



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, DECEMBER 10, 2024 6:00 P.M.

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

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from November 26, 2024 Regular Meeting **Action:** Motion (pg. 03)

Second Consideration Ordinance:

2. Second Consideration Ordinance No. 8254 Special Use Permit to Allow Accessory Dwelling Unit at 303 N. Esplanade Street **Action:** Roll Call Vote (pg. 08)
-

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:

3. Seating of Mayor, Mayor Pro Tem and Nomination for Financial Claims Reviewer (pg. 11)
a. Financial Claims Reviewer December 10, 2024 to December 9, 2025 **Action:** Motion
4. Cancellation of the December 24, 2024 City Commission Meeting **Action:** Motion (pg. 13)
5. 2025 Cereal Malt Beverage Licenses **Action:** Motion (pg. 14)

Public Hearing:

6. Public Hearing for Amending the 2024 Budget (pg. 15)
a. Open Public Hearing **Action:** Motion
- b. Staff and Public Comments
- c. Close Public Hearing **Action:** Motion
- d. Motion to Consider Amendments to the 2024 Budget **Action:** Motion

Resolutions:

7. Resolution B-2388 Planters II Tenant Write-Off Accounts **Action:** Motion (pg.18)
8. Resolution B-2389 Adoption of Admissions and Continued Occupancy Policy **Action:** Motion (pg. 20)
9. Resolution B-2390 Adoption of the Section 8 Administrative Plan **Action:** Motion (pg. 22)

Bids, Contracts and Agreements:

10. Consider City Commercial Insurance Package 2025 **Action:** Motion (pg. 24)
11. Consider Award of Bid for Fire Station No. 1 HVAC Replacement **Action:** Motion (pg. 26)

First Consideration Ordinances:

12. First Consideration Ordinance Amend Chapter 38 Solid Waste, Articles I and II of the Code of Ordinances **Action:** Consensus (pg. 28)
-

Consent Agenda:

Claims for November 22, 2024, through December 5, 2024, in the amount of \$1,846,301.65; Net amount for Payroll #24 effective November 29, 2024, in the amount of \$451,527.72 (No Police & Fire Pension). **Action:** Motion

Other:

Adjournment

Action: Motion



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

Staff members present: City Manager Scott Peterson, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Riverfront Community Center Manager Tammy Metzgar, Caleb Phillips for 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.

AWARDS:

Employee Service Awards – Eleven employees reached milestones in their career with the City of Leavenworth reaching ten and twenty-five years of service with the City. We are also recognizing employees who have continued loyal service to the City with fifteen, twenty and thirty years of service. City Manager Scott Peterson read the names of the following employees:

10 Years

- Sarah Brummer – Police Detective
- Sean Fisher – Records Supervisor
- Charles Fitzhugh III – Maintenance Supervisor-RFCC
- Laura Flynn – Police Detective I
- Patrick Fuimaono – WPC Operator II
- Cody Kear – Police Detective I
- Amy Peters – IT Manager-Public Safety
- Ezekiel Stevenson – Police Sergeant I
- Glenn Young – Maintenance Mechanic

15 Years

- Pamela Cline - Accountant
- Ted Glass – Police Sergeant III
- Scott Lee – Fire Captain
- Heather Mowery – Police Detective III
- Reginald Williams – WPC Operator III

20 Years

- Arianne Burgoon – HR Administrative Specialist
- Timothy Guardado – WPC Superintendent
- Lona Lanter – HR Director
- Tesh St. John – Police Detective III

25 Years

- Erin Bartlett – Fire Battalion Chief
- Andrew Brooks – Fire Admin Battalion Chief/Fire Marshall

30 Years

- Roger Hundley – Police Sergeant II

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the November 12, 2024 Regular Meeting. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

NEW BUSINESS:

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

Ray Hillebrand, 1345 Cheyenne St.:

- Has issue with Zoning Department over a shed he has
- Shed has been identified as a shipping container
- Disputes the labeling as a shipping container
- Manufacturer has the item labeled on its website as a shed
- Asking the Commission to resolve the issue

Alex Forse, 820 Osage St.:

- Leavenworth has a serious problem with open drug use
- People don't feel safe going to parks when there are drug users there
- Doesn't feel the City is doing anything about it
- Asking the City to do something about the issue of rising drug use

Louis Klemp, 1816 Pine Ridge Dr.:

- Provided photos and a USB of images of a recent vehicular accident
- Discussed speeding issues throughout town
- People need to slow down
- People are getting killed

General Items:

Consider Transient Merchant Permit Waiver Request for Military Collectors Show at Riverfront Community Center – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by Edward Trevor Brown for the use of the Riverfront Community Center on February 7-8, 2025 for a Military Collectors Show. The show has been held at the RFCC for several years. City Code prohibits Transient Merchant permits on city property, but does allow the Commission to grant waivers. All fees for use of the facility and permits would still apply should the waiver be granted.

Commissioner Bauder moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Military Collectors Show on February 7-8, 2025. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Cancellation of Outstanding City Checks – Finance Director Roberta Beier presented for consideration to cancel 40 checks that remain outstanding after a period of two years from their issuance. After cancellation of the checks, if a check is presented for payment, the Finance Department will honor the obligation and issue a new check. The funds revert to the original fund upon which the funds were drawn. The outstanding checks are as follows:

