fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Attach <b>full</b> legal description obtained through the Register of Deeds Office
<input type="checkbox"/>	Site Plan drawn to scale (See General Instructions)
<input type="checkbox"/>	Supporting documentation (See General Instructions)



outside area

outside door

DAYCARE Area

1830S. Broadway St.

Outs

outside door

36x87

Play area

Room #2

TV Area

9ft

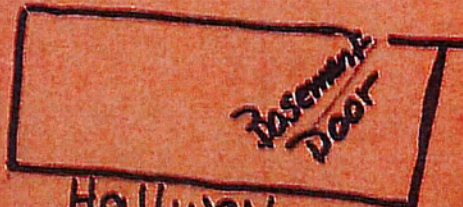
Bathroom

- measurements
- Fire extinguishers
- Smoke detectors
- Exits Lights
- Exit Signs
- outside exits

21"

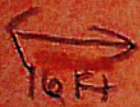
Hallway

FIRE EXTINGUISHER



Hallway

Kitchen



Room Play



Children & Adults 15

12 Children 18mo-15yr

3 adults

Concrete Building

8ft

Door 8ft

Office

outside area goes to Front of Daycare

Children & Adults 3 18mo-15yr

Hallway in rest of Building

Fire Extinguisher Hallway

**Kansas Department of Health and Environment  
Temporary Permit**

Group Day Care Home  
Temporary Permit No. 0084173-002

Licensee: Sherry Lou Huninghake

Facility: Happy Little Hearts Daycare

Located at: 1830 S Broadway St  
Leavenworth, KS 66048

In the county of: Leavenworth

Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Group Day Care Homes, Sherry Lou Huninghake is hereby authorized to care for a maximum of 12 children, under one of the following options:

**MAXIMUM LICENSED CAPACITY IF ONE ADULT IS PRESENT WITH THE CHILDREN:**

- 9 children, at least 2 ½ years but under 11 years of age\*; or
- 10 children, at least 3 years but under 11 years of age\*; or
- 12 children, at least 5 years but under 11 years of age; or refer to Table I in K.A.R. 28-4-114(e) if children under 2 ½ years of age are in attendance.

**MAXIMUM LICENSED CAPACITY IF TWO ADULTS ARE PRESENT WITH THE CHILDREN:**

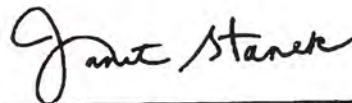
- 12 children, infancy to 11 years of age\*, with not more than 9 children under 5 years of age, 3 of whom may be under 18 months of age; or
- 10 children, infancy to 11 years of age\*, with not more than 8 children under 5 years of age, 4 of whom may be under 18 months of age; or
- 12 children, at least 18 months but under 11 years of age\*, with not more than 5 children, 18 months to 2½ years of age.

\*Children five years of age and over may be substituted for younger children in the license capacity. Children under 11 years of age who are related to the applicant with a temporary permit, the licensee, or any other provider shall be included in the maximum number of children in each age group. Children at least 11 years of age but under 16 years of age who are unrelated to the provider shall be included in the license capacity if child care for this age group as a whole exceeds three hours a week.

This Temporary Permit is effective 07/12/2024 and expires on 10/10/2024.

Smoking is prohibited inside the day care home during hours of operation.

\*\* Local codes and ordinances may prescribe other requirements for the legal operation of this facility.



Janet Stanek, Secretary  
Kansas Department of Health and Environment

*(Summary Published in the Leavenworth Times on \_\_\_\_\_)*

**ORDINANCE NO. XXXX**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A CHILD CARE CENTER TO BE LOCATED AT 1830 S. BROADWAY STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations of the City of Leavenworth, Kansas, Sec 2.04, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 9<sup>th</sup> day of September, 2024 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 15<sup>th</sup> day of August, 2024 and mailed to all property owners within 200 feet of the said property were given notice of the public hearing; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a child care center in the RMX (Residential Mixed Use) zoning district located at 1830 S. Broadway Street, Leavenworth, Kansas.

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a child care center for the property described herein.

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

**Section 1.** That a special use permit be issued for a child care center on the following described property:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH PM, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89° 40' 31" WEST, ALL BEARINGS ARE FROM GPS OBSERVATION A DISTANCE OF 927.33 FEET, THENCE SOUTH 01° 02' 02" WEST A DISTANCE OF 885.60 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY OF PENNSYLVANIA AVENUE AND ALSO BEGINNING THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED IN DEED BOOK 982, PAGE 704; THENCE SOUTH 01° 02' 02" WEST FOR A DISTANCE OF 270.70 FEET ALONG THE WEST LINE OF

SAID TRACT, DEED BOOK 982, PAGE 704, AND ALONG THE WEST LINE OF A TRACT OF LAND RECORDED IN DEED BOOK 716, PAGE 706 TO THE SOUTHWEST CORNER OF SAID TRACT BOOK 716, PAGE 706; THENCE NORTH 89° 42' 58" EAST FOR A DISTANCE OF 139.88 FEET ALONG THE SOUTH LINE OF SAID TRACT, DEED BOOK 716, PAGE 706 TO THE WESTERLY RIGHT OF WAY OF SOUTH BROADWAY, THENCE SOUTH 01° 02' 02" WEST FOR A DISTANCE OF 548.00 FEET ALONG SAID WESTERLY RIGHT OF WAY TO THE NORTH RIGHT OF WAY LINE OF REES STREET; THENCE SOUTH 89° 33' 52" WEST FOR A DISTANCE OF 544.01 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY OF GARLAND STREET, ALSO BEING THE EAST LINE OF S.H. HOLMES PLEASANT VIEW SUBDIVISION; THENCE NORTH 01° 32' 06" EAST FOR A DISTANCE OF 819.71 FEET ALONG SAID RIGHT OF WAY TO THE SOUTH RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE, THENCE NORTH 89° 42' 58" EAST FOR A DISTANCE OF 396.92 FEET ALONG SAID SOUTH RIGHT OF WAY LINE, TO THE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. And more commonly referred to as 1830 S. Broadway Street, Leavenworth, Kansas.

**Section 2.** That this special use permit is subject to the following:

- a.) A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition;
- b.) A copy of the permanent Group Day Care Home License shall be provided annually upon renewal by the State of Kansas;
- c.) The operation shall be limited to a maximum of twelve (12) children; and
- d.) All playground equipment shall be within the enclosed fence area.

**Section 3:** That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its summary publication once in the official City newspaper.

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Griff Martin, Mayor

{Seal}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

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

**SEPTEMBER 24, 2024**

**CITY COMMISSION ACTION:**

**Motion:**

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