**City of Leavenworth
Uncleared Checks > Two Years Old as of November 1, 2024
November 1, 2024**

Check #	Check Date	Vendor #	Vendor Name	Amount
290036190	12/02/2021	2098	MAIJA HERSKIND	14.00
290036191	12/02/2021	2099	MICHAEL BARLOW	56.00
290036406	12/17/2021	1	Fire District 1 of Leavenworth County	300.00
290036500	12/30/2021	1	Phillip Roland	100.00
290036595	01/03/2022	2099	MICHAEL BARLOW	56.00
290036606	01/03/2022	2201	HAYLEE TRADER	78.00
290036786	01/21/2022	1706	KIJA CAMMOCK	70.00
290036875	02/01/2022	1896	LARRY JUONI	54.00
290036885	02/01/2022	2099	MICHAEL BARLOW	56.00
290036906	02/01/2022	2234	WILLIAM F MCGOVERN	489.00
290037174	03/01/2022	2099	MICHAEL BARLOW	56.00
290037183	03/01/2022	2179	SCOTT HILTERBRAND	18.00
290037209	03/01/2022	2391	SHANIN COMBS	12.00
290037514	04/01/2022	2099	MICHAEL BARLOW	56.00
290037553	04/01/2022	2391	SHANIN COMBS	10.00
290037558	04/01/2022	2412	SANDRA BAPTIST	124.00
290037633	04/08/2022	2368	ZACHARY THIEL	30.00
290037634	04/08/2022	2382	BLAKE CHADWICK	70.00
290038104	06/01/2022	1	Joseph E. Miller	500.00
290038196	06/03/2022	1	Breanna Johnson	219.49
290038240	06/10/2022	1	Diana Ausmus	300.00
290038242	06/10/2022	1	Ingrid Babri	300.00
290038284	06/10/2022	1954	TYRIEK FORD	9.62
290038307	06/17/2022	1	Brian Stephens	50.00
290038316	06/17/2022	1	Tremain Parris	14.00
290038370	06/24/2022	1	Jessica Ellison	100.00
290038448	07/01/2022	1310	DERRICK COLLINS	54.00
290038456	07/01/2022	1552	BRIAN GRIFFITH	54.00
290038517	07/01/2022	2425	HILARY KOZAK	124.00
290038615	07/15/2022	1	Justin M. Musterman	80.00
290038783	07/22/2022	2436	ROBIN GOEBEL	37.50
290038783	07/22/2022	2436	ROBIN GOEBEL	37.50
290038858	08/01/2022	1310	DERRICK COLLINS	54.00
290038865	08/01/2022	1707	LEAH HERZOG	80.00
290039117	08/26/2022	871	BERRY COMPANIES INC	566.18
290039180	09/01/2022	1310	DERRICK COLLINS	54.00
290039523	10/03/2022	1310	DERRICK COLLINS	54.00
290039555	10/03/2022	2219	MICHAELA BANKS	16.00
290039594	10/03/2022	10780	BAKER HOMES LLC	352.00
290039768	10/26/2022	287	THE WEBSTAIRANT STORE	0.01
				<u>4,705.30</u>

Commissioner Wilson moved to cancel checks that remain outstanding after two years of issuance and that these balances, in accordance with K.S.A. 10-816a, revert back to the City Fund upon which such checks

were drawn in the amount of \$4,705.30. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolutions:

Commonwealth Development Affordable Housing Fee Waiver Request – Assistant City Manager Penny Holler presented for consideration approving a revised Resolution and Fee Waiver Letter for the 2604 2nd Avenue affordable housing project by Commonwealth Development Corporation. Commonwealth Development Corporation is planning to build affordable housing on 2nd Avenue near Fire Station No. 3. The project will include 43 units for those that meet eligible income levels based on the Area Median Income (AMI). At the April 9, 2024 meeting, approval was provided for the project to receive Industrial Revenue Bonds, a waiver of City fees up to \$40,000 and a Resolution of support for the project. Those items were included in the submittal by Commonwealth Development Corporation to the Kansas Housing Resources Corporation for Low Income Housing Tax Credits. While the project scored well on the tax credit criteria, it did not receive enough points to receive tax credits during that round. Commonwealth intends to resubmit their application in 2025 and have requested a revised fee waiver letter. Commonwealth Development Corporation has requested a revised fee waiver letter in the amount of \$80,000.00. Staff has reviewed the request and recommends a fee waiver in the amount of \$40,000.00, as the higher fee waiver level may be an undue burden to the City's hard costs for sanitary sewer infrastructure.

Commissioner Bauder moved to adopt Resolution B-2387 a Resolution of support of Low Income Housing Tax Credits for Commonwealth Development Corporation Housing Development at 2604 2nd Avenue. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Mayor Martin moved to approve the updated Fee Waiver letter for the Commonwealth Development Corporation Housing Development project at 2604 2nd Avenue. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance for Special Use Permit to Allow Assisted Living Facility in R1-9 Zoning District – City Manager Scott Peterson presented for first consideration an ordinance to approve a special use permit at 303 N. Esplanade Street to allow an Accessory Dwelling Unit in a Medium Density Single Family Residential Zoning District within the North Esplanade Historic District. The property is occupied by an existing single family home and detached accessory building which contains a two-car garage and an existing dwelling unit. The accessory building was constructed in 2004, with approval of a Major Certificate of Appropriateness. The accessory building has contained a dwelling unit since the time of its construction. At the time of construction, ADUs were not specifically addressed by the Development Regulations. The applicants wish to bring the existing ADU into conformance with current Development Regulations through the approval of a SUP in order to obtain a separate address for the unit to support mail delivery and emergency services. Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Staff has received no inquiries or comments regarding the proposed use. The Planning Commission considered the item at their November 4, 2024 meeting and voted 4-0 to recommend approval of the Special Use Permit. Staff recommends approval of the Special Use Permit request for an

Accessory Dwelling Unit in a property zoned Medium Density Single Family Residential based on the analysis and findings provided in the report.

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

Consent Agenda:

Commissioner Hingula moved to approve claims for November 8, 2024 through November 21, 2024, in the amount of \$914,488.44; Net amount for payroll #23 effective November 15, 2024, in the amount of \$411,540.29 (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:

City Manager Scott Peterson:

- Enjoy your Thanksgiving

Commissioner Hingula:

- Thanked people for showing up to the meeting
- Have a good Thanksgiving with family and friends

Commissioner Pittman:

- Thanked City Staff for handling the panhandler issue at Limit and Hughes
- Wished everyone a Happy Thanksgiving

Commissioner Wilson:

- Recognized Steve Durkin from the Guidance Center for attending
- Have a good Thanksgiving

Commissioner Bauder:

- Thanked everyone for coming out to the tree lighting ceremony

Mayor Martin:

- Thanked everyone for attending the tree lighting ceremony
- Wished everyone a Happy Thanksgiving

Adjournment:

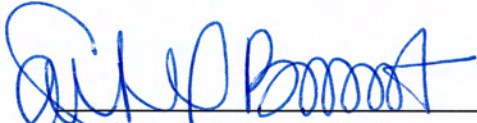
Commissioner Bauder moved to adjourn the meeting. Commissioner Pittman seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:33 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8254
ALLOWING A SPECIAL USE PERMIT FOR AN
ACCESSORY DWELLING UNIT AT 303 N. ESPANADE STREET**

DECEMBER 10, 2024



Sarah Bodensteiner, CMC
City Clerk



Scott Peterson
City Manager

BACKGROUND:

At the November 26, 2024 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ACCESSORY
DWELLING UNIT TO BE LOCATED AT 303 N. ESPLANADE STREET IN
THE CITY OF LEAVENWORTH, KANSAS.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8254 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8254

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

ORDINANCE NO. 8254

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN ACCESSORY DWELLING UNIT TO BE LOCATED AT 303 N. ESPLANADE 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 4th day of November, 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 13th day of September, 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 an accessory dwelling unit in the R1-9, Medium Density Single Family Residential District zoning district, located within the North Esplanade Historic District located at 303 N. Esplanade 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 an accessory dwelling unit 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 an accessory dwelling unit on the following described property:

LOTS 1, 2 AND 3, BLOCK 15, LEAVENWORTH CITY PROPER, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS. And more commonly referred to as 303 N. Esplanade Street, Leavenworth, Kansas.

Section 2. 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 10th day of December, 2024.

Griff Martin, Mayor

{Seal}

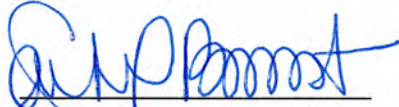
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
SEATING OF MAYOR, MAYOR PRO TEM
AND NOMINATION FOR FINANCIAL CLAIMS REVIEWER**

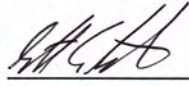
DECEMBER 10, 2024

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Scott Peterson
City Manager

BACKGROUND:

The City Commission provided consensus at the January 23, 2024 Study Session to formalize the current practice regarding the annual selection of the Mayor and Mayor Pro Tem. At the March 12, 2024 City Commission Meeting, Ordinance No. 8239, amending the City Code of Ordinances regarding the terms of office of the members of the governing body and the selection of the Mayor and Mayor Pro Tem was approved and adopted.

Sec. 2-22(b)(i) of the City Code of Ordinances was amended to state the following:

The current mayor as of the effective date of this ordinance shall serve as mayor until the second Tuesday in December 2024. The current mayor pro tem as of the effective date of this ordinance shall serve as mayor pro tem until the second Tuesday in December 2024, at which time he or she shall become mayor. The candidate receiving the second-largest number of votes in the 2023 general election shall serve as mayor pro tem commencing as of the second Tuesday in December 2024.

During the November 2023 election, Holly Pittman received the most votes and was nominated to the Mayor Pro Tem position and has been serving in that position. Nancy Bauder received the second most votes in the November 2023 election. As such, Holly Pittman shall become Mayor effective December 10, 2024 to December 9, 2025, and Nancy Bauder shall become Mayor Pro Tem effective December 10, 2024 to December 9, 2025.

The Finance Claims Reviewer position will still need to be filled by the City Commission.

ACTION:

Nominations for Financial Claims Reviewer:

1. Financial Claims Reviewer– December 10, 2024 to December 9, 2025 **Action:** Motion

Janet Klasinski

Leavenworth County Clerk
300 Walnut, Leavenworth, KS 66048

PHONE: 913-684-0422

FAX: 913-680-1489

EMAIL: jklasinski@leavenworthcounty.org

November 15, 2023

Sarah Bodensteiner
Leavenworth City Clerk
100 N. 5th Street
Leavenworth, KS 66048-1970

I, Janet Klasinski, County Election Officer of Leavenworth County, Kansas, do hereby certify the election results from the General Election held on the 7th day of November, 2023 for Leavenworth City:

City Commission:	Holly Pittman	2,500
	Nancy D. Bauder	1,908
	Edd Hingula	1,712
	Gerard J. Overbey	1,566
	Steven E. Clay	1,340
	Samuel R. Maxwell, IV	1,337
	Nicholas Poff	425

Waterworks Board:	Billy Daniels	2,544
	Nicholas Poff	2,352

Witness my hand and seal this 15th day of November 2023.



Janet Klasinski

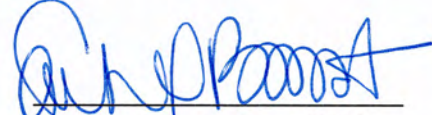
 Janet Klasinski
 County Election Officer

cc: Waterworks Dept

**POLICY REPORT
CANCELLATION OF THE
DECEMBER 24, 2024 REGULAR MEETING**


DECEMBER 10, 2024

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Scott Peterson
City Manager

ISSUE:

Request cancellation of the December 24, 2024 regular meeting.

BACKGROUND:

Section 2-52(e) of the City Code of Ordinances states:

Cancellation or modification. The city commission may cancel or modify any ordinarily established meetings by motion and approval by a majority of a quorum at any regularly scheduled or special meeting. Notwithstanding the foregoing, the mayor (and, in the absence of the mayor, the mayor pro tem), after consulting with the city manager, shall be authorized to cancel a meeting and make a temporary change in a meeting date when such actions are reasonably necessary due to reasons of health, safety, or welfare, or the known inability to obtain a quorum. Appropriate notice of such cancellation or change in meeting date shall be provided to the public and commission members.

RECOMMENDATION:

Staff recommends cancellation of the meeting on December 24, 2024. The cancellation will be posted on the doors of City Hall and on social media.


CITY COMMISSION ACTION:

Motion to Cancel the December 24, 2024 Regular Meeting.

**POLICY REPORT
CEREAL MALT BEVERAGE LICENSES FOR 2025**

DECEMBER 10, 2024

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:

Scott Peterson
City Manager

ISSUE:

Request approval to issue Cereal Malt Beverage licenses effective January 1, 2025.

BACKGROUND:

The following 21 establishments made application for renewal of their Cereal Malt Beverage license and paid the applicable fee. The Leavenworth Police Department performed a records check and approved the applicants for renewal.

Establishment

Address

OFF PREMISE CONSUMPTION:

7-Eleven	609 Metropolitan Ave
Casey's General Store #1261	2004 Spruce St
Casey's General Store #2609	950 Eisenhower Rd
Casey's General Store #2826	2100 S 4 th St
Family Dollar	104 N Broadway St
Family Dollar	1906 Spruce St
Dillons #40	720 Eisenhower Rd
Home Town	111 N Broadway St
JK Mart	300 N 4 th St
Fast Track	3122 S 4 th St
Murphy USA #7486	1050 Eisenhower Rd
Price Chopper #20	2107 S 4 th St
Sam's Food Mart LLC	1031 Metropolitan Ave
Shop Smart #2	700 Eisenhower Rd
Star Gas	788 Spruce St
Walgreens #12923	2900 S 4 th St
Walmart #26	5000 10 th Ave

ON-PREMISE CONSUMPTION:

Abe's Place	5101 10 th Ave
Eddie's Grocery	1101 Spruce St
Little Bar	1431 10 th Ave
Towne Pub Restaurant	1001 Ottawa St

STAFF RECOMMENDATION:

Staff recommends approving the issuance of the 2025 Cereal Malt Beverage Licenses as presented.

Policy Report No. FIN-24-07

Proposed Amendments to the 2024 Budget

December 10, 2024

Prepared by:

Approved by:



Roberta Beier
Finance Director



Scott Peterson
City Manager

Issue:

This Policy Report proposes a republication of the 2024 budget which will increase the expenditure authority to accommodate unanticipated expenditures for the following funds:

- Recreation Fund
- Library Fund
- Library Employee Benefit Fund

According to K.S.A. 79-2929a, municipalities are authorized to amend the budget to spend money not in the original budget as long as the additional expenditures do not require additional tax levies.

Background:

On September 12, 2023, the Commission approved and adopted the 2024 budget establishing the maximum expenditures for various funds and the amount of ad valorem taxes levied to provide funding for those expenditures.

According to Kansas Statutes, funds cannot exceed the expenditure authority without amending the budget. Budget amendments must be made from existing revenues and cannot require additional tax levies. Before proposing an amendment to the budget, there must be a notice of public hearing published in the local newspaper 10 days prior to the hearing.

The Notice of Public Hearing for amending the 2024 budget was published in the Leavenworth Times on Saturday, November 23, 2024.

Due to circumstances that were not anticipated when the 2024 budget was originally published, the above-mentioned funds may exceed their expenditure authority. Additional revenues are available to support the increased expenditures.

Recommendation:

Staff recommends that the 2024 budget for the above-mentioned funds be amended as proposed. The proposed amendments require no additional tax levies.

Explanation of Amendments

Recreation Fund:

The proposed amendment would increase the Recreation Fund's 2024 spending authority by \$200,000 to cover potential expenditures that may exceed budgeted expenditures. The revenue sources that will cover the additional expenditures are increases in beginning unencumbered cash balance, charges for services, and transfers from the CIP Sales Tax Fund.

Library Fund:

The proposed amendment would increase the Library Fund's spending authority by \$50,000. Delinquent tax collections and motor vehicle tax collections may exceed 2024 budgeted amounts. All taxes that are collected for the Library are remitted directly to the Library. Therefore, the budget amendment increases the Library Fund spending authority so that the taxes collected for the Library in December, 2024, can be remitted to the Library in 2024 without exceeding the Library Fund's spending authority.

Library Employee Benefit Fund:

The proposed amendment would increase the Library Employee Benefit Fund's spending authority by \$10,000. Delinquent tax collections and motor vehicle tax collections may exceed 2024 budgeted amounts. All taxes that are collected for the Library Employee Benefit Fund are remitted directly to the Library. Therefore, the budget amendment increases the Library Employee Benefit Fund spending authority so that the taxes collected for the Library Employee Benefit Fund in December, 2024, can be remitted to the Library in 2024 without exceeding the Library Employee Benefit Fund's spending authority.

2024

**Amended
Certificate
For Calendar Year 2024**

To the Clerk of Leavenworth County, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Leavenworth
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

		2024 Amended Budget			
		Page No.	Amount of 2023 Tax that was Levied	Adopted 2024 Expenditures	Proposed Amended 2024 Expenditures
Table of Contents:					
Fund	K.S.A.				
Recreation Fund	12-1927		491,564	3,132,156	3,332,156
Library Fund	12-1220		1,063,687	1,156,418	1,206,418
Library Employee Benefit Fund	12-16.102		282,718	308,530	318,530
Totals		XXXXXXXXXX	1,837,969	4,597,104	4,857,104
Summary of Amendments		0			

Attested date: _____

County Clerk

Assisted by: _____

Address: _____


Email: _____

Governing Body


CPA Summary

POLICY REPORT
RESOLUTION TO COLLECT UNCOLLECTIBLE TENANT ACCOUNTS
December 10, 2024

PREPARED BY:


Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

APPROVED BY:


Scott Peterson
City Manager

ISSUE:

Consider a resolution removing ten (10) tenant accounts from the rent register at Planters II.

RESOLUTION:

Past due rent or damage assessments are determined to be uncollectible for various reasons. Some tenants are deceased or have been moved to nursing homes and have no ability to repay. Others have moved from the forwarding address provided to the LHA. Attempts to find or otherwise recover the money have been unsuccessful. The Resolution deletes the accounts in accordance with the procedures to keep the Housing Authority's rent register current. The process is required by the U.S. Department of Housing and Urban Development (HUD) and is included in management policy resolutions adopted for the operation of Planters II.

This housekeeping function is performed at least once each year.

COMMISSION ACTION:

Motion to adopt the attached resolution deleting uncollectable tenant accounts.

RESOLUTION NO. B-2388

A RESOLUTION AUTHORIZING CERTAIN TENANT ACCOUNTS TO BE DELETED BY THE LEAVENWORTH HOUSING AUTHORITY, LEAVENWORTH, KANSAS.

WHEREAS, Planters II, the Leavenworth Public Housing Authority operating a 105 unit low income residents is required by program regulations to annually report uncollected tenant accounts; and,

WHEREAS, the uncollected tenant accounts listed in this resolution shall be deleted.

BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS:

Section 1. The following tenant accounts are hereby deleted:

<u>Name</u>	<u>Amount</u>
Cathi Biehn	\$311.57
Loura Billington	\$1,568.19
Martha Derr	\$2,034.81
Trista Fink	\$8.00
Tammy Hayes	\$643.00
Miriam Mejias-Martinez	\$27.53
Kathyrn Smith	\$1,186.34
Roy Smith	\$910.00
Trisha Strouhal	\$56.00
Wesley Watkins	\$1,440.72

Section 2. This resolution shall be effective from and after its passage as provided by law.

PASSED AND APPROVED this 10th day of December 2024.

Holly Pittman, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC
City Clerk

POLICY REPORT
RESOLUTION ADOPTING THE REVISED ADMISSIONS AND CONTINUED
OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM
December 10, 2024

PREPARED BY:



Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

APPROVED BY:



Scott Peterson, City Manager

ISSUE:

Consider a resolution adopting a revised, Admissions and Continued Occupancy Policy to be used for the Public Housing Program (Planters II).

OVERVIEW:

The Admissions and Continued Occupancy Policy has been revised to be compliant with required HUD Rules and Regulations. These policies regulate the administration of the Public Housing Program (Planters II). The Admissions and Continued Occupancy Policy is available for review in the link below:

<https://www.leavenworthks.org/citycommission/page/city-commission-regular-meeting-173>

COMMISSION ACTION:

Motion to adopt the attached resolution amending the Admissions and Continued Occupancy Policy for the Public Housing Program (Planters II).

Upon approval, a full version of the Admissions and Continued Occupancy Policy can be viewed on the City of Leavenworth website:

<https://www.leavenworthks.org/cd/page/planters-ii> in the Public Housing Section under documents and reports.

RESOLUTION NO. B-2389

BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, AS FOLLOWS:

Section 1. The Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas.

Section 2. The revised Admissions and Continued Occupancy Policy for the Public Housing Program is hereby approved and authorized for submission to the U.S. Department of Housing & Urban Development.

Section 3. Policies and procedures identified in the plan have been appropriately adopted by Resolution of the Leavenworth City Commission on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

Section 4. This Resolution shall be effective from and after its passage as provided by law.

PASSED AND APPROVED this 10th day of December, 2024.

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC
City Clerk

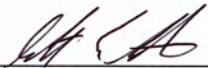
**Policy Report Number: B-2390
Section 8 Administrative Plan
December 10, 2024**

PREPARED BY:



Patrick Tooley, Section 8 Coordinator
Leavenworth Housing Authority

APPROVED BY:



Scott Peterson, City Manager

ISSUE:

Adoption of Section 8 Administrative Plan.

Discussion:

The Administrative Plan is a combination of HUD regulations and our local housing policies combined into one document. These policies regulate the administration of the Leavenworth Housing Choice Voucher Program and the VASH Program. There are no major rule or regulation changes in the Administrative Plan. It has been 5 years since the plan was last formally adopted and there have been numerous minor wording changes during that time. The update is being requested in order to formally adopt the changes that have been made and put into practice. The link below allows you to read the new administrative plan. Once approved the admin plan will be placed on the housing authority/city web site.

<https://www.leavenworthks.org/citycommission/page/city-commission-regular-meeting-173>

COMMISSION ACTION:

Approve Resolution adopting the Section 8 Administrative Plan.

RESOLUTION NO. B-2390

**A RESOLUTION APPROVING THE REVISED SECTION EIGHT
MANAGEMENT ADMINISTRATIVE PLAN, LEAVENWORTH,
KANSAS.**

BE IT RESOLVED by the Mayor and City Commission, acting as the Public Housing Authority (PHA) for Leavenworth, Kansas, as follows:

Section 1. The revised Section Eight Administrative Plan is hereby approved.

PASSED AND APPROVED this 10th day of December, 2024.

Holly Pittman, Mayor

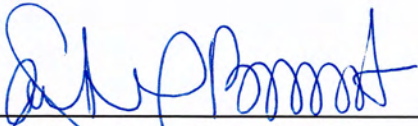
{SEAL}

ATTEST:

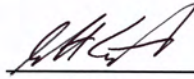
Sarah Bodensteiner, City Clerk, CMC

**POLICY REPORT
CONSIDER COMMERCIAL INSURANCE PACKAGE FOR 2025**

DECEMBER 10, 2024



Sarah Bodensteiner, CMC
City Clerk



Scott Peterson
City Manager

ISSUE:

To approve the City's Commercial Insurance Package effective January 1, 2025.

BACKGROUND:

Each year the City, in conjunction with Mike Reilly of the Reilly Company, reviews the renewal or possible bids for insurance coverage for the City. This year, our current provider Travelers, provided a renewal quote for the 2025 coverage.

Per the Premium Summary provided with the policy report, Travelers quoted a price of \$756,527.00. This is an increase of \$181,156.00. A 5% increase was budgeted for 2025, the remaining balance will be paid from the General Fund Reserves.

The City's insurance broker, Mike Reilly of the Reilly Company will review the quote and answer any questions the Commission may have.

ACTION:

Motion to approve the 2025 commercial insurance package with Travelers in the amount of \$756,527.00.

ATTACHMENTS:

- Premium Summary

PREMIUM SUMMARY

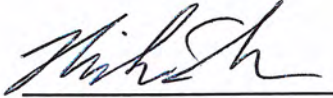
DESCRIPTION OF COVERAGE	TRAVELERS 2024-25	TRAVELERS 2025-26
Property & Earthquake	\$201,957	\$254,964
Commercial Inland Marine	\$ 8,364	\$ 8,364
Commercial General Liability	\$ 62,472	\$ 85,403
Crime	\$ 1,719	\$ 1,719
Commercial Automobile	\$154,700	\$194,672
Public Officials E & O	\$ 14,984	\$ 21,701
Law Enforcement Liability	\$ 62,337	\$ 83,040
Public Entity Employment Practices Liability	\$ 35,380	\$ 58,750
Umbrella Excess Liability	\$ 20,490	\$ 28,344
Cyber Liability – Evolve	\$ 12,968	\$ 19,570
Package Total	\$575,371	\$756,527

**POLICY REPORT No. FD # 2024-07
FIRE STATION NO. 1 HVAC REPLACEMENT – MUNIS PROJECT #F2303
DECEMBER 10, 2024**

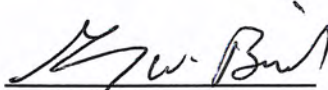
Prepared by:

Reviewed by:

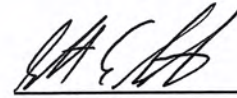
Reviewed by:



Mike Shore
Deputy Chief



Gary Birch
Fire Chief



Scott Peterson
City Manager

ISSUE:

Fire Station No. 1 has been in operation for 24 years and continues to rely on its original air conditioning system, which has reached the end of its expected lifespan. Maintenance expenses have been steadily increasing, especially during the hot summer months, resulting in frequent repairs that strain the department's budget.

The maintenance issues we face highlight the need for a new, modern cooling system that meets today's efficiency standards and environmental regulations. Upgrading to a new system will not only reduce maintenance costs but also enhance the comfort of our workplace for employees.

PROPOSED SOLUTION:

To address these issues effectively, we recommend installing a new air conditioning system that will include:

- **New Energy-Efficient Condenser:** Compatible with readily available refrigerants.
- **New Air Handler:** Equipped with new UV lights to enhance indoor air quality, increase efficiency, and reduce maintenance costs.
- **New Variable Frequency Drive (VFD) Fan Control:** Designed to improve overall energy efficiency.

This upgrade aims to improve energy efficiency, enhance indoor air quality, reduce ongoing maintenance costs, and ensure compliance with current refrigerant regulations.

PROJECT STATUS:

The City of Leavenworth issued a Request for Proposals (RFP) for the HVAC system replacement project, with submissions due on October 25, 2024, at 3 PM. We received six bids for this project.

Bids Received:

Bidder	Address (City/State)	Base Bid
Martin Mechanical Contractors	11632 Grandview Road Kansas City, MO 64137	\$117,415
Rand Construction Company	1428 W. 9 th Street Kansas City, MO 64101	\$129,896
AAIM Services	13729 22 nd Rd. Cummings, KS 66016	\$157,100
P1 Service LLC	11086 Strang Line Rd Lenexa, KS 66215	\$169,376
D'Agostino Mechanical Contractors, INC.	4440 Oliver Street Kansas City, KS 66106	\$186,540
Design Mechanical Inc.	100 Greystone Ave. Kansas City, KS 66103	\$208,540

RECOMMENDATION:

Staff recommends awarding the project to Rand Construction for \$129,896 dollars for several key reasons. Their proposal features an advanced hospital-grade UV light system that will be integrated into our building automation system. Their proposal also includes a full year of preventative maintenance for our entire mechanical system in their base bid, unlike most other proposals that offered maintenance at an additional cost. The combination of superior UV lighting and included maintenance offers significant value. Furthermore, we already have a strong, long-term relationship with Rand Construction, reinforcing our confidence in this choice.

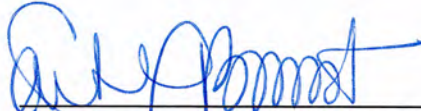
FINANCIAL:

The City's 2024 Capital Improvement Plan (CIP) includes \$106,000 for replacing HVAC equipment at Fire Station No. 1. The remaining cost may be funded through a Department of Energy grant (Energy Efficiency and Conservation Block Grant), although official confirmation of the grant status is still pending.


CITY of LEAVENWORTH, KANSAS

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
CHAPTER 38 SOLID WASTE, ARTICLES I AND II**

DECEMBER 10, 2024



Sarah Bodensteiner, CMC City Clerk



Scott Peterson, City Manager

ISSUE:

To place on first consideration an ordinance to amend Chapter 38 Solid Waste, Article I In General and Article II Collection and Disposal to address the procedure for replacement trash carts and amend text to ensure they align with the procedures for trash collection.

BACKGROUND:

Based on the recommendations from the Solid Waste Citizen Task Force, the City Commission moved forward with the hybrid approach to refuse collection. The city provided all residents the option to receive either a 65 gallon or 95 gallon roll cart (poly-cart) using proceeds from the American Rescue Plan Act (ARPA). The city maintains a supply of carts that are used to replace stolen carts as well as provide carts for new homeowners. These carts have been provided free of charge. We are starting to get requests to replace carts that were damaged by homeowners – damages can occur from backing over them and placing hot coals in the bottom and melting the plastic. Staff feels that residents who damage the city owned carts should be responsible for paying for a replacement cart. In reviewing the fee schedule and City Code to propose a replacement cost, staff discovered that there is no language in the City Code that addresses replacement of carts. Staff worked with City Attorney Waters on adding a section to the Code to address replacement of carts as well as amend text to ensure they align with the procedures for trash collection.

ACTION:

Consensus by the Governing Body to place on first consideration.

ATTACHMENTS:

- Draft Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING ARTICLE I (IN GENERAL) AND ARTICLE II (COLLECTION AND DISPOSAL) OF CHAPTER 38 (SOLID WASTE) OF THE LEAVENWORTH CODE OF ORDINANCES REGARDING THE COLLECTION AND DISPOSAL OF SOLID WASTE, AND ESTABLISHING NEW AND REPLACEMENT ARTICLES.

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

Section 1. Article 1 (In General) of Chapter 38 (Solid Waste) of the Leavenworth Code of Ordinances, consisting of Sections 38-1 through 38-28, inclusive, is hereby deleted in its entirety and amended to read as follows:

ARTICLE I.—IN GENERAL

Sec. 38-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Bulky waste* means non-putrescible items of solid waste that are too large to be placed in solid waste containers including, but not limited to appliances, beds, mattresses, carpets, rugs, furniture, large automobile parts, hot water tanks, washers, dryers, refrigerators, tubs, and so forth, and which are not considered regular residential solid waste.
- (b) *Construction waste* means waste or materials produced during the construction, remodeling, or repair of buildings, roads, and other structures, and includes but is not limited to lumber, sheetrock, brick, stone, shingles, glass, pipes, concrete, paving materials, carpets.
- (c) *Dwelling unit or residential dwelling* means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used for residential living, sleeping, cooking, and eating.
- (d) *Garbage* means and includes wastes from the preparation, cooking and consumption of foods and foodstuffs, and market refuse and waste from the handling, preparation, storage and sale of foods and foodstuffs, and shall include unclean containers.
- (e) *Hazardous waste* means those materials which are corrosive/caustic, flammable, explosive/reactive, toxic/poisonous or radioactive. It shall include those materials determined to be hazardous waste as specified by the Kansas Department of Health and Environment regulations.

- (f) *Refuse* means and includes all garbage, solid waste, bulky waste, yard waste, construction waste, hazardous waste, and any other waste substance or product thrown out.
- (g) *Solid waste* means any unwanted or discarded waste materials, including garbage, in a solid or semi-liquid or liquid state, but the term “solid waste” shall not include bulky waste, hazardous waste, yard waste, or construction waste.
 - (1) *Non-residential solid waste* means solid waste resulting from the operation of any commercial, industrial, institutional, agricultural or other non-residential establishment or use. The term “non-residential solid waste” shall also mean and include solid waste produced by a grouping of residential dwelling units where solid waste collection service is not offered by the city to each dwelling unit on an individual basis.
 - (2) *Residential solid waste* means solid waste emanating or resulting from the operation of residential dwelling units where solid waste collection service is offered by the city to each dwelling unit on an individual basis.
- (h) *Yard waste* means grass clippings, leaves, and tree and brush trimmings, and other organic yard materials; but the term “yard waste” shall not include agricultural waste resulting from the production of farm or agricultural products.

Sec. 38-2. Refuse restricted reserve fund.

The city has established a refuse restricted reserve fund. The funds in the refuse restricted reserve fund shall be used only for future refuse equipment replacement expenditures, landfill capital expenditures, landfill maintenance, refuse equipment, landfill closure and post closure or other refuse operation contingencies.

Sec. 38-3. Sanitary landfill.

- (a) *Use required; dumping elsewhere prohibited.* It is unlawful for any person to dump or place any bulky waste, construction waste, garbage, hazardous waste, refuse, solid waste, yard waste, or other unsanitary matter on any property, land, grounds, or vacant lots within the city, or to dump any of the same on such grounds, except where such area has been regularly designated as a public landfill by the city commission and, in such cases, only to the extent such types of waste materials are specifically permitted in such landfill.
- (b) *Regulations to be established by the solid waste foreman; compliance required.* The city shall establish, from time to time, a person or employee of the city as the solid waste foreman. The solid waste foreman and/or the city shall establish rules and regulations as to the time and conditions of use of such any landfills, burn areas, dumps, or hazardous materials disposal facilities owned or operated by the city. It is unlawful for any

person to use any such landfills, burn areas, dumps, or hazardous materials disposal facilities except in compliance with such rules and regulations.

Sec. 38-4. Duty of owners and occupants.

- (a) It is unlawful and an offense for any person to throw, place, deposit or leave or cause to be thrown, placed, deposited or left in any of the public streets, alleys, parks, thoroughfares, or other public property within the limits of the city any refuse.
- (b) It is the duty of any occupant, owner or agent of any building used for non-residential purposes to provide and keep a suitable receptacle in which to store refuse. Such receptacles shall be kept closed at all times except when being filled or emptied.
- (c) It shall be unlawful for any person to accumulate refuse except in a closed container and it shall be unlawful to fail to dispose of the same so that refuse shall not be scattered about the city, or become a nuisance, or fire hazard, or constitute a menace to the public health or safety or become unsightly or constitute a violation of any ordinance of the city.
- (d) No unauthorized person shall interfere with solid waste or other refuse containers in any manner or remove the same or remove the contents thereof or place anything in any solid waste or refuse receptacle of another person

Sec. 38-5. Burning refuse prohibited.

It is unlawful to burn refuse within the city.

Secs. 38-6—38-28. Reserved.

Section 2. Article II (Collection and Disposal) of Chapter 38 (Solid Waste) of the Leavenworth Code of Ordinances, consisting of Sections 38-29 through 38-54, inclusive, is hereby deleted in its entirety and amended to read as follows:

ARTICLE II.—COLLECTION AND DISPOSAL

Sec. 38-29. Collection by city; exceptions.

- (a) Subject to the provisions of this chapter, and any rules and regulations adopted or promulgated by the city, the city shall provide for the systematic collection and disposal of residential solid waste and yard waste from residential dwellings (excluding residential dwellings or dwelling units located in multifamily residential complexes of four (4) or more units) having active residential water service within the city, except as provided in this section:
 - (1) Owners and occupants of such residential dwellings may remove their excess refuse to a licensed landfill without a permit or license therefor,

subject to such rules and regulations as may be in effect as to the suitability of disposal of such refuse in such landfill;

- (2) Owners and occupants of such residential dwellings may hire a licensed trash hauler to remove their excess refuse to a licensed landfill; subject to such rules and regulations as may be in effect as to the suitability of disposal of such refuse in such landfill;
 - (3) The city shall not be required to provide for the collection or disposal of solid waste or yard waste for dwellings served by a trash dumpster.
- (b) No person or non-residential establishment may remove refuse to a licensed landfill for a fee or as a commercial service without first obtaining a permit therefor.
- (c) Owners and occupants of non-residential dwellings, residential dwellings in multifamily residential complexes of four (4) or more units, and such complexes themselves, shall arrange for the systematic collection and disposal of all refuse by either (i) hiring a licensed refuse hauler for such purpose; or (ii) contracting with the city for removal of refuse, provided that the city may enter into any such contract in the city's sole discretion.

Sec. 38-30. Collection and disposal regulations.

- (a) For residential solid waste and yard waste collected by the city as provided in section 38-29 above, each owner and occupant of real property within the city shall:
- (1) Use for the collection of residential solid waste only city-issued roll-carts and/or trash bags that are securely closed or tied;
 - (2) Use for the collection of yard waste biodegradable paper bags; or, for yard waste consisting of sticks, shrubbery, limbs, and tree trimmings, the shall be no greater in size than one-and-one-half (1.5) inches in diameter or less and shall be cut to lengths of no more than five (5) feet, and shall be appropriately bundled and tied tightly with twine or string only;
 - (3) Not deposit or set out more than sixty (60) pounds of residential solid waste or yard waste in any one roll-cart, trash bag, biodegradable paper bag, or bundle;
 - (4) Drain all surplus water from garbage and wrap such garbage in heavy paper or place in a plastic bag before depositing such garbage for collection;
 - (5) Place refuse containers, trash bags, roll-carts, bundles, and disposable containers along the curbside of the street at and by such dates and times as are set out in this section. Collection of residential solid waste and yard waste by the city (where provided under section 38-29 above) shall ordinarily be made at least once each week and the collection

areas shall be divided to provide a systematic and economical collection of such refuse. Residential solid waste and yard waste shall be at the designated collection points by no later than 7:00 a.m. of the regularly scheduled collection days and no earlier than 24-hours prior to the day of collection.

- (6) All roll-off carts or other containers shall be removed from the curbside within twelve (12) hours after each collection. All other refuse not deposited for collection by the city must be stored in the residence or garage, in a secured shed or undercroft of a porch, or out of sight or screened from view of persons not on the property.
- (b) For non-residential dwellings, residential dwellings in multifamily residential complexes of four (4) or more units, and such complexes themselves, owners and occupants shall place all refuse and make such refuse available for pick-up at such times and at such intervals as to ensure compliance with this chapter and other provisions of city code.

Sec. 38-31. Services fees; collection.

- (a) The city commission may, from time to time, prescribe charges to households, dwelling units, and to owners or operators of places of business for the service of collection and disposal of refuse. Such charges shall be billed regularly in a manner to be directed or delegated by the city commission.
- (b) In order to provide sufficient revenue to pay the costs of refuse collection, the following rates shall apply:
 - (1) Single-family residential units and multiple family complexes (excluding residential dwellings located in multifamily residential complexes of four (4) or more units) shall pay the monthly amount set forth in the city fee schedule.
 - (2) Non-residential dwellings, residential dwellings in multifamily residential complexes of four (4) or more units, and such complexes themselves which contract with the city, the rate shall be as determined by the city in the agreed-upon contract.
- (c) If the service charge is not paid, the city commission annually at the first regular meeting in July or at such other times as it shall determine shall by ordinance levy and assess the unpaid charges against each lot or parcel of land served as a special assessment which shall constitute a lien upon the property for the amount of such delinquent fees. A certified copy of the ordinance shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created shall attach upon recordation in the office of the county clerk of a certified copy of the ordinance. The assessment shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and

sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

Sec. 38-32. Roll-off carts.

- (a) In the collection and disposal of solid waste and yard waste as provided in this article, the city may provide roll-off carts or similar containers for use of residents. Such roll-off carts or other containers shall be and remain the property of the city. The city may, from time to time, establish a fee in the city fee schedule related to the provision or use of such roll-off carts or other containers.
- (b) The owner or occupant of any single-family dwelling unit and the owner or occupant of any multiple-family dwelling unit not served by a trash dumpster, and to whom or for whose dwelling unit the city provides with a roll-off cart or similar container, shall be responsible for cleaning and the day-to-day care of such roll-out carts. The city will charge the owner or occupant a fee, as established in the city fee schedule from time to time, for any necessary repair or replacement due to the owner's or occupant's abuse, misuse, neglect, or loss of a city-provided roll-out cart or similar container.

Sec. 38-33. Tree and brush disposal site.

No person shall use or be permitted to use any tree and brush disposal site established by the city commission except by approval of the city commission and in accordance with all its rules and regulations and payment as provided in the city fee schedule.

Secs. 38-34—38-54. Reserved.

Section 3. Article I (In General) and Article II (Collection and Disposal) of Chapter 38 of the Leavenworth Code of Ordinances, consisting of Sections 38-1 through 38-54, inclusive, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

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

PASSED and APPROVED by the Governing Body on the _____ day of _____, 2025.

Holly Pittman, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk