



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JANUARY 14, 2025 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

PRESENTATIONS:

1. Mayor's Award
2. Presentation to Griff Martin, Mayor 2024

OLD BUSINESS

Consideration of Previous Meeting Minutes:

3. Minutes from December 10, 2024 Regular Meeting

Action: Motion (pg. 3)

Second Consideration Ordinances:

4. Second Consideration Ordinance No. 8255 Amending Article I and II of Chapter 38 of the Code of Ordinances

Action: Roll Call Vote (pg. 9)

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. Mayor's Appointments
6. Consider Amendment to City Fee Schedule
7. Update on Unsafe or Dangerous Fire Damaged Structure 3851 Tonganoxie Drive

Action: Motion (pg. 16)

Action: Motion (pg. 17)

Action: Motion (pg. 18)

Bids, Contracts and Agreements:

8. Consider Award of Bid for 4th Street Improvements Project - Rees Street to Poplar Street
9. Consider Award of Bid for 20th & Seneca Storm Repairs Project
10. Consider Bids for Water Pollution Control Division 2025 Chemical Purchase
11. Consider Supplemental Design Services Contract for Vilas Street Sidewalk Improvements Project

Action: Motion (pg. 20)

Action: Motion (pg. 27)

Action: Motion (pg. 30)

Action: Motion (pg. 32)

12. Consider Supplemental Design Services Contract for Downtown ADA Intersection Ramp Project

Action: Motion (pg. 38)

First Consideration Ordinance:

13. First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 724 Pottawatomie Street
Action: Consensus (pg. 44)
14. First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 724 Osage Street
Action: Consensus (pg. 55)
15. First Consideration Ordinance to Rezone 701 Pottawatomie Street from Office Business District to High Density Single Family Residential District
Action: Consensus (pg. 66)
16. First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 701 Pottawatomie Street
Action: Consensus (pg. 77)
17. First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 711 Ottawa Street
Action: Consensus (pg. 88)
18. First Consideration Ordinance to Rezone 711 Ottawa Street from Office Business District to High Density Single Family Residential District
Action: Consensus (pg. 99)

Consent Agenda:

Claims for December 6, 2024 through January 9, 2025, in the amount of \$4,576,655.49; Net amount for Longevity Pay effective December 6, 2024 in the amount of \$42,128.05; Net amount for Payroll # 25 effective December 13, 2024 in the amount of \$437,197.59 (No Police & Fire Pension); and Payroll #26 effective December 27, 2024, in the amount of \$429,354.84 (Includes Police & Fire Pension in the amount of \$7,491.38).

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, Fire Chief Gary Birch, Leavenworth Housing Authority Housing Manager Andrea Cheatom, Leavenworth Housing Authority Section 8 Coordinator Patrick Tooley, Planning & Community Development Director Kim Portillo, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the November 26, 2024 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8254 Special Use Permit to Allow Accessory Dwelling Unit at 303 N. Esplanade Street – City Manager Scott Peterson reviewed the Ordinance. There have been no changes since first introduced at the November 26, 2024 meeting.

Mayor Martin called the roll and Ordinance No. 8254 was unanimously approved.

NEW BUSINESS:

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

Mari Bolewski, 2712 S 14th St.:

- Issues with neighbors trees
- Neighbor has large amount of trees in yard causing limbs and leaves to fall on her yard
- Incurring costs to abate the leaf issues

General Items:

Seating of Mayor, Mayor Pro Tem and Nomination for Financial Claims Reviewer - 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.

Financial Claims Reviewer

Commissioner Wilson moved to nominate Griff Martin for Financial Claims Reviewer December 10, 2024 to December 9, 2025. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Cancellation of the December 24, 2024 Regular Meeting – City Manager Scott Peterson presented a request to cancel the December 24, 2024 City Commission Regular meeting. Regular meeting dates and times are set by the City Code of Ordinances and allows for cancellation by the City Commission.

Commissioner Hingula moved to cancel the December 24, 2024 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

2025 Cereal Malt Beverage Licenses – City Clerk Sarah Bodensteiner presented for approval 21 establishments that have applied for a 2025 Cereal Malt Beverage License. These include both off-premise and on-premise consumption licenses. They are as follows:

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

Commissioner Bauder moved to approve the Cereal Malt Beverage Licenses for 2025 as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Public Hearing:

Public Hearing for Amending the 2024 Budget:

Open Public Hearing:

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

Staff and Public Comments:

Finance Director Roberta Beier presented the proposed amendments to 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

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.

Mayor Pittman opened the floor for public comment. No further comments were made.

Close Public Hearing:

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

Commissioner Bauder moved to approve the amendments to the 2024 Budget as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Resolutions:

Resolution B-2388 Planters II Tenant Write-Off Accounts – Leavenworth Housing Authority Housing Manager Andrea Cheatom presented Resolution B-2388 removing ten tenant accounts from the rent register at Planters II. 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. Attempts to recover the monies has 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 HUD and is included in management policy resolutions adopted for the operation of Planters II.

Commissioner Martin moved to adopt Resolution B-2388 deleting uncollectable tenant accounts. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Resolution B-2389 Adoption of Admissions and Continued Occupancy Policy – Leavenworth Housing Authority Housing Manager Andrea Cheatom presented for consideration a resolution adopting a revised Admissions and Continued Occupancy Policy (ACOP) to be used for the Public Housing Program. The ACOP has been revised to be compliant with required HUD rules and regulations. These policies regulate the administration of the Public Housing Program.

Commissioner Wilson moved to adopt Resolution B-2389 adopting the amended Admissions and Continued Occupancy Policy (ACOP) for the Public Housing Program. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Resolution B-2355 Adoption of the Section 8 Administrative Plan – Leavenworth Housing Authority Section 8 Coordinator Patrick Tooley presented for approval Resolution B-2390 adopting the Section 8 Administrative Plan. The Administrative Plan is a combination of HUD regulations and our local housing policies. These policies regulate the administration of the Leavenworth Housing Choice Voucher Program and the VASH Program. It has been 5 years since the last plan was formally adopted and there have been numerous minor working changes during that time. The update is being requested in order to formally adopt the changes that have been made.

Commissioner Wilson moved to adopt Resolution B-2390 adopting the ACOP schedule of charges as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider City Commercial Insurance Package 2025 – City Clerk Sarah Bodensteiner presented for consideration the insurance renewal for 2025 with Travelers Insurance in the amount 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 reviewed the market conditions, renewal quote and answered questions from the Commission:

- Reviewed the market conditions and renewal quote
- The premium increase comes about through a variety of issues:
 - Catastrophic losses impacts everyone
 - Rising inflation costs
 - Regional claims
 - Reinsurance costs
 - Escalating medical costs due to claims, more claims due to distracted drivers
 - More legal involvement
 - Larger jury awards; umbrella policies are being hit more than previously

Commissioner Bauder moved to approve the 2025 commercial insurance package with Travelers, as presented, in the amount not to exceed \$756,527.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Award of Bid for Fire Station No. 1 HVAC Replacement – Fire Chief Gary Birch presented for consideration awarding of the bid for the HVAC Replacement Project at Fire Station No. 1. During the July 23, 2024 meeting, the Commission approved a recommendation to award the Fire Station No. 1 HVAC Replacement Project to D’Agostino Mechanical Contractors Inc. in the amount of \$87,950.00. Less than one week after the City Commission’s approval to award the bid to D’Agostino Mechanical Contractors Inc., staff received notification that they have made an error with their pricing for the project and would not be able to do the project for that price. On August 27, 2024, the City Commission approved rescinding the award of bid to D’Agostino Mechanical Contractors to allow staff to rework and rebid the project. Staff rebid the project and six bids were received. The City’s CIP included funds for the replacement of the HVAC equipment at Fire Station No. 1 in the amount of \$106,000.00. The remaining cost may be funded through a Department of Energy Grant, though official confirmation of the grant status is still pending. If the grant is not approved, the additional funding will be funded through the CIP Sales Tax Fund reserves.

Commissioner Martin moved to approve the bid of the Fire Station No. 1 HVAC Replacement Project to Rand Construction Company, in an amount not to exceed \$129,896.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

First Consideration Ordinance:

First Consideration Ordinance Amend Chapter 38 Solid Waste, Articles I and II of the Code of Ordinances – City Clerk Sarah Bodensteiner presented for 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. 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 receive 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.

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

Consent Agenda:

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

Other:

City Manager Scott Peterson:

- Had a great time at 100th Anniversary event at City Hall, thanked CVB and other City Staff for making the event so successful
- Introduced Kim Portillo new Director of Planning & Community Development

Commissioner Bauder:

- Congratulated Mayor Pittman, looking forward for continuing to work together

Commissioner Wilson:

- Excited to serve alongside Mayor Pittman

Commissioner Hingula:

- Pleased that so many people stopped by City Hall during the Vintage Homes Tour
- It truly was a great event
- Congratulated Mayor Pittman and Mayor Pro Tem Bauder

Commissioner Martin:

- Congratulated Mayor Pittman
- Excited to serve alongside the Mayor and fellow Commissioners in 2025
- Thanked everyone for allowing him to serve as Mayor
- Wished everyone a Merry Christmas

Mayor Pittman:

- Thanked Commissioner Martin for allowing her to serve under him as Mayor Pro Tem
- Excited for 2025 and all the things they will get to accomplish

Adjournment:

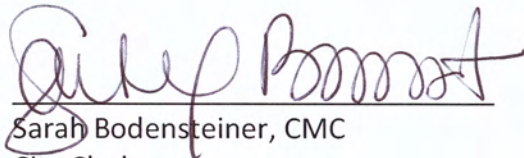
Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:57 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8255
AMENDING ARTICLE I AND II OF CHAPTER 38 SOLID WASTE OF THE
LEAVENWORTH CODE OF ORDINANCES**

JANUARY 14, 2025



Sarah Bodensteiner, CMC
City Clerk



Scott Peterson
City Manager

BACKGROUND:

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

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.

There have been no changes to the ordinance since first introduced. Ordinance No. 8255 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8255

(Summary Published in the Leavenworth Times on January 18, 2025)

ORDINANCE NO. 8255

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 14th day of January, 2025.

Holly Pittman, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

MAYOR'S APPOINTMENTS

January 14, 2025

Mayor Pittman

"Move to

*Reappoint to the **Airport Advisory Board** Keith Baker and William Kidder to terms ending December 31, 2027 and appoint Mark Morgan to terms ending December 31, 2027;*

*Reappoint to the **Convention & Tourism Committee** George Marcec, James (Zachary) Light, Marianne Tennant, Susie Young to terms ending January 31, 2028 and appoint Donna Jean Fletcher and Haley Shaw to terms ending January 31, 2028;*

*Reappoint to the **Deer Management Advisory Committee** Dan Nicodemus, Tom Wells and Loyd Yonts to a term ending December 31, 2027 and appoint Amie Kankelfitz to a term ending December 31, 2027;*

*Appoint to the **Leavenworth Planning Commission** Sam Maxwell IV to an unexpired term ending May 1, 2026;*

*Reappoint to the **Parks & Community Activities Board** Shelly Cannon, Kara McDaniel and Jeff Porter to terms ending January 15, 2028;*

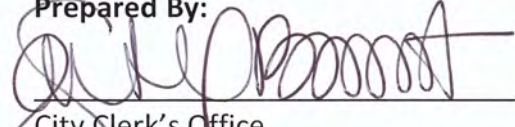
*Reappoint to the **Sister City Advisory Board** Kelly Butler, Georgia Moore and Alisa Murphy to a term ending December 31, 2027.*

Requires a second and vote by the Governing Body.

**POLICY REPORT
CONSIDER AMENDMENT TO CITY FEE SCHEDULE**

JANUARY 14, 2025

Prepared By:



City Clerk's Office

Approved By:



Scott Peterson, City Manager

ISSUE:

Consider amendment to the City Fee Schedule of the following:

- Adding fee for Replacement Trash Cart – with the passage of Ordinance No. 8255, we can now add to the Fee Schedule the fee for a replacement Roll-off Refuse Cart.

Solid Waste		
Special pick-up for inactive residential homes:		\$ Amount
	Up to three cubic yards	100.00
	Over 3 cubic yards or requiring use of mechanized loading equipment	250.00
Dumpster permit		10.00
Collection and disposal of refuse – Single family units and multi-family complexes –monthly		
	Monthly fee	19.89
	Replacement Roll-off Refuse Cart	100.00
Brush disposal site fees:		
	Car—each	2.00
	Pick-up truck—each	5.00
	Single axle dump/flat bed—each	15.00
	Tandem axle dump high side bed—each	25.00
	Truck with chipper box —each	25.00
Trailers:		
	Up to 8 feet or fraction thereof—each	5.00
	9 to 16 feet or fraction thereof—each	10.00
	Each additional foot or fraction thereof over 16	1.00
	Additional for modified trailers or beds with walls that exceed 4 feet in height	5.00

ACTION:

Motion to approve the amendment to the fee schedule as presented to be effective January 15, 2025.

POLICY REPORT PWD NO. 25-09

UPDATE FOR UNSAFE STRUCTURE
3851 TONGANOXIE DRIVE

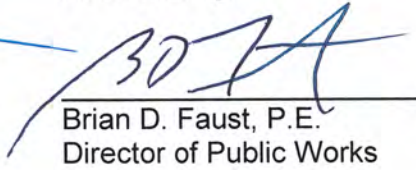
January 14, 2025

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Scott Peterson,
City Manager

ISSUE:

Consider the status of the fire-damaged structure located at 3851 Tonganoxie Drive.

BACKGROUND:

This structure was damaged by fire on May 24, 2024. The City received a check from the insurance company for \$44,696.40. A Public Hearing was held on September 10, 2024, regarding the status of the structure. The Commission adopted Resolution No. B-2378, which stated that the owner was given 90 days for repair or removal of the structure.

The garage portion of the house has been reconstructed, but the exterior of it still needs to be painted. The interior work has started, but has not progressed to the point that inspections have been performed and the project has been approved for sheetrock installation.

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

RECOMMENDATION:

Staff recommends that the City Commission allow the owner and contractor to have additional time to make repairs.

ATTACHMENT:

Photos of the property



POLICY REPORT PWD NO. 25-01

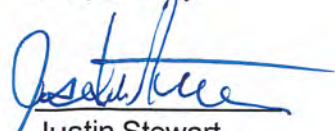
CONSIDER AWARD OF A CONSTRUCTION SERVICES CONTRACT WITH J.M. FAHEY FOR IMPROVEMENTS ON 4th STREET FROM REES STREET TO POPLAR STREET

KDOT PROJECT NO. 052 U-2509-01

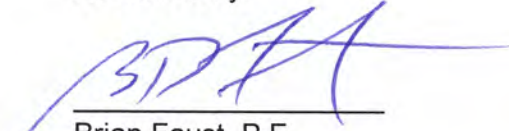
CITY PROJECT NO. 2023-027

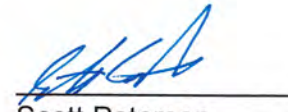
January 14, 2025

Prepared by:


Justin Stewart,
Project Manager

Reviewed by:


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


Scott Peterson,
City Manager

ISSUE:

Consider bids received and award a construction services contract with J.M. Fahey for the 4th Street Improvements (K-7 from Rees St. to Poplar Street). This project is part of the KDOT City Connecting Link Improvement Program for Surface Preservation (CCLIP-SP).

BACKGROUND:

In April of 2023, the City submitted a CCLIP-SP application to KDOT for a mill/overlay project on K-7/4th Street between Rees and Poplar. This is the area where Tire Town and Abeles Field is located.

CCLIP-SP is a little different from other Bureau of Local Projects managed programs. All SP projects are City managed and City LET. This is the old KLINK program. Since the project will be City LET, the plans were prepared according to City criteria. This eliminated a number of steps that were required for KDOT administrated projects.

This project consists of a mill/overlay, localized full-depth base repairs, spot curb and sidewalk replacement along with needed ADA upgrades at ramps.

The project plans, specifications, and location map were developed by City staff and JEO. The project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on December 12, 2024 and the bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
J M Fahey	Grandview, MO	\$455,987.75
Kansas Heavy Construction	Tonganoxie, KS	\$575,999.05
Superior Bowen Asphalt Co.	Kansas City, MO	\$586,280.28
Linaweaver Construction	Lansing, KS	\$609,187.75
All Pro Asphalt Maintenance	Buckner, MO	\$701,634.29
Engineer's Estimate		\$575,057.50

City staff reviewed the five (5) submitted bids.

Based on the final bids, J.M. Fahey was identified as the lowest qualified bid. J.M. Fahey has completed multiple projects for the City of Leavenworth in the past.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. There were five (5) responsive bidders and the low bid from J. M. Fahey was under the engineer's estimate.

BUDGET IMPACT:

KDOT notified the City in September of 2023 that our project had been selected for funding. The CCLIP-SP is a cost share program with KDOT covering 85% of eligible costs while the City's share is 15%. The maximum KDOT contribution will be \$400,000. The remaining cost for construction (\$55,987.75) plus any non-participating items (including construction inspection) will be covered from the Grant Matching Fund.

A separate contract for Construction Inspection will be submitted for review and approval at a later date. It is anticipated that the cost associated with inspection will be approximately \$75,000.

RECOMMENDATION:

Staff recommends that the City Commission authorize the Mayor to sign a Construction Services Contract with J. M. Fahey for the improvements to K-7/4th Street from Rees Street to Poplar Street in the amount of \$455,987.75.

ATTACHMENTS:

- Bid Tab Review
- KDOT Program Packet acceptance letter
- U2509-CCLIP SP Authority to Award Project

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CCLIP 4th and Rees to Poplar SFY2025			Engineer's Estimate		JM Fahey		Kansas Heavy Const		Superior Bowen		Linaweaver Const.		
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	MOBILIZATION	LS	1	\$40,000.00	\$40,000.00	\$15,000.00	\$15,000.00	\$40,500.00	\$40,500.00	\$18,500.00	\$18,500.00	\$45,000.00	\$45,000.00
2	REMOVAL OF EXISTING STRUCTURES	LS	1	\$25,000.00	\$25,000.00	\$13,000.00	\$13,000.00	\$30,500.00	\$30,500.00	\$19,300.00	\$19,300.00	\$90,000.00	\$90,000.00
3	CLEARING AND GRUBBING	LS	1	\$3,000.00	\$3,000.00	\$105.75	\$105.75	\$2,500.00	\$2,500.00	\$1,900.00	\$1,900.00	\$10,000.00	\$10,000.00
4	UNCLASSIFIED EXCAVATION	CY	317	\$10.00	\$3,170.00	\$175.00	\$55,475.00	\$55.00	\$17,435.00	\$54.55	\$17,292.35	\$90.00	\$28,530.00
5	ADJUSTMENT OF MANHOLES	EACH	17	\$4,800.00	\$81,600.00	\$1,300.00	\$22,100.00	\$2,700.00	\$45,900.00	\$2,550.00	\$43,350.00	\$1,800.00	\$30,600.00
6	CURB AND GUTTER COMBINED (AE)	LF	66	\$55.00	\$3,630.00	\$46.00	\$3,036.00	\$61.00	\$4,026.00	\$67.10	\$4,428.60	\$40.00	\$2,640.00
7	CURB AND GUTTER COMBINED (AE) (NON-PARTICIPATING)	LF	706	\$55.00	\$38,830.00	\$49.50	\$34,947.00	\$61.00	\$43,066.00	\$67.10	\$47,372.60	\$40.00	\$28,240.00
8	SIDEWALK CONSTRUCTION (6) (AE) *	SY	66	\$75.00	\$4,950.00	\$182.00	\$12,012.00	\$132.00	\$8,712.00	\$145.20	\$9,583.20	\$80.00	\$5,280.00
9	EARLY STRENGTH CONCRETE PAVEMENT (8 UNIFORM) (AE) (PLAIN) *	SY	564	\$90.00	\$50,760.00	\$82.25	\$46,389.00	\$185.00	\$104,340.00	\$203.50	\$114,774.00	\$175.00	\$98,700.00
10	AGGREGATE BASE (AB-3) (6) *	SY	820	\$12.00	\$9,840.00	\$33.25	\$27,265.00	\$18.50	\$15,170.00	\$20.35	\$16,687.00	\$15.00	\$12,300.00
11	MILLING (TON)	TON	1,632	\$27.00	\$44,064.00	\$17.50	\$28,560.00	\$22.00	\$35,904.00	\$27.80	\$45,369.60	\$26.00	\$42,432.00
12	HMA OVERLAY (SR-12.5A) (PG 70-28)	TON	1,632	\$120.00	\$195,840.00	\$96.00	\$156,672.00	\$104.00	\$169,728.00	\$130.50	\$212,976.00	\$100.00	\$163,200.00
13	SEDIMENT REMOVAL (SET PRICE)	CY	1	\$35.00	\$35.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
14	FILTER SOCK (12) *	LF	174	\$6.50	\$1,131.00	\$9.00	\$1,566.00	\$5.00	\$870.00	\$9.00	\$1,566.00	\$5.00	\$870.00
15	SEEDING	LS	1	\$3,000.00	\$3,000.00	\$5,200.00	\$5,200.00	\$1,650.00	\$1,650.00	\$3,500.00	\$3,500.00	\$1,000.00	\$1,000.00
16	PAVEMENT MARKING (MULTI-COMPONENT) (WHITE) (4) *	LF	1,199	\$1.50	\$1,798.50	\$2.00	\$2,398.00	\$2.75	\$3,297.25	\$0.44	\$527.56	\$2.75	\$3,297.25
17	PAVEMENT MARKING (MULTI-COMPONENT) (YELLOW) (4) *	LF	3,958	\$1.50	\$5,937.00	\$2.00	\$7,916.00	\$2.75	\$10,884.50	\$0.44	\$1,741.52	\$2.75	\$10,884.50
18	PAVEMENT MARKING (MULTI-COMPONENT) (YELLOW) (12) *	LF	43	\$15.00	\$645.00	\$7.00	\$301.00	\$16.50	\$709.50	\$1.65	\$70.95	\$18.00	\$774.00
19	PAVEMENT MARKING (INTERSECTION GRADE) (WHITE) (24) *	LF	474	\$20.00	\$9,480.00	\$22.25	\$10,546.50	\$24.20	\$11,470.80	\$16.50	\$7,821.00	\$25.00	\$11,850.00
20	PAVEMENT MRK SYM (INTERSECTION GRADE) (WHITE) (LEFT ARROW)	EACH	2	\$500.00	\$1,000.00	\$221.75	\$443.50	\$385.00	\$770.00	\$220.00	\$440.00	\$400.00	\$800.00
21	PAVEMENT MRK SYM (INTERSECTION GRADE) (WHITE) (RT ARROW)	EACH	2	\$500.00	\$1,000.00	\$221.75	\$443.50	\$385.00	\$770.00	\$220.00	\$440.00	\$400.00	\$800.00
22	PAVEMENT MARKING REMOVAL	LF	694	\$0.50	\$347.00	\$2.25	\$1,561.50	\$9.00	\$6,246.00	\$0.85	\$589.90	\$10.00	\$6,940.00
23	TRAFFIC CONTROL	LS	1	\$50,000.00	\$50,000.00	\$11,000.00	\$11,000.00	\$21,500.00	\$21,500.00	\$18,000.00	\$18,000.00	\$15,000.00	\$15,000.00
				TOTAL BASE BID:	\$575,057.50		\$455,987.75		\$575,999.05		\$586,280.28		\$609,187.75

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CCLIP 4th and Rees to Poplar SFY2025			Engineer's Estimate		All Pro Asphalt		x		x		x		
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	MOBILIZATION	LS	1	\$40,000.00	\$40,000.00	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2	REMOVAL OF EXISTING STRUCTURES	LS	1	\$25,000.00	\$25,000.00	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3	CLEARING AND GRUBBING	LS	1	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4	UNCLASSIFIED EXCAVATION	CY	317	\$10.00	\$3,170.00	\$12.30	\$3,899.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5	ADJUSTMENT OF MANHOLES	EACH	17	\$4,800.00	\$81,600.00	\$3,000.00	\$51,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	CURB AND GUTTER COMBINED (AE)	LF	66	\$55.00	\$3,630.00	\$104.00	\$6,864.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7	CURB AND GUTTER COMBINED (AE) (NON-PARTICIPATING)	LF	706	\$55.00	\$38,830.00	\$104.00	\$73,424.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8	SIDEWALK CONSTRUCTION (6) (AE) *	SY	66	\$75.00	\$4,950.00	\$225.00	\$14,850.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9	EARLY STRENGTH CONCRETE PAVEMENT (8 UNIFORM) (AE) (PLAIN) *	SY	564	\$90.00	\$50,760.00	\$270.00	\$152,280.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	AGGREGATE BASE (AB-3) (6) *	SY	820	\$12.00	\$9,840.00	\$20.00	\$16,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	MILLING (TON)	TON	1,632	\$27.00	\$44,064.00	\$20.78	\$33,912.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	HMA OVERLAY (SR-12.5A) (PG 70-28)	TON	1,632	\$120.00	\$195,840.00	\$157.98	\$257,823.36	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	SEDIMENT REMOVAL (SET PRICE)	CY	1	\$35.00	\$35.00	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	FILTER SOCK (12) *	LF	174	\$6.50	\$1,131.00	\$21.70	\$3,775.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	SEEDING	LS	1	\$3,000.00	\$3,000.00	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	PAVEMENT MARKING (MULTI-COMPONENT) (WHITE) (4) *	LF	1,199	\$1.50	\$1,798.50	\$9.17	\$10,994.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
17	PAVEMENT MARKING (MULTI-COMPONENT) (YELLOW) (4) *	LF	3,958	\$1.50	\$5,937.00	\$2.78	\$11,003.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
18	PAVEMENT MARKING (MULTI-COMPONENT) (YELLOW) (12) *	LF	43	\$15.00	\$645.00	\$17.00	\$731.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19	PAVEMENT MARKING (INTERSECTION GRADE) (WHITE) (24) *	LF	474	\$20.00	\$9,480.00	\$24.00	\$11,376.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	PAVEMENT MRK SYM (INTERSECTION GRADE) (WHITE) (LEFT ARROW)	EACH	2	\$500.00	\$1,000.00	\$352.00	\$704.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	PAVEMENT MRK SYM (INTERSECTION GRADE) (WHITE) (RT ARROW)	EACH	2	\$500.00	\$1,000.00	\$365.50	\$731.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22	PAVEMENT MARKING REMOVAL	LF	694	\$0.50	\$347.00	\$10.00	\$6,940.00						
23	TRAFFIC CONTROL	LS	1	\$50,000.00	\$50,000.00	\$22,425.00	\$22,425.00						
				TOTAL BASE BID:	\$575,057.50		\$701,634.29		\$0.00		\$0.00		\$0.00

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Calvin E. Reed, P.E., Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.gov>
Laura Kelly, Governor

September 13, 2023

Mr. Earl Wilkinson
Deputy Director of Public Works
100 N. 5th Street
Leavenworth, KS 66048

Dear Mr. Wilkinson:

Congratulations! Your application for a Surface Preservation project has been selected for funding as part of the Kansas Department of Transportation (KDOT) State Fiscal Year (SFY) 2025 City Connecting Link Improvement Program. KDOT has allocated \$400,000 for Construction and Construction Engineering for this project:

Mill and overlay, curb repair, sidewalk ramps and pavement markings on K-7 from Rees St to Poplar St

The City will be required to contribute a minimum of 15% plus anything over the amount shown above and will also be responsible for all Preliminary Engineering, Right-of-Way, and Utility costs.

Due to the current bidding environment, all CCLIP application estimates were thoroughly reviewed and adjusted for inflation. The CCLIP funding awards were modified accordingly, for the applied project limits and scope. These should not be modified during project development without KDOT concurrence.

For KDOT to program your project, KDOT must receive a completed 1302 form from you before October 20, 2023. Please complete the enclosed form and return it as soon as possible to KDOT.LPePlans@ks.gov.

Once KDOT receives your completed 1302 form, KDOT will program the project and send a project schedule as a reference in developing the project in accordance with KDOT's procedures. Project development details may be found in the LPA Project Development Manual at [KDOT: Local Projects](#).

To keep the project on schedule, this letter serves as the commitment from KDOT to fund this project at the amount written above. An agreement between KDOT and the City will be forthcoming that outlines all terms and conditions of KDOT's funding. However, to allow for you to begin preliminary engineering, the following clauses will be included in the agreement between the City and KDOT and shall be included in your contract with a consultant to provide preliminary engineering services:

Conformity with State and Federal Requirements. The City shall be responsible to design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP's) project memorandums, memos, the KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Road Design's road memorandums, the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), the current version of the Bureau of Transportation Safety and Technology's Traffic Engineering Guidelines, and the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions, and with the rules and regulations of the FHWA pertaining to the Project.

Consultant Contract Language. The City shall include language requiring conformity with Article III, paragraph 3 above, in all contracts between the City and any Consultant with whom the City has contracted to perform services for the Project. In addition, any contract between the City and any Consultant retained by them to perform any of the services described or referenced in this paragraph for the Project covered by this Agreement must contain language requiring conformity the paragraph entitled Conformity with State and Federal Requirements. In addition, any contract between the City and any Consultant with whom the City has contracted to prepare and certify Design Plans for the Project must also contain the following provisions:

- (a) Completion of Design. Language requiring completion of all plan development stages no later than the current Project schedule's due dates as issued by KDOT, exclusive of delays beyond the Consultant's control.
- (b) Progress Reports. Language requiring the Consultant to submit to the City (and to the Secretary upon request) progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.
- (c) Third Party Beneficiary. Language making the Secretary a third party beneficiary in the agreement between the City and the Consultant. Such language shall read:

“Because of the Secretary of Transportation of the State of Kansas’ (Secretary’s) obligation to administer state funds, federal funds, or both, the Secretary shall be a third party beneficiary to this agreement between the City and the Consultant. This third party beneficiary status is for the limited purpose of seeking payment or reimbursement for damages and costs the Secretary or the City or

both incurred or will incur because the Consultant failed to comply with its contract obligations under this Agreement or because of the Consultant's negligent acts, errors, or omissions. Nothing in this provision precludes the City from seeking recovery or settling any dispute with the Consultant as long as such settlement does not restrict the Secretary's right to payment or reimbursement."

If you have any questions, please do not hesitate to contact us. Questions may be directed to Dawn Hueske at (785) 207-1420 or Dawn.Hueske@ks.gov.

Sincerely,



Tod L. Salfrank, Chief
Bureau of Local Projects

Cc: Scott King, Director of Engineering and Design
Leroy Koehn, KDOT District Engineer



Authority to Award

CCLIP-SP Project Number 73-052 U-2509-01

City of Leavenworth

Date: 12/30/2024

The KDOT Bureau of Local Projects (BLP) has reviewed the bid documents for the referenced project and concurs with the City's recommendation to award the contract to J. M. Fahey.

After the contract has been approved by the City and signed by all parties, please forward an electronic copy of the signed contract and pertinent documents to the Bureau of Local Projects (via email). Also, please forward the below-listed milestone dates as they occur:

- Notice to Proceed Date
- Actual Work Start Date (may be the same as the Notice to Proceed)
- Date Work Completed
- Notice of Acceptance Date (from KDOT Area Engineer)

David J Northup, PE

Digitally signed by David J Northup, PE
DN: C=US, E=David.Northup@ks.gov,
O=Kansas Department of Transportation,
OU=Bureau of Local Projects, CN=David J
Northup, PE*
Date: 2024.12.30 07:31:25-06'00'

David J. Northup, P.E.

Local Road Engineer

(785) 213-1720

David.Northup@ks.gov

Cc: Jenny Egging
Jennifer Brendel
Cara Hodges

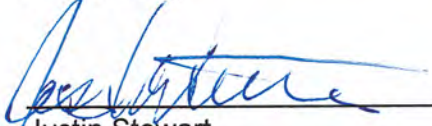
POLICY REPORT PWD NO. 25-02

20TH AND SENECA STORM REPAIRS

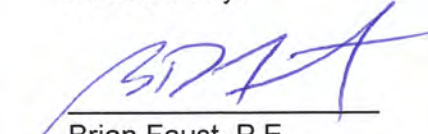
Project No. 2024-017

January 14, 2025

Prepared by:


Justin Stewart,
Project Manager

Reviewed by:


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


Scott Peterson,
City Manager

ISSUE:

Consider bids received and possible award of a construction services contract with Linaweaver Construction Co. for the 20th and Seneca Storm Repairs.

BACKGROUND:

The curb inlet located at the SW corner of 20th and Seneca experienced an inlet wall failure several years ago. The inlet, constructed of bricks and blocks, partially collapsed causing a small sinkhole in front of the structure.

As a result, the City placed orange fencing around the failure to help protect drivers and pedestrians in the area.

In 2023, the City contracted with BG Consultant to design repairs at this location. The project consists of replacing a storm line and inlet structure, localized full-depth base repairs, spot curb and sidewalk replacement along with any needed ADA upgrades at ramps. The new line will cross 20th so there will be localized short duration lane closures doing this project.

The project plans, specifications, and location map were developed by City staff and BG Consultants. The project was advertised for bid in the Leavenworth Times and at Drexel Technologies and bids were opened on December 12, 2024. The bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
Linaweaver Construction	Lansing, KS	\$135,465.00
Westland Construction	Basehor, KS	\$147,420.00
Kansas Heavy Construction	Tonganoxie, KS	\$148,660.00
Lexeco Construction	Leavenworth, KS	\$157,719.00
Kaaz Construction	Leavenworth, KS	\$169,666.00
Engemann Drainage Co.	Troy, KS	\$169,976.00
McConnell & Associates	N. Kansas City, MO	\$239,097.00
Engineer's Estimate		\$154,660.00

Based on the final bids, Linaweaver Construction Co. was identified as the lowest qualified bid. Linaweaver Construction Co. has completed multiple projects for the City of Leavenworth in the past.

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. There were seven (7) responsive bidders and the low bid from Linaweaver Construction Co. was under the engineer's estimate.

BUDGET IMPACT:

The cost for this contract is \$135,465. The Stormwater Capital Projects Fund – Orange Fence Projects will be used to cover this expense. City staff will inspect the project.

RECOMMENDATION:

Staff recommends that the City Commission authorize the Mayor to sign a Construction Services Contract with Linaweaver Construction for the 20th and Seneca Storm Repairs in the amount of \$135,465.

ATTACHMENT:

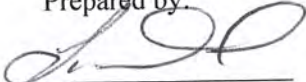
Bid Tab Review

POLICY REPORT NO. 25-03
WATER POLLUTION CONTROL – 2025 CHEMICAL PURCHASE

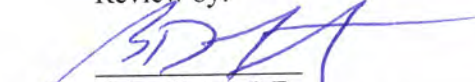
BID NO. #01WW-2025-01

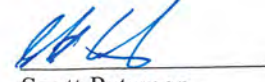
January 14th, 2025

Prepared by:


Tim Guardado,
WPC Superintendent

Review by:


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


Scott Peterson,
City Manager

ISSUE:

Consider approval of bids for the purchase of chemicals used in the operation and maintenance of the Wastewater Treatment Plant.

BACKGROUND:

These chemicals are used for a variety of processes in the treatment of wastewater. A summary of the uses is shown below.

- **Hydrogen Peroxide** is injected into the raw sludge line before the belt press to control the release of hydrogen sulfide gas in the pressroom.
 - Projected year usage for 2025: 24 - 55 gallon drums
- **Sodium Hypochlorite** and **Sodium Hydroxide** are used in the wet air scrubber to control odors from the dewatering operation.
 - Projected year usage 6 - 55 gallon drums. 3 Sodium Hypochlorite/ 3 Sodium Hydroxide
- **Ferrous chloride** is added to the influent to control odors from the plant processes.
 - Projected usage for 2025: 33,000 gallons
- **Polymer** is a coagulating agent used in the sludge dewatering process.
 - Projected usage for 2025: 11,000 pounds

BUDGET IMPACT:

The 2025 Budget includes \$100,000 for the purchase of chemicals for the WWTP. The higher cost over previous years is in anticipation of the new Screw Press which uses more polymer than the existing belt press.

STAFF RECOMMENDATION:

Staff recommends approval by the City Commission of the low bids for the chemicals shown below. Total cost based on anticipated quantities is \$88,790.10 but staff requests award of the low bids with a total chemical cost not to exceed \$100,000. This will help account for unknowns with the new press.

Chemical	Price in 2022	Price in 2023	Price for 2024	2025 Bid	Vendors for 2025
Ferrous Chloride	\$0.95/lb. Fe	\$1.29/lb. Fe	\$1.69/lb Fe	\$1.665/lb Fe	PVS Technologies
Sodium Hypochlorite	\$1.66/gal	\$3.30/gal	\$3.42/gal	\$3.42/gal	Edwards Chemicals
Sodium Hydroxide	\$0.32/lb.	\$0.64/lb.	\$0.335/lb.	\$.0335/lb.	Edwards Chemicals
Hydrogen Peroxide	\$0.35/lb.	\$0.39/lb.	\$0.45/lb.	\$0.30/lb.	Brenntag Mid-South
Polymer	\$2.53/lb.	\$2.77/lb.	\$2.64/lb.	\$2.64/lb.	Atlantic Coast Polymers

ATTACHMENT:

Bidder Spreadsheet



BID TAB & RESULTS

Project or Purchase: 2025 WPC Chemical Bids
Bid Opening Date: Monday, December 9th, 2024
Bid Opening Time: 3:00 PM
Bid Opening Location: City Hall, 2nd Floor Conf Room

	Bidder	Address (City/State)	Total Bid
1	Brenntag Mid-South Inc.	1405 Hwy 136 W Henderson, KY 44420	Hydrogen Peroxide - \$0.30 / lb
2	PVS Technologies Inc.	10900 Harper Ave Detroit, MI 48213	Ferrous Chloride - \$1.665 / lb iron
3	Pencoco, Inc.	PO Box 600 San Felipe, TX 77473	Ferrous Chloride - \$1.77 / lb iron
4	Atlantic Coast Polymers Inc.	224 Commercial Blvd Suite 204 Lauderdale-by-the-Sea, FL 33308	Polymer - \$2.64 / lb
5	Harcros Chemicals	5200 Speaker Rd Kansas City, KS 66106	Hydrogen Peroxide - \$0.45 / lb Polymer - \$3.79 / lb
6			
7			
8			
9			
10			
11			

*All bids over \$50,000 are subject to review and approval by the City Commission

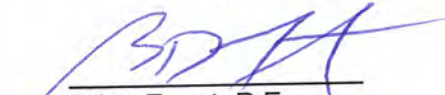
POLICY REPORT PWD NO. 25-10

CONSIDER APPROVAL OF SUPPLEMENTAL DESIGN SERVICES WITH BARTLETT & WEST ENGINEERS FOR THE VILAS STREET SIDEWALK IMPROVEMENTS


City Project No. 2022-997

January 14, 2024

Prepared By:


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

Reviewed By:


Scott Peterson,
City Manager

ISSUE:

Consider approval of the supplemental design services with Bartlett & West Engineers (B&W) for additional sanitary and storm design along with easement work associated with the Vilas Street ADA and Sidewalk Upgrades Project.

BACKGROUND:

The City of Leavenworth submitted two Transportation Alternatives (TA) grant applications to KDOT on March 1, 2022, for sidewalk and ADA improvements along Vilas. During the review process, KDOT requested that the two projects be combined into one grant application. The Vilas Street Project was selected to receive federal funds from the TA Program in July 2022. The total estimated cost for the construction of the project is \$1,582,300, and the Federal TA award was for \$1,265,840 (80%) and the local share will be \$316,460 (20%). The Federal TA funding is only available for construction and construction inspection. The City is financially responsible for the preliminary engineering, design, right-of-way and utility relocation along with the 20% local construction match.

The City Commission approved the original contract, Contract No. 2023-02, with Bartlett & West for design services during the January 10, 2023 meeting in the amount of \$198,666. As part of the field check, staff walked the entire site with the consultant and identified a number of additional properties where easements were needed. If these easements are obtained, fewer retaining walls along the roadway would be required and the overall construction cost of the project would be lessened. The trade-off is that there will be some additional design and acquisition costs associated with these easements. In August of 2023, the Commission approved Supplemental Services No. 1 in the amount of \$40,158 for the additional design.

After Supplement No. 1 was approved, staff requested a redesign at the west end of the project that would extend the sanitary sewer across Vilas to the north to allow for future connections on the north side. This also involved changes to curb and driveways in the area. The cost associated with Supplemental No. 2 is \$9,676.

While City staff, our engineer and our ROW acquisition consultant have worked diligently to obtain all the needed easements, there are properties where acquisition is not possible except through condemnation. To avoid condemnation and meet the Spring 2025 bidding timeframe set by KDOT, staff asked that B&W redesign several areas of the project to eliminate the need for several easements. The cost for Supplemental No. 3 is a not-to-exceed amount of \$25,605. Staff does not feel any additional supplemental agreements associated with the design will be required.

BUDGET IMPACT:

The cost for the additional services (both Supplemental No. 2 and No. 3) is a not-to-exceed amount of \$35,281 and will be funded with Grant Matching funds.

RECOMMENDATION:

Staff recommends approval of the additional design services with Bartlett & West for the Vilas Street ADA and Sidewalk Upgrades Project in an amount not to exceed \$35,281.

ATTACHMENTS:

- Supplemental Design Spreadsheet No. 2
- Supplemental Design Spreadsheet No. 3

ENGINEERING SERVICES

Vilas Sidewalk and ADA Improvement Project supplemental is specifically defined below:

At the City's request this change in scope is from property owner(s) input from the public meeting.

Engineering Services include the following:

1. DESIGN SERVICES

- 1.1 Remap drainage area, calculations, update plans, quantities, and estimate for property at (22nd Street and Vilas Street)
- 1.2 Add sanitary sewer design/details, develop plans sheets, update quantities, and estimate at the Greenamyre Addition north to cross Vilas Street
- 1.3 Add curb & gutter, redesign driveways, update plans, quantities, and estimate for property at (1303, 1309, 1313 Vilas Street) Update/revise Plan & Profile sheets

PROJECT FEE ESTIMATING SHEET								
Vilas Sidewalk and ADA Improvements - Supplemental City of Leavenworth, KS								
Tasks		Staff Hours		Labor Costs	Other Direct Costs		Total Fee	Subtotal Fee
		Eng. XI	Eng. Tech VII		Item	Cost		
		\$257.00	\$127.00					\$9,676.00
1.	ADDITIONAL SURVEY							
1.1	Remap drainage area, calculations, update plans, quantities, and estimate for property at (22nd Street and Vilas Street)	4	32	\$5,092.00			\$5,092.00	
1.2	Add sanitary sewer design/details, develop plans sheets, update quantities, and estimate at the Greenamyre Addition north to cross Vilas Street	2	16	\$2,546.00			\$2,546.00	
1.3	Add curb & gutter, redesign driveways, update plans, quantities, and estimate for property at (1303, 1309, 1313 Vilas Street)	2	12	\$2,038.00			\$2,038.00	
	TOTALS	8	60	\$9,676.00		\$0.00	\$9,676.00	
						Grand Total	\$9,676.00	

Vilas Street Sidewalk and ADA Improvement Project
City Contract Number: 2023-02
City Project Number: 2022-997

ENGINEERING SERVICES

The supplemental for the Vilas Street Sidewalk and ADA Improvement Project supplemental is specifically defined below:

This change in scope is based on the input of the property owner(s) during the public meeting and easement negotiations.

Engineering Services include the following:

1. DESIGN SERVICES

- 1.1 Design changes to move the sidewalk to the back of curb for tracts 15 & 16.
- 1.2 Design changes to regrade intersection details and sidewalk ramps.
- 1.3 Drainage design additions and modifications.
- 1.4 Design changes to remove retaining wall and regrade tracts 75 & 76.
- 1.5 Design changes to modify driveway profile for 10 tracts to remove TCE from the project.
- 1.6 Tracts (2, 9, 10, 12, 37, 55, 62, 72, 86, and 91).
- 1.7 Revise and update associated plan sheets to reflect design changes (29 sheets).
- 1.8 Revised and updated quantity tables.
- 1.9 Revise and update 2 easement descriptions and exhibits.

Summary of Project Fees:

Original Contract:	\$198,666.00
Supplemental 1:	\$40,158.00
Supplemental 2:	\$9,676.00
<u>Supplemental 3 (Current):</u>	<u>\$25,605.00</u>
New Total Not to Exceed Amount:	\$274,105.00

City Manager: Scott Peterson **Date**

City Clerk: Sarah Bodensteiner **Date**

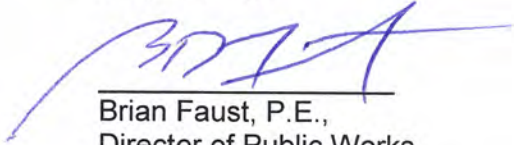
POLICY REPORT PWD NO. 25-12

CONSIDER APPROVAL OF THE SUPPLEMENTAL DESIGN SERVICES WITH WILSON & COMPANY FOR THE DOWNTOWN ADA INTERSECTION RAMP PROJECT

City Project No. 2023-025

January 14, 2025

Prepared By:


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

Reviewed By:


Scott Peterson,
City Manager

ISSUE:

Consider approval of the supplemental design services agreement #1 with Wilson & Company for updating the plans and specifications for the Downtown ADA Intersection Ramp Project. The update is required to satisfy KDOT design requirements for the Transportation Alternatives (TA) Program.

BACKGROUND:

The City of Leavenworth worked with Wilson & Company to design ADA accessible ramps in our downtown. Project limits are Choctaw (south), Seneca (north), Esplanade (east) and Broadway (west). Project was designed as a city let project with 100% city funding for construction. The original design budget was \$39,750. After design was complete, the city was notified that KDOT was taking applications for the Fiscal Year 2026 Transportation Alternatives (TA) Program.

The city submitted this project to KDOT and in October of 2024, we were notified that the Downtown ADA Sidewalk Ramp Improvement Project was awarded \$629,750 in funding. While the city will be paying for the design, construction costs are covered at 100% (no matching funds required).

As the plans were designed for a city let project, Wilson & Company submitted a supplemental design services agreement to update the plans and specifications to KDOT Standards. The cost for this additional work is \$30,000.

BUDGET IMPACT:

The cost will be funded with either sidewalk and curb funding contained within the adopted CIP or the Grant Matching Fund. Supplemental design services agreement #1 is in an amount not to exceed \$30,000.

RECOMMENDATION:

Staff recommends approval of the supplement design services agreement #1 with Wilson & Company for the Downtown ADA Intersection Ramp Project in an amount not to exceed \$30,000.

ATTACHMENTS:

- Supplemental Design Services Agreement No. 1
- Map showing where ramp work is planned
- KDOT Award Letter

Exhibit A
Supplemental #1
Scope of Services
Downtown ADA Improvements
October 30, 2024

General Scope of Services

The purpose of this contract is to provide professional design services required to update the plans for the Kansas Department of Transportation (KDOT) letting process. The required changes are needed due to the additional funding from a Transportation Alternative grant and KDOT now administrating the project. Required changes include updating the plans to KDOT format and following the KDOT submittal process (Field Check, Office Check, and Final Plans).

Supplemental Scope Items

1. Additional Meetings (2 City coordination meetings, Field Check with KDOT)
2. Revise sheet borders to KDOT standard 22"x36"
3. Revise title sheet to KDOT standard.
4. Update plan sheet notes to KDOT format
5. Update summary of quantities and develop quantity tables for KDOT standard bid items.
6. Develop erosion control sheets
7. Develop traffic control plan and sidewalk MOT plans
8. Include KDOT standard drawings
9. Submit Field Check Plans and cost estimate
10. Attend field check
11. Address KDOT comments and prepare Office Check plans with cost estimate
12. Address KDOT Office Check Comments and submit Final Plans with cost estimate

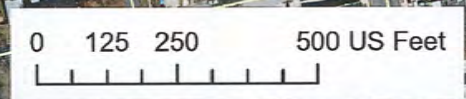
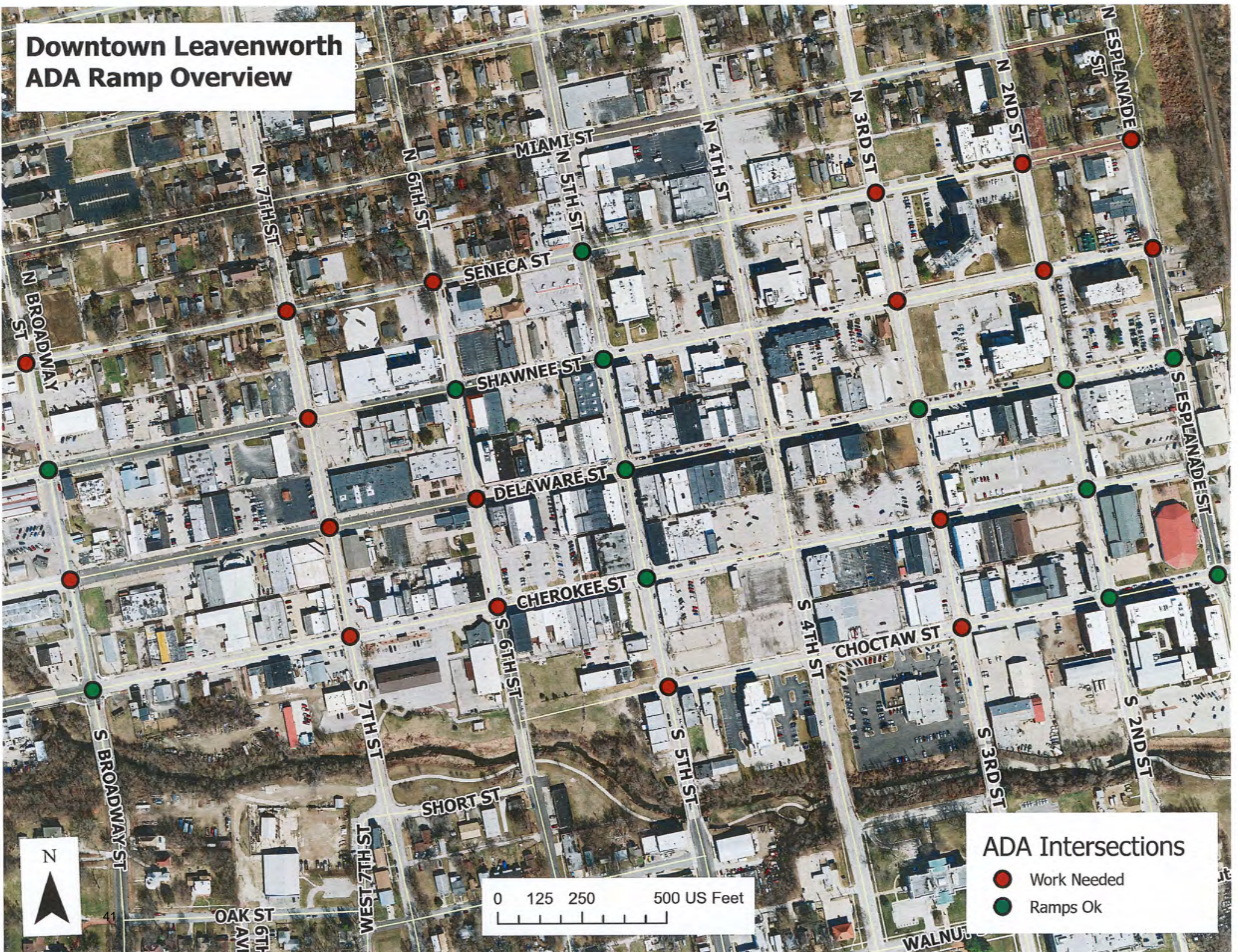
Items Not Included in the Scope of Services

1. Preparation of the project manual.
2. Geotechnical investigations and recommendations.
3. Topographic or property surveys.
4. Preparation of easement documents
5. Preparation of any environmental clearance documents.
6. Utility coordination.
7. Utility clearance (Form 1304).
8. R/W clearance (Form 1306).
9. Environmental Clearance (Form 1307).

**COMPENSATION
SUPPLEMENTAL #1
LEAVENWORTH DOWNTOWN ADA IMPROVEMENTS
October 30, 2024**

Task No.	Task Item	P5	P3	OD4		
Downtown ADA Improvements						
1	Develop Field Check Plans	8	40	80		
2	Develop Office Check Plans	4	20	40		
3	Develop Final Plans	4	20	20		
4	Attend Meetings (Coordination, Field Check)	8	8			
	Total Hours	24	88	140		
Personnel Costs						
		Rate	Hours			Cost
	Project Manager (P5)	\$ 194.00	24			\$ 4,656
	Project Engineer (P3)	\$ 125.00	88			\$ 11,000
	CADD Tech (OD4)	\$ 100.00	140			\$ 14,000
			0			\$ -
						\$ -
	Direct Labor Subtotal					\$ 29,656
Reimbursable Expenses						
	Reproduction & Plotting	\$ -				
	Vehicle Miles (\$0.80/miles)	\$ 200.00				
	Miscellaneous	\$ 144.00				
	Reimbursable Expenses Total	\$ 344				\$ 344.00
TOTAL						\$ 30,000

Downtown Leavenworth ADA Ramp Overview



ADA Intersections

- Work Needed
- Ramps Ok



Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Department of Transportation
Bureau of Transportation and Planning

Phone: 785-296-3841
Fax: 785-296-8168
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

Calvin Reed, Secretary
Matt Messina, Chief

10/15/2024

Brian Faust (pkramer@firstcity.org)
(913) 680-2600
City Manager
City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

Dear Brian,

I am pleased to inform you that your project is selected to receive federal funds and will be included in our state's Transportation Alternatives (TA) Program.

Project Title	TA Award	Local Match Responsibility	Federal Fiscal Year
Downtown ADA Sidewalk Ramp Improvements	\$629,750	\$ 0*	2026

**Awardee will be financially responsible for right of way acquisition, utility relocations, any non-participating items and any additional amounts that exceed the maximum federal amount.*

The project referenced above is selected to receive a maximum federal award of **\$629,750** and is expected to aid in the completion of "Downtown ADA Sidewalk Ramp Improvements" as proposed in your project application with the following considerations:

- Enhanced striping should be considered within the project costs.
- All signage will be MUTCD compliant.

If PE/design will be funded with TA dollars, do not begin work on project consultant selection, PE and Design work until a Notice to Proceed is received. The [Quality Based Selection](#) process must then be followed. If you have questions or need support on that process, please contact Aaron Boehmler, Burns and McDonnell, aaron.boehmler@ks.gov.

You are now encouraged to immediately begin work on the following items:

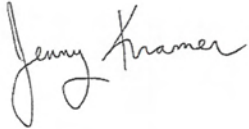
- Request for Project Form 1302 – complete, sign, and submit.
- Unique Entity ID registration is required; follow link ([Entity Registrations](#))
- KDOT Info Sheet – complete and submit

Please submit all items listed above to Jenny.Kramer@ks.gov to add to your project file. Once you submit your Form 1302, we will program your project, assign a KDOT Project Number, and begin drafting a City/State Agreement which you will later receive for review and signatures.

If you have any questions, please feel free to contact me by email at Jenny.Kramer@ks.gov or by phone at 785-296-5186.

We look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads "Jenny Kramer". The signature is written in a cursive style with a large, looped initial "J".

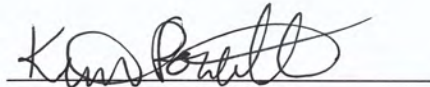
Jenny Kramer
Active Transportation Manager
KDOT Bureau of Multimodal Transportation
700 SW Harrison Street
Topeka, KS 66603
Jenny.Kramer@ks.gov; 785-296-5186

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-28-SUP
724 POTTAWATOMIE STREET**

JANUARY 14TH, 2025

SUBJECT:

Place on first consideration an ordinance regarding 2024-28-SUP related to a request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

NATURE OF REQUEST

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 724 Pottawatomie Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant but was previously occupied by a four-plex dwelling which was demolished in 2014.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the neighboring property, 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 724 Pottawatomie Street will be nearly identical.

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.

Based on all available information, staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.

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

Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

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.

The proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby properties.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

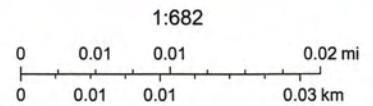
ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 724 Pottawatomie Street.
- Deny the Special Use Permit request to allow a two-family dwelling at 724 Pottawatomie Street.
- Remand the Special Use Permit request to allow a two-family dwelling at 724 Pottawatomie Street to the Planning Commission for further discussion.

2024-28-SUP



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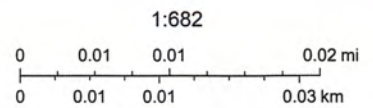


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-28-SUP (Zoning)



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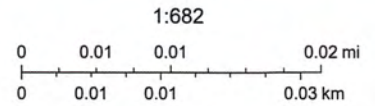


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-28-SUP (Future Land Use)



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-28 SUP

Application No.	<u>16383</u>
Fee (non-refundable)	\$350.00
Filing Date	<u>10/18/24</u>
Received By	<u>JS</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</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: duplex in the R1-6 zoning district

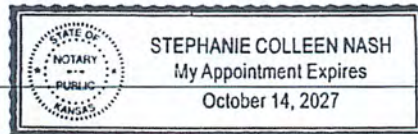
in accordance with the attached site plan on the following described property:

Subject Property:	<u>724 / 726 Pottawatomie</u>		
Legal Description:	<u>(Attach a full legal description provided by the Register of Deeds Office)</u>		
Real Estate PID #:	<u>052.077-26-0-41-07-019.00-0</u>		
Zoning:	<u>R1-6</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>Vance Allied</u>		
Owner Address:	<u>15799 Archer Rd Bonner Springs, Mo 66012</u>		
Contact No.	<u>(913) 680-7055</u>	Email:	<u>Vance.Mallard@gmail.com</u>
Signature of Owner(s):	<u>Vance Allied</u>		

State of Kansas
County of Leavenworth (SEAL)



Signed or attested before me on: October 15, 2024
Notary Public: Stephanie Colleen Nash
My Appointment Expires: October 14, 2027

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	Email:

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 full 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)

From: [Amy Willcott](#)
To: [Michelle Baragary](#)
Subject: Tomorrow
Date: Thursday, October 17, 2024 4:24:54 PM

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

Sister Amy Willcott, SCL

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/22/2022

Janet Klasmaker
COUNTY CLERK

Doc #: 2022R06000
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/22/2022 09:42:45 AM
RECORDING FEE: 21.00
PAGES: 1

#6479

SHERIFF'S DEED

KNOW ALL MEN BY THESE PRESENTS, THAT a certain action to foreclose tax liens on certain real property in the County of Leavenworth, State of Kansas, has heretofore been filed in the District Court of Leavenworth County, Kansas, and is titled: The Board of County Commissioners of Leavenworth County, Kansas v. REDIE LEWIS, Case No. 2021 CV 209; and Judgment was thereafter rendered by said court in the above entitled action on February 22, 2022.

In compliance with, and pursuant to this Judgment, the Clerk of the District Court of Leavenworth County, Kansas, issued an order to Sheriff Andrew D. Dedeke, Sheriff of Leavenworth County, Kansas, to advertise and sell tracts of land, lots, or pieces of real estate described below, all according to law.

The Leavenworth County Sheriff gave notice of this sale by advertisement and publication notice of sale in The Leavenworth Times newspaper printed in Leavenworth County, Kansas, and which had been continuously and uninterruptedly published in Leavenworth County, Kansas, not less than fifty (50) weeks a year for a period of five years prior to the first publication notice, all according to the law. The Leavenworth County Sheriff, Andrew D. Dedeke, thereafter sold to Vance M. Allred for the highest and best bid obtainable on May 16, 2022, the following described real property; for the amount shown by each particular tract, lot, or piece of real estate.

DESCRIPTION: Lots 12 and 13, Block 98, Western Addition to the City of Leavenworth, Leavenworth County, Kansas.

CAMA No. 077-26-0-41-07-019.00-0

Price: \$100.00

THEREAFTER, on the 18th day of May, 2022, the order of sale and the proceedings of sale were returned to the Leavenworth County District Court and after examination of the proceedings, and finding that the sale was made in all respects in conformity with the law applicable, the District Court of Leavenworth County confirmed the sale, and the proceedings made thereto, on the 14th day of June, 2022.

THEREAFTER, and according to law, the Sheriff of Leavenworth County was ordered to execute this good and sufficient deed to the purchaser(s) Vance M. Allred.

THEREFORE, I, Andrew D. Dedeke, Sheriff of Leavenworth County, Kansas do hereby, give, grant, sell and convey to Vance M. Allred, his heirs and assigns forever, all the above-described real estate located in Leavenworth County, Kansas, together with all and singular tenements, hereditaments and appurtenances thereto or in any way appertaining, subject to zoning regulations, easements, restrictions, and mineral interests of record,

TO HAVE AND TO HOLD THE SAME UNTO SAID Vance M. Allred, his heirs and assigns forever.

IN WITNESS WHEREOF, I, Andrew D. Dedeke, Sheriff of Leavenworth County, State of Kansas, have hereunto set my hand this 15th day of June, 2022.

Andrew D. Dedeke
Andrew D. Dedeke
Sheriff of Leavenworth County, Kansas

STATE OF KANSAS)
COUNTY OF LEAVENWORTH) SS:

This instrument was acknowledged before me the 15th day of June, 2022 by Andrew D. Dedeke as Sheriff of Leavenworth County, Kansas.

My Appointment Expires: June 19th, 2022
Susan A. Nester
Notary Public *Susan A. Nester*

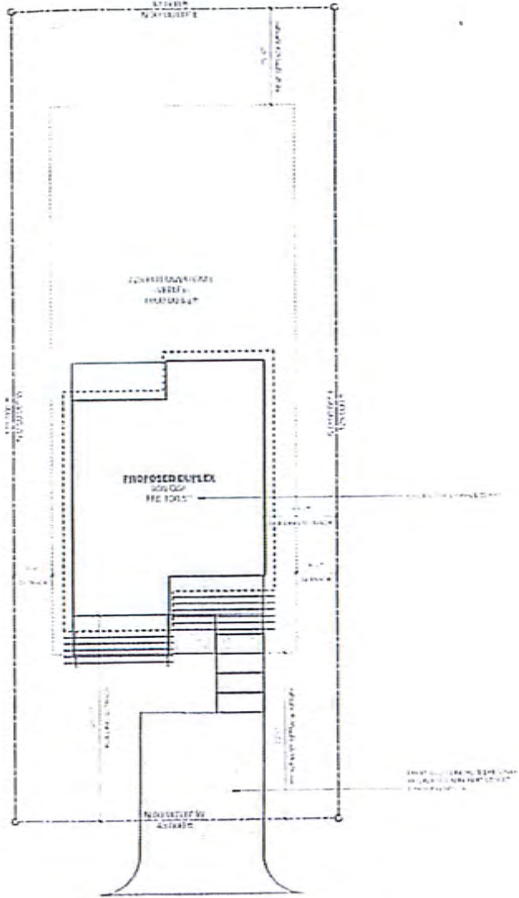
SEND TAX STATEMENTS (AND RETURN) TO: Vance M. Allred, 15799 Archer Rd, Bonner Springs, KS 66012



Tx:4082339

DOCID:8115318

Sales Validation Questionnaire Exemption: (10) by way of sheriff's deed



POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN
Scale: 1/8" = 1'-0"



A1.1

ROGUE ARCHITECTURE PLLC
201 E Spring Street
Suite 201, Ames, IA 50010
515.281.1000
info@roguearch.com

DEPAUL USA
NEW DUPLEX
DEVELOPMENT
221 Pottawatomie
Des Moines, IA 50319

ROGUE
architecture

REGISTERED ARCHITECT
CONSULTANTS
DESIGNERS

ARCHITECTURAL SITE PLAN
New Duplex
2/23/2019

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 724 POTTAWATOMIE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, 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 2nd day of December 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 and mailed to all property owners within 200 feet of the said property on the 7th day of November 2024; and

WHEREAS, the City Planning Commission did hear on the 2nd day of December 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 724 Pottawatomie Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lots 12 and 13, Block 98, Western Addition to the City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 724 Pottawatomie St., 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 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 _____ 2025.

Holly Pittman, Mayor

{Seal}

ATTEST:

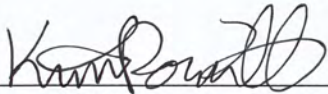
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-29-SUP
724 OSAGE STREET**

JANUARY 14TH, 2025

SUBJECT:

Place on first consideration an ordinance regarding 2024-29-SUP related to a request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

NATURE OF REQUEST

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 724 Osage Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant but was previously occupied by a single family dwelling which was demolished in 2002.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 724 Osage Street will be nearly identical.

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.

Based on all available information, staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.

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

Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

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.

The proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby properties.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

STAFF RECOMMENDATION:

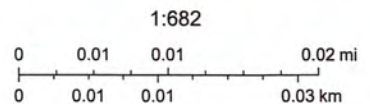
Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 724 Osage Street.
- Deny the Special Use Permit request to allow a two-family dwelling at 724 Osage Street.
- Remand the Special Use Permit request to allow a two-family dwelling at 724 Osage Street to the Planning Commission for further discussion.



1/8/2025, 4:31:47 PM

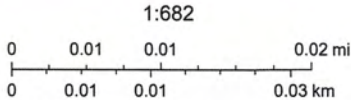


Eri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-29-SUP (Zoning)



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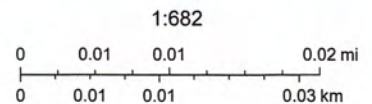


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-29-SUP (Future Land Use)



1/8/2025, 4:30:22 PM



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-29 SUP

Application No.	16384
Fee (non-refundable)	\$350.00
Filing Date	10/18/24
Received By	JS
Hearing Date	12-2-24
Publication Date	11-7-24

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: duplex in the R1-L6 zoning district

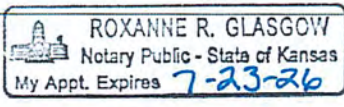
in accordance with the attached site plan on the following described property:

Subject Property:	724 DSAGE		
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)		
Real Estate PID #:			
Zoning:	R1-L6	Historic District:	

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

Name(s) of Owner (print):	Russell L. Connel Audreana M. Connel		
Owner Address:	18312 Eisenhower Rd Leavenworth KS 66048		
Contact No.	913-683-3837	Email:	AUDREANA.CONNEL@HOTMAIL.COM
Signature of Owner(s):	Russell L. Connel Audreana M. Connel		

State of Kansas)
County of Leavenworth) (SEAL)



Signed or attested before me on: 10/16/2024
Notary Public: Roxanne R. Glasgow
My Appointment Expires: 7-23-2026

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	
Email:	

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 full 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)

From: [Amy Willcott](#)
To: [Michelle Baragary](#)
Subject: Tomorrow
Date: Thursday, October 17, 2024 4:24:54 PM

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

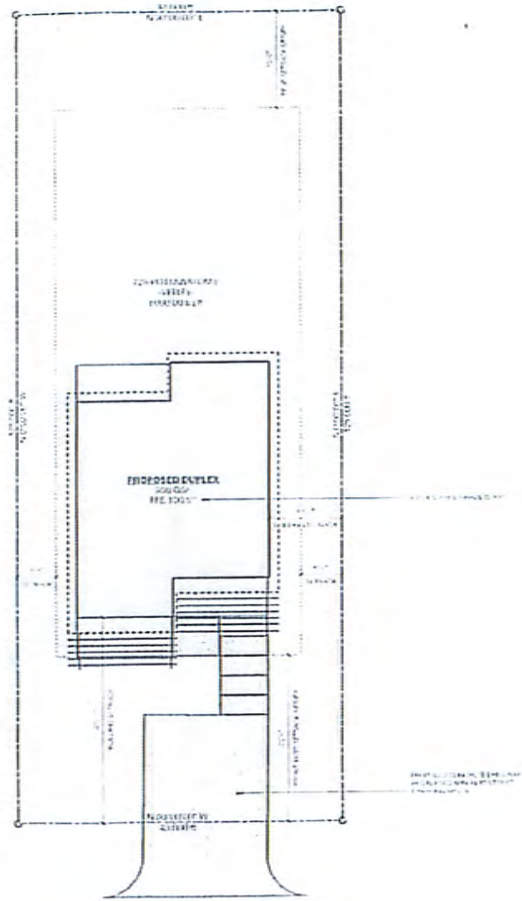
Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

Sister Amy Willcott, SCL

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.



POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN
DATE: 10/14/10



A1.1

DEPAUL USA
NEW DUPLEX
DEVELOPMENT

223 Pottawatomie
Lawrenceville, Georgia

ROGUE
architecture

ROGUE ARCHITECTURE P.L.L.C.
2000 Peachtree Street
Atlanta, Georgia 30309
Tel: 404.525.1000
www.roguearch.com

ARCHITECTURAL SITE PLAN
10/14/10

ACCEPTED FOR CONSTRUCTION

Guarantee Land Title of
Leavenworth, Inc
400 Delaware Street
Leavenworth, KS 66048



24035

File No.

BC/CO
1/1
√2

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged the grantor(s) convey(s) and warrant(s) to grantee(s) the hereinafter described real estate.

Grantor(s): Thi Nguyen Thai Lai, also known as Nguyen Thai Lai
Nguyen Thai Lai, a single person

Grantee(s): John C. Hammeke, a single person

LEGAL DESCRIPTION:

Lots 13 and 14, Block 91 lying partly in LEAVENWORTH CITY PROPER and partly in WESTERN ADDITION to the City of Leavenworth, according to the recorded plat thereof,

in LEAVENWORTH COUNTY, KANSAS.

STATE OF KANSAS
COUNTY OF LEAVENWORTH
FILED FOR RECORD

200 FEB 23 A 10: 25

STACY R. DRISCOLL
REGISTER OF DEEDS

Entered in the transfer record in my office this
23 day of Feb, 2000
Stacy R. Driscoll County Clerk

THE FEE SIMPLE TITLE conveyed hereby is subject to assessments, specials, restrictions and reservations of record, if any.

EXECUTED this Feb 19, 192000

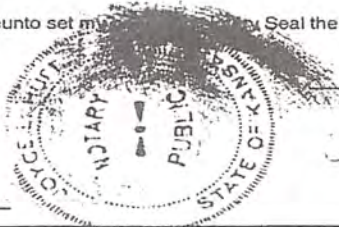
Thi Nguyen Thai Lai
Nguyen Thai Lai a/k/a Nguyen Thai Lai
Thi

STATE OF KANSAS, County of Johnson ~~Leavenworth~~

On this 19th DAY of FEB, 2000, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared: Thi Nguyen Thai Lai, a single person a/k/a Nguyen Thai Lai

to me personally known to be the same person(s) who executed the within and foregoing instrument of writing and acknowledged to me that the same was executed as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Seal the day and year last above written.



Stacy R. Driscoll
Notary Public

My Commission Expires:
04-21-03

BOOK 0785 PAGE 0219

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 724 OSAGE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, 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 2nd day of December 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 and mailed to all property owners within 200 feet of the said property on the 7th day of November 2024; and

WHEREAS, the City Planning Commission did hear on the 2nd day of December 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 724 Osage Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lots 13 and 14, Block 91 lying partly in Leavenworth City Property and partly in Western Addition to the City of Leavenworth, according to the recorded plat thereof, Leavenworth County, Kansas; And more commonly referred to as 724 Osage St., 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 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 _____ 2025.

Holly Pittman, Mayor

{Seal}

ATTEST:

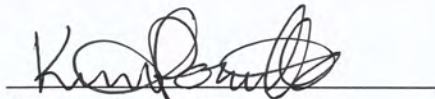
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-31 REZ
701 POTTAWATOMIE STREET**

JANUARY 14TH, 2025

SUBJECT:

Place on first consideration an ordinance to rezone the property located at 701 Pottawatomie Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

ANALYSIS:

The applicant, Depaul USA, Inc., is requesting a rezoning of the property located at 701 Pottawatomie Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .28 acre in size and is vacant. The applicant is requesting the rezoning in order to construct a two-family dwelling on the property. Two family dwellings are not allowed either by-right or with a special use permit in OBD. The property is currently owned by the Independent Baptist Church, under contract to be transferred to Depaul USA upon approval of the requested rezoning and special use permit.

The rezoning to R1-6 and accompanying special use permit are being requested in lieu of a request to rezoning the property to R-MF, Residential Multi Family District, in which a two-family dwelling would be allowed by-right, in order to avoid "spot zoning" and to maintain consistency with existing zoning patterns and the adopted future land use plan. The accompanying special use permit request is also on this agenda.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 701 Pottawatomie Street will be nearly identical.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is .28 acre in size and is part of an established neighborhood that includes a variety of housing types including single-family, two-family, and multi-family. The property is also located along the 7th Street corridor, which includes a variety of land uses from residential to industrial.

- b) The zoning and use of properties nearby;

The property to the north is zoned OBD and is occupied by a multi-family building. The property to the south is zoned OBD and is occupied by a single-family home. The property to the east, across 7th Street, is zoned R1-6 and is occupied by the Independent Baptist Church. The property to the west is zoned R1-6 and is occupied by a single-family home.

- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is .28 acre in size making it extremely unlikely to be able to accommodate an office or commercial use allowed by-right in the OBD district. .
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have no detrimental effect upon surrounding properties. The existing surrounding neighborhood already includes a wide mix of residential uses.
- e) The length of time the subject property has remained vacant as zoned;
Based upon aerial photos, the subject property has been vacant since prior to 1998.
- f) The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
Currently the property is a vacant lot. The proposed rezoning to allow development of a two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The area is identified as appropriate for single-family residential uses on the Comprehensive Land Use Plan.
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments from notified property owners.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Rezoning request.

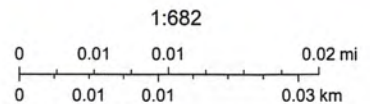
REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the request to rezone the property located at 701 Pottawatomie Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Deny the request to rezone the property located at 701 Pottawatomie Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Remand the request to rezone the property located at 701 Pottawatomie Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District to the Planning Commission for further consideration.

2024-31-REZ/2024-30-SUP



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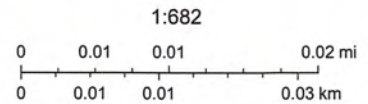


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-31-REZ/2024-30-SUP (Zoning)

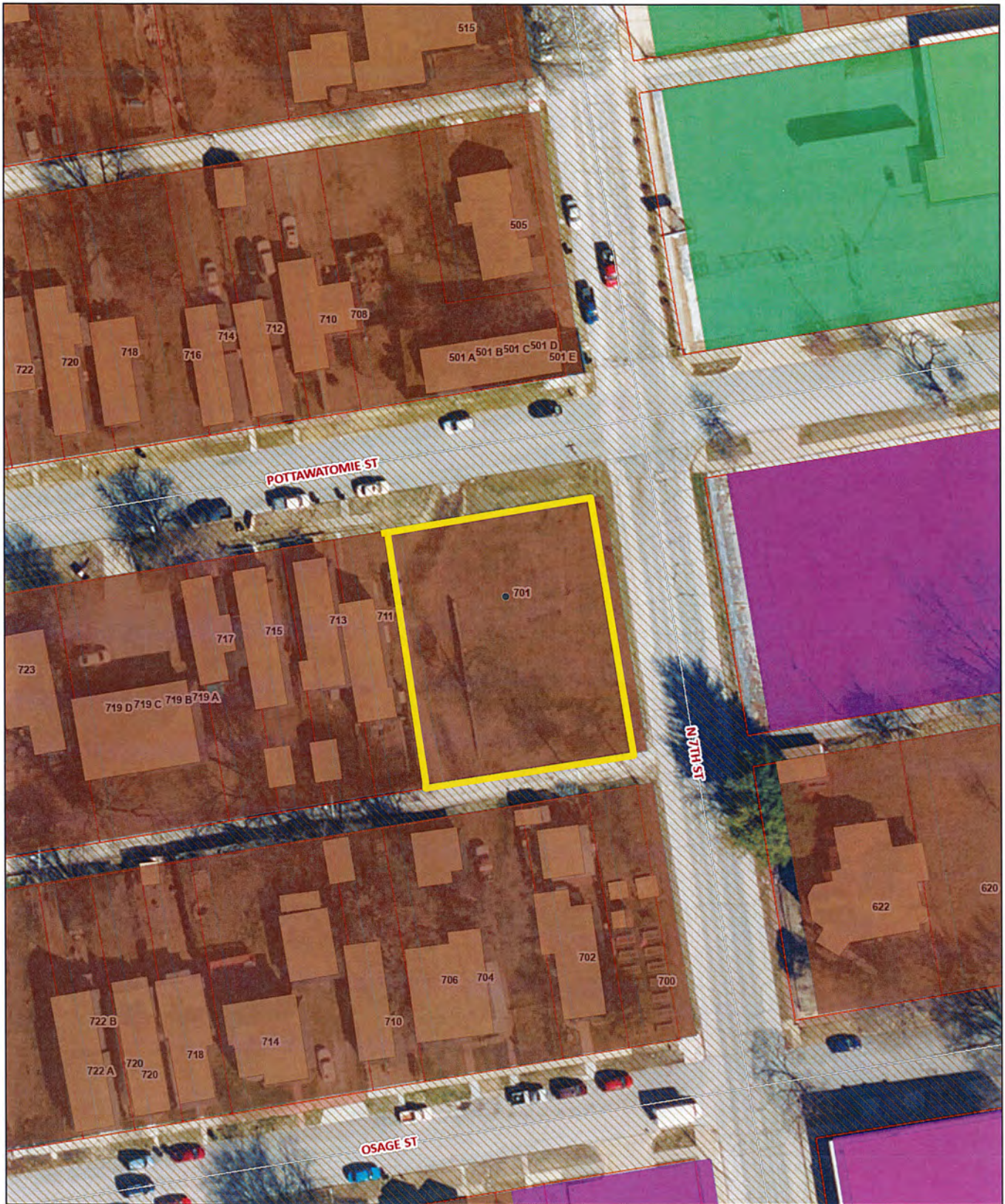


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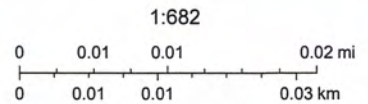


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-31-REZ/2024-30-SUP (Future Land Use)



1/8/2025, 4:45:06 PM



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



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-31 REZ

Application #	<u>16389</u>
Fee (non-refundable)	<u>NA</u> \$350.00
Filing Date	<u>10/10/24</u>
Received By	<u>_____</u>
Hearing Date	<u>12-2-24</u>
Publication Date	<u>11-7-24</u>

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	<u>701 Pottawatomie</u>		
Rezoning:	Present classification of: <u>0BD</u>	district to: <u>R1-6</u>	
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #		Historic District:	

I/We, Gwendolyn Smith Alexander being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	<u>Gwendolyn Smith Alexander</u>		
Address:	<u>16750 Hidden Ridge Pkwy Bascom KS 66007</u>		
Contact No.:	<u>913-909-4356</u>	Email:	<u>gsmith2007@sbccol.com</u>
Signature of Owner(s):	<u>Gwendolyn Smith Alexander</u>		

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

State of Kansas)
County of Leavenworth), SS

Signed or attested before me on Oct. 15, 2024 by Gwendolyn Smith Alexander
(date) (name(s) of person(s))

Notary Public: Stephanie Colleen Nash My Appointment Expires: Oct. 14, 2027

(SEAL)



If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

The property was donated to the church by a member when she died. Initially it was a garden. For years it has been an empty lot.

Briefly describe the intended use and character of the property:

The property can be used for a duplex to house people who need affordable housing.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

Our church supports Leavenworth Attainable Housing.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

This proposal will help public welfare by adding affordable housing. The simple duplex design is fitting for the neighborhood.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

Not to my knowledge.

Check List:	
<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Full 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)

July 28, 2024

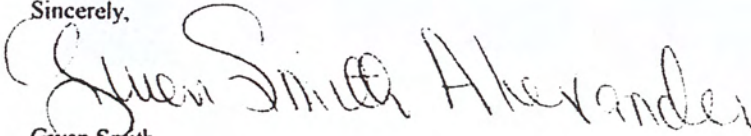
Ms. Abigail Phillips
Kansas Housing Resources Corporation
611 S. Kansas Avenue #300
Topeka, KS 66603

Dear Ms. Phillips,

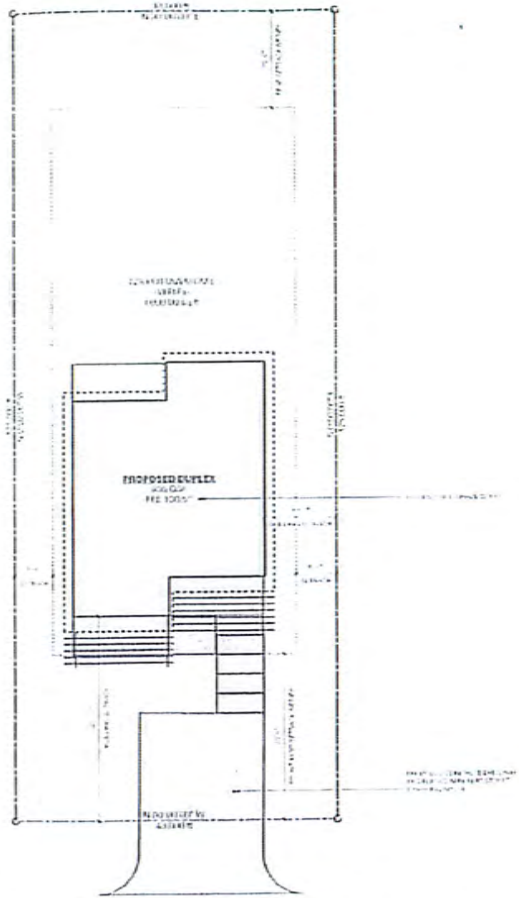
Independent Baptist Church partners with Depaul USA's Leavenworth Attainable Housing and supports their mission to provide housing and supportive services in Northeast Leavenworth.

Our Church owns an empty lot at 701 Pottawatomie and contingent upon grant funds being awarded to Depaul USA – Leavenworth Attainable Housing for construction of affordable rental duplexes, we agree to sell the lot for \$9,350 as a site for one of their duplexes.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Smith Alexander". The signature is written in dark ink and is positioned above the printed name and title.

Gwen Smith
Trustee



POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN
Scale: 1/8" = 1'-0"



A1.1

DEPAUL USA
NEW DUPLEX
DEVELOPMENT

221 W. Jackson Ave.
Lisle, IL 60532

ROGUE
architecture

ARCHITECTURAL SITE PLAN
Sheet: 01

DATE: 02/20/15

DESIGNED BY: ROGUE ARCHITECTURE

CONSTRUCTION: ROGUE ARCHITECTURE

DEPAUL ARCHITECTURE PLLC
200 N. Spring Street
11th Floor, Chicago, IL 60610
Tel: 312.467.8800
www.depaularchitecture.com

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 701 POTTAWATOMIE STREET FROM OFFICE BUSINESS DISTRICT (OBD) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 2nd day of December 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 7th day of November 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 701 Pottawatomie Street, Leavenworth Kansas from Office Business District (OBD) to High Density Single Family Residential District (R1-6); and

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

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

Section 1: That the following described property, to-wit, is hereby rezoned from Office Business District (OBD) to High Density Single Family Residential District (R1-6).

Lots 29, 30 and 31, Block 91 Western Addition and Lot 32, Block 91, lying partly in Western Addition and partly in Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 701 Pottawatomie Street**, Leavenworth, Kansas

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

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

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

Holly Pittman, Mayor

{Seal}

ATTEST:

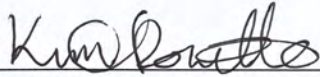
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-30-SUP
701 POTTAWATOMIE STREET**

JANUARY 14TH, 2025

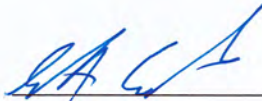
SUBJECT:

Place on first consideration an ordinance regarding 2024-30-SUP related to a request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

NATURE OF REQUEST

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 701 Pottawatomie Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant. A related request to rezone the subject property from OBD, Office business District, to R1-6, High Density Single Family Residential, is also on this agenda. Two-family dwellings are not allowed in the OBD zoning district either by-right or with a Special Use Permit.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 701 Pottawatomie Street will be nearly identical.

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.

Based on all available information, staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.

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

Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

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.

The proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby properties.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

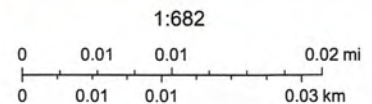
ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 701 Pottawatomie Street.
- Deny the Special Use Permit request to allow a two-family dwelling at 701 Pottawatomie Street.
- Remand the Special Use Permit request to allow a two-family dwelling at 701 Pottawatomie Street to the Planning Commission for further discussion.

2024-31-REZ/2024-30-SUP



1/8/2025, 4:42:41 PM

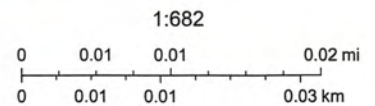


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-31-REZ/2024-30-SUP (Zoning)

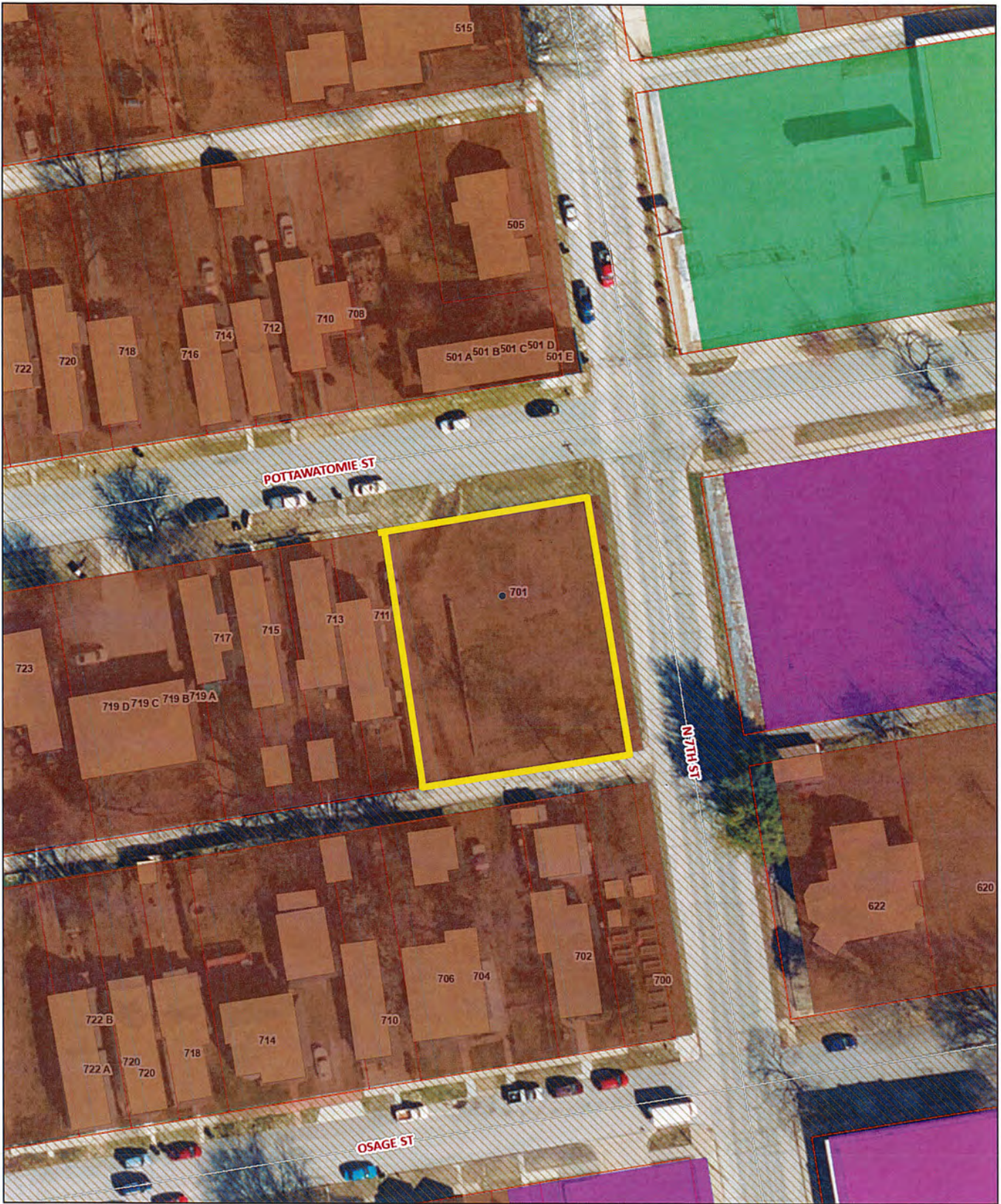


1/8/2025, 4:44:09 PM

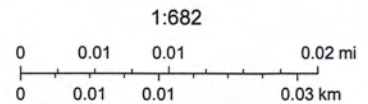


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-31-REZ/2024-30-SUP (Future Land Use)



1/8/2025, 4:45:06 PM



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-30 SUP

Application No.	16390
Fee (non-refundable)	\$350.00
Filing Date	10/10/24
Received By	JS
Hearing Date	12-2-24
Publication Date	11-7-24

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: duplex in the R1-6 zoning district

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

Subject Property:	<u>701 Pottawatomie</u>		
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)		
Real Estate PID #:			
Zoning:		Historic District:	

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

Name(s) of Owner (print):	<u>Gwendolyn Smith Alexander</u>		
Owner Address:	<u>16250 Hedden Ridge Pkwy, Basehor KS 66007</u>		
Contact No.	<u>913-9094356</u>	Email:	<u>gsmith4007@stcghbor.net</u>
Signature of Owner(s):	<u>Gwendolyn Smith Alexander</u>		

State of Kansas
County of Leavenworth (SEAL)



Signed or attested before me on: October 18, 2024

Notary Public: Stephanie Nash

My Appointment Expires: October 14, 2027

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:			
Address:			
Contact No.		Email:	

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 full 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)

From: [Amy Willcott](#)
To: [Michelle Baragary](#)
Subject: Tomorrow
Date: Thursday, October 17, 2024 4:24:54 PM

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

Sister Amy Willcott, SCL

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.

July 28, 2024

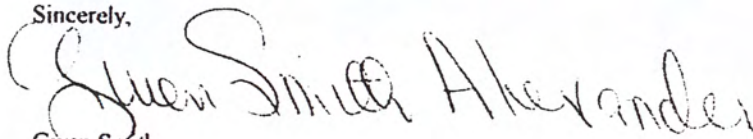
Ms. Abigail Phillips
Kansas Housing Resources Corporation
611 S. Kansas Avenue #300
Topeka, KS 66603

Dear Ms. Phillips,

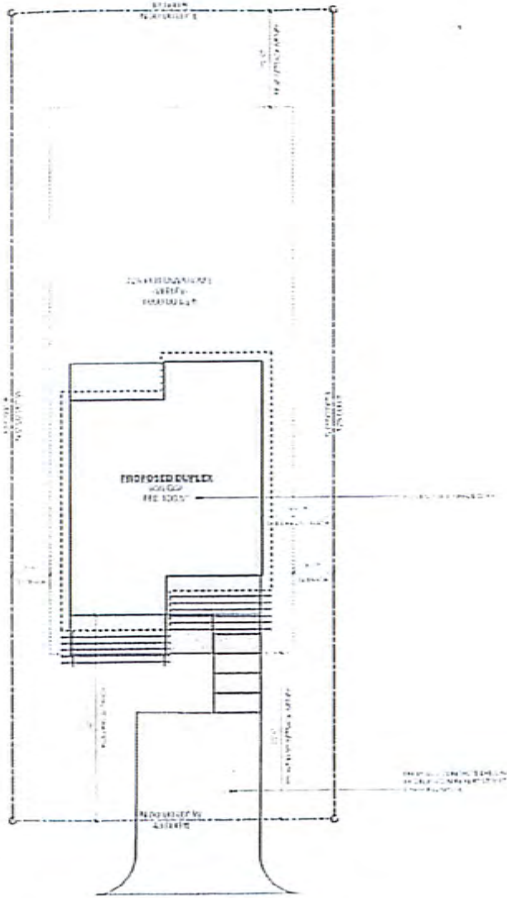
Independent Baptist Church partners with Depaul USA's Leavenworth Attainable Housing and supports their mission to provide housing and supportive services in Northeast Leavenworth.

Our Church owns an empty lot at 701 Pottawatomie and contingent upon grant funds being awarded to Depaul USA – Leavenworth Attainable Housing for construction of affordable rental duplexes, we agree to sell the lot for \$9,350 as a site for one of their duplexes.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Smith Alexander". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Gwen Smith
Trustee



POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN
Scale: 1/8" = 1'-0"



A1.1

DEPAUL USA
NEW DUPLEX
DEVELOPMENT

222 W. Franklin Ave.
Chicago, IL 60612

ROGUE
architecture

ROGUE Architecture PLLC
206 S. Spring Street
Suite 202
1304 East, Arlington, TX 76010
Tel: 817.354.1000
info@roguearch.com

ARCHITECTURAL SITE PLAN
Sheet 01A

DATE: 07/22/19

NOT TO SCALE
CONSULT WITH
OWNER

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 701 POTTAWATOMIE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, 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 2nd day of December 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 and mailed to all property owners within 200 feet of the said property on the 7th day of November 2024; and

WHEREAS, the City Planning Commission did hear on the 2nd day of December 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 701 Pottawatomie Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lots 29, 30 and 31, Block 91, Western Addition and Lot 32, Block 91, lying partly in Western Addition and partly in Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 701 Pottawatomie St., 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 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 _____ 2025.

Holly Pittman, Mayor

{Seal}

ATTEST:

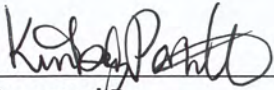
Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-33-SUP
711 OTTAWA STREET**

JANUARY 14TH, 2025

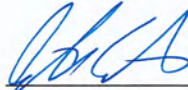
SUBJECT:

Place on first consideration an ordinance regarding 2024-33-SUP related to a request for a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

NATURE OF REQUEST

The applicant, Depaul USA, Inc., is requesting a Special Use Permit to allow a two-family dwelling in the R1-6 zoning district, located at 711 Ottawa Street. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a Special Use Permit. The property is currently vacant. A related request to rezone the subject property from OBD, Office business District, to R1-6, High Density Single Family Residential, is also on this agenda. Two-family dwellings are not allowed in the OBD zoning district either by-right or with a Special Use Permit.

A lot split was recently approved and recorded to split the subject property from the lot addressed as 521 N. 7th Street, and which is occupied by the Kids Connection.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 711 Street Ottawa will be nearly identical.

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.

Based on all available information, staff believes that this application complies with all provisions of City of Leavenworth Development Regulations.

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

Currently the property is a vacant lot. The proposed two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.

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

Based on all available information, staff does not believe that the proposed use will cause any substantial injury to the value of other property in the neighborhood.

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.

The proposed two-family dwelling is consistent with the character of the neighborhood and will not prevent future use or development of nearby properties.

Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Since notifications were mailed, staff has received no comments or inquiries.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein.

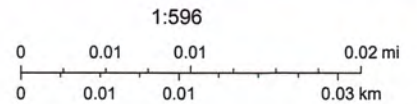
ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow a two-family dwelling at 711 Ottawa Street.
- Deny the Special Use Permit request to allow a two-family dwelling at 711 Ottawa Street.
- Remand the Special Use Permit request to allow a two-family dwelling at 711 Ottawa Street to the Planning Commission for further discussion.

2024-32-REZ/2024-33-SUP



1/8/2025, 4:57:42 PM

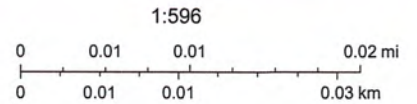


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-32-REZ/2024-33-SUP (Zoning)

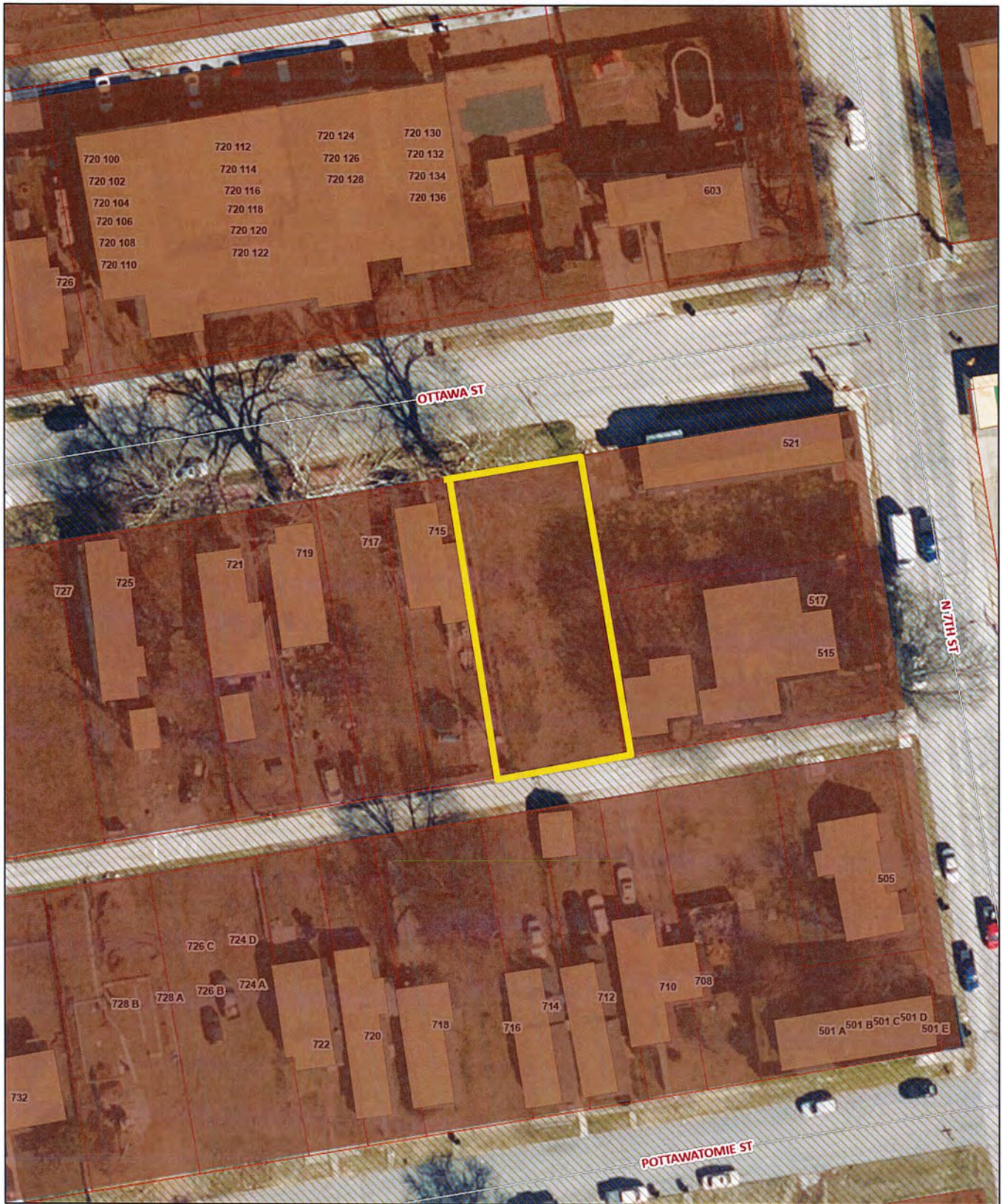


1/8/2025, 4:57:02 PM

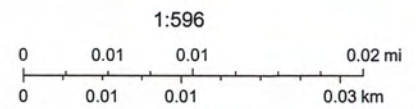


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-32-REZ/2024-33-SUP (Future Land Use)



1/8/2025, 4:56:08 PM



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2024-33 SUP

Application No.	16391
Fee (non-refundable)	\$350.00
Filing Date	10/10/24
Received By	JS
Hearing Date	12-2-24
Publication Date	11-7-24

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: duplex in the R1-6 zoning district

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

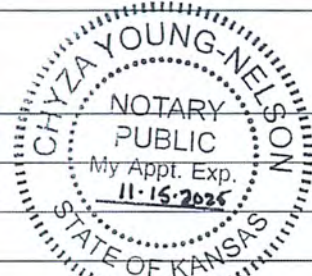
Subject Property:	711 OTTAWA		
Legal Description:	<i>(Attach a full legal description provided by the Register of Deeds Office)</i>		
Real Estate PID #:			
Zoning:		Historic District:	

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

Name(s) of Owner (print):	ST PAUL LUTHERAN CHURCH & SCHOOL OF LEAVENWORTH, INC.		
Owner Address:	311 N. 7 th ST. - LEAVENWORTH, KS 66048		
Contact No.	913-682-0387	Email:	office@spics.org

Signature of Owner(s): [Signature]
REV. VIK EDWARDS

State of KS
County of Leavenworth (SEAL)



Signed or attested before me on: 10/17/2024
Notary Public: Chyza M Young-Nelson
My Appointment Expires: 11-15-2025

If business is operated by someone other than the owner, provide name and address of operator(s).

Name of Lessee:	
Address:	
Contact No.	
Email:	

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 full 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)

From: [Amy Willcott](#)
To: [Michelle Baragary](#)
Subject: Tomorrow
Date: Thursday, October 17, 2024 4:24:54 PM

Hi Michelle,

I plan to come to you tomorrow by 10:00 a.m. with all paperwork completed. And here is the info I wrote in answer to your request about why we ask for the special use permit. Does this suffice??

Depaul USA Leavenworth Attainable Housing received a Kansas Housing Resources Corporation's HOME-American Rescue Plan (HOME-ARP) Grant to build four new duplexes. We are requesting special use permits on the four separate lots we will acquire so that the duplexes may be built there. Our program provides wrap around services and a house for individuals who have an income and need support.

Thanks,

S. Amy

Sister Amy Willcott, SCL

*** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.



Application No.	_____
Fee: \$150.00	_____
Date Fee Paid:	_____

**CITY OF LEAVENWORTH
CERTIFICATE OF SURVEY – LOT SPLIT APPLICATION**

LOCATION OF LOT SPLIT: _____

LEGAL DESCRIPTION: _____ *(Must attach survey for both lots)*

PARCEL NO: _____ ZONING OF SUBJECT PROPERTY: _____

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: ST. PAUL LUTHERAN CHURCH & SCHOOL OF LEAVENWORTH, INC.

STREET ADDRESS: 311 N. 7TH ST.

CITY: LEAVENWORTH STATE: KS ZIP: 66048

PHONE: 913-682-0387 FAX 913-682-1139 EMAIL: office@sp/cs.org

NAME OF ENGINEER OR SURVEYOR PREPARING PLAT: _____

COMPANY: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

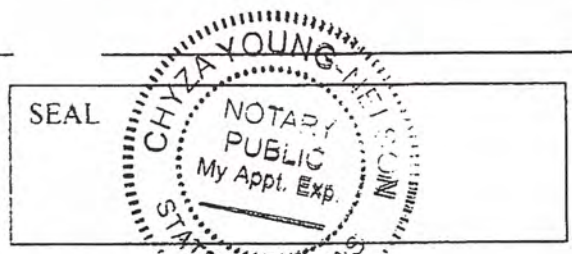
PHONE: _____ FAX: _____ EMAIL: _____

SIGNATURE OF OWNER(s): [Signature] SR. PASTER

DATE: 09-23-24

State of KS

County of LV

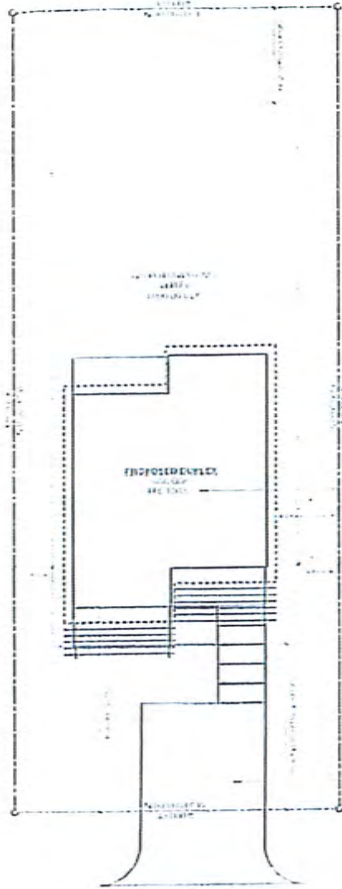


Signed and attested before me on today third, 2024 by [Signature]

Notary Public Chyza Young Nelson My appointment expires 11-15-2025

Note: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

FOR STAFF USE ONLY		
<input type="checkbox"/>	Copy to County Surveyor for Review (date sent):	_____
<input type="checkbox"/>	County Surveyor Approval Date:	_____
<input type="checkbox"/>	Approved copy sent to Register of Deeds Office (date sent):	_____
Action Taken:		<input type="checkbox"/> Approved <input type="checkbox"/> Denied
City Staff Reviewer/Approver:		Date:



POTTAWATOMIE

11
 1/4" = 1'-0" ARCHITECTURAL SITE PLAN
 1/8" = 1'-0" MECHANICAL PLAN



A1.1

DEPAUL USA
 NEW DUPLEX
 DEVELOPMENT

ROGUE
 architecture

ARCHITECTURAL SITE PLAN
 1/4" = 1'-0"

ROGUE ARCHITECTURE P.L.L.C.
 201 S. Spring Street
 Suite 201
 Chicago, Illinois 60607
 Tel: 312.467.1111
 Fax: 312.467.1112
 www.roguearch.com

REGISTERED ARCHITECT
 ILLINOIS

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ZONING DISTRICT LOCATED AT 711 OTTAWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, 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 2nd day of December 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 and mailed to all property owners within 200 feet of the said property on the 7th day of November 2024; and

WHEREAS, the City Planning Commission did hear on the 2nd day of December 2024 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a High Density Single Family Residential District zoning district located at 711 Ottawa Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lots 41 and 42 and the North 59.19 feet of Lots 43, 44, 45 and 46, Block 98, DAY & MACCAULAY'S Addition, City of Leavenworth, Leavenworth County, Kansas; And more commonly referred to as 711 Ottawa St., 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 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 _____ 2025.

Holly Pittman, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2024-32 REZ
711 OTTAWA STREET**

JANUARY 14TH, 2025

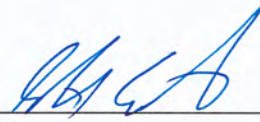
SUBJECT:

Place on first consideration an ordinance to rezone the property located at 711 Ottawa Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.



Prepared By:

Kim Portillo,
Director of Planning and
Community Development



Reviewed By:

Scott Peterson,
City Manager

ANALYSIS:

The applicant, Depaul USA, Inc., is requesting a rezoning of the property located at 711 Ottawa Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District. The property is .16 acre in size and is vacant. The applicant is requesting the rezoning in order to construct a two-family dwelling on the property. Two family dwellings are not allowed either by-right or with a special use permit in OBD. The property is currently owned by St. Paul Lutheran Church and School, under contract to be transferred to Depaul USA upon approval of the requested rezoning and special use permit.

The rezoning to R1-6 and accompanying special use permit are being requested in lieu of a request to rezone the property to R-MF, Residential Multi Family District, in which a two-family dwelling would be allowed by-right, in order to avoid "spot zoning" and to maintain consistency with existing zoning patterns and the adopted future land use plan. The accompanying special use permit request is also on this agenda.

Depaul USA applied for and received a Special Use Permit in 2023 to construct a similar two-family dwelling at the nearby property of 728 Pottawatomie Street. That structure was recently completed and is in use. The proposed two-family dwelling at 711 Ottawa Street will be nearly identical.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is .16 acre in size and is part of an established neighborhood that includes a variety of housing types including single-family, two-family, and multi-family. The property is also located along the 7th Street corridor, which includes a variety of land uses from residential to industrial.

- b) The zoning and use of properties nearby;

The properties to the north are zoned OBD and R1-6, and are occupied by a single-family home and multi-family building, respectively. The property to the south is zoned R1-6 and is occupied by a single-family home. The property to the east is zoned OBD and is occupied by the Kids Connection. The property to the west is zoned R1-6 and is occupied by a single-family home.

- c) The suitability of the subject property for the uses to which it has been restricted;

A lot split was recently approved and recorded to split the subject property from the parcel to the east occupied by the Kids Connection, for the purposes of transferring the parcel to Depaul USA for potential development with a two-family home. The size of the parcel makes it extremely unlikely to accommodate an office or commercial use allowed by-right in the OBD zoning district.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have no detrimental effect upon surrounding properties. The existing surrounding neighborhood already includes a wide mix of residential uses.

- e) The length of time the subject property has remained vacant as zoned;

Based upon aerial photos, the subject property has been vacant since prior to 1966.

- f) The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

Currently the property is a vacant lot, which was unutilized by the Kids Connection. The proposed rezoning to allow development of a two-family dwelling will bring tax revenue to the city with the improved value to the property, as well as provide a needed housing option for Leavenworth residents.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The area is identified as appropriate for single-family residential uses on the Comprehensive Land Use Plan.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

No other factors

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no comments from notified property owners.

The Planning Commission took action on this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Rezoning request.

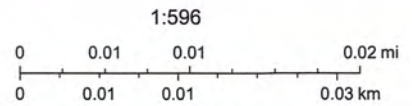
REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the request to rezone the property located at 711 Ottawa Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Deny the request to rezone the property located at 711 Ottawa Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District.
- Remand the request to rezone the property located at 711 Ottawa Street from OBD, Office Business District, to R1-6, High Density Single Family Residential District, to the Planning Commission for further consideration.

2024-32-REZ/2024-33-SUP



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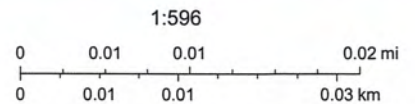


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-32-REZ/2024-33-SUP (Zoning)

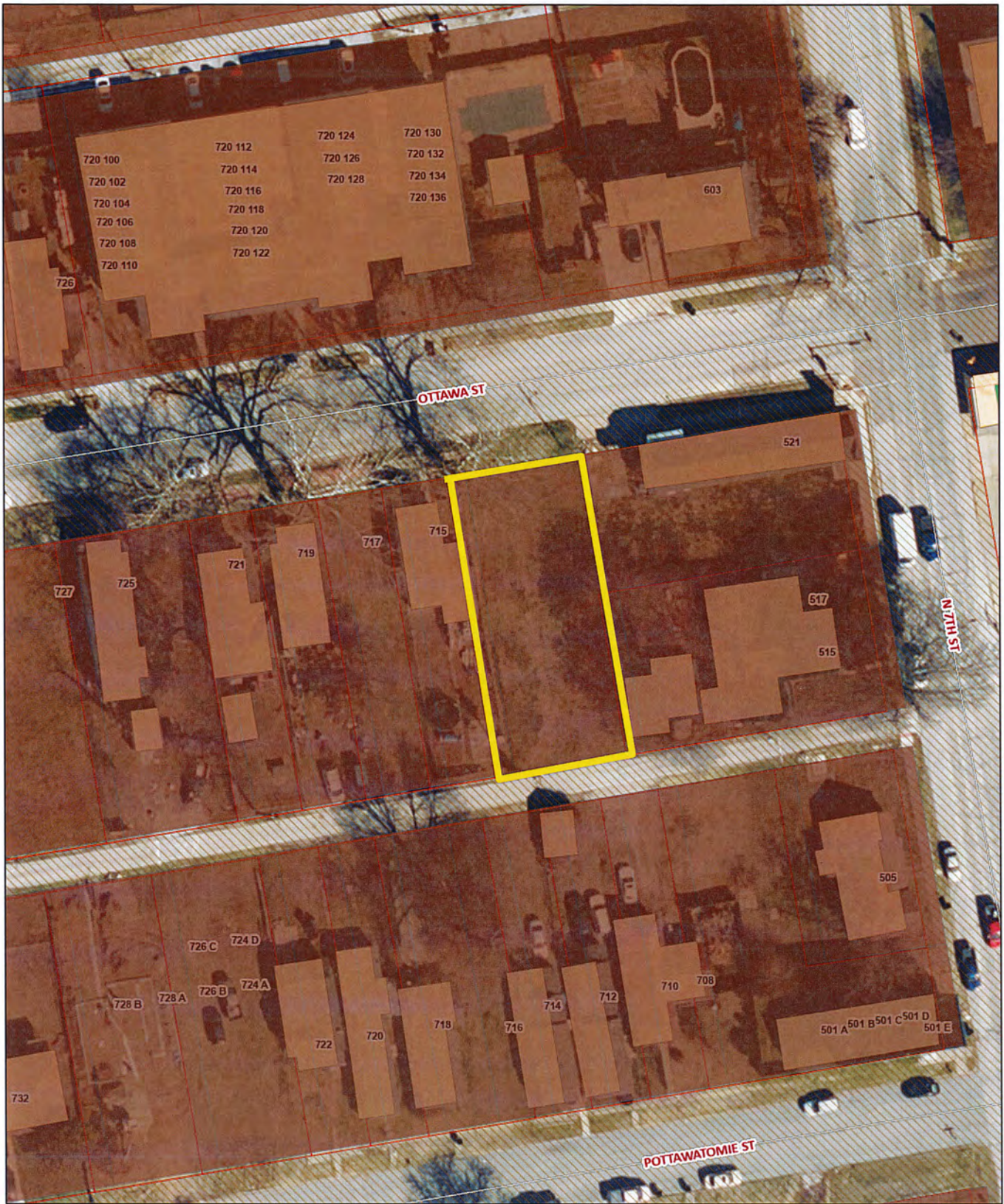


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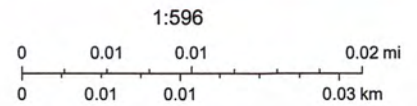


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

2024-32-REZ/2024-33-SUP (Future Land Use)



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



APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO. 2024-32 REZ

Application #	16392
Fee (non-refundable)	NA \$350.00
Filing Date	10/18/24
Received By	—
Hearing Date	12-2-24
Publication Date	11-7-24

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Subject Property:	711 Ottawa		
Rezoning:	Present classification of:	OBD	district to: R1-6
Legal Description:	(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)		
Real Estate PID #		Historic District:	

I/We, Rev. Van Ed Mease being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Name(s) of Owner (print or type):	St. Paul Lutheran Campus School of Leavenworth, Inc.		
Address:	311 N. 7th St - Leavenworth, KS 66048		
Contact No.:	913-682-0387	Email:	office@splw.org
Signature of Owner(s):			

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

State of KS)
County of Leavenworth), SS

Signed or attested before me on 10/17, 2024 by Van Ed Mease Pastor
(date) (name(s) of person(s))

Notary Public: Chyza Young-Nelson My Appointment Expires: 11-15-2025

(SEAL)



If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area:

This property is an empty lot next to a building used for children's summer activities from Church

Briefly describe the intended use and character of the property:

It will be a duplex for Affordable housing

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property: A small duplex will fit in well

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

It will add to the neighborhood & provide housing.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

N/A After lot split

Check List:	
<input type="checkbox"/>	Non-refundable fee of \$350.00 is due at time of application
<input type="checkbox"/>	Certified list of the property owners within two hundred (200) feet of the subject property
<input type="checkbox"/>	Full 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)



Application No. _____
 Fee: \$150.00 _____
 Date Fee Paid: _____

**CITY OF LEAVENWORTH
 CERTIFICATE OF SURVEY – LOT SPLIT APPLICATION**

LOCATION OF LOT SPLIT: _____

LEGAL DESCRIPTION: _____ *(Must attach survey for both lots)*

PARCEL NO: _____ ZONING OF SUBJECT PROPERTY: _____

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: ST. PAUL LUTHERAN CHURCH & SCHOOL OF LEAVENWORTH, INC.

STREET ADDRESS: 311 N. 7th ST.

CITY: LEAVENWORTH STATE: KS ZIP: 66048

PHONE: 913-682-0387 FAX: 913-682-1139 EMAIL: office@sp/cs.org

NAME OF ENGINEER OR SURVEYOR PREPARING PLAT: _____

COMPANY: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

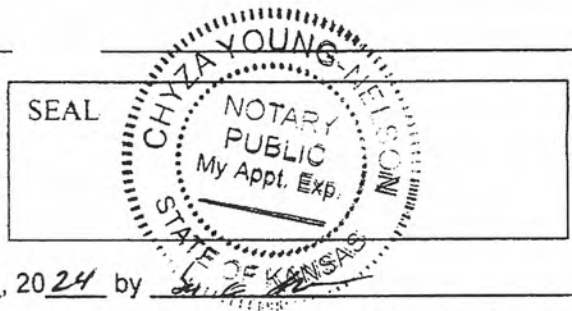
PHONE: _____ FAX: _____ EMAIL: _____

SIGNATURE OF OWNER(s): [Signature] SR. PASTOR

DATE: 09-23-24

State of KS

County of LV

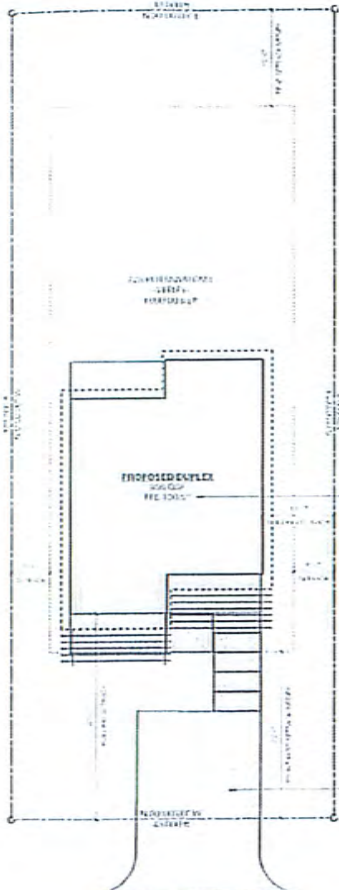


Signed and attested before me on Tony Bird, 2024 by [Signature]

Notary Public Chyza Young Nelson My appointment expires 11-15-2025

Note: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

FOR STAFF USE ONLY		
<input type="checkbox"/>	Copy to County Surveyor for Review (date sent): _____	
<input type="checkbox"/>	County Surveyor Approval Date: _____	
<input type="checkbox"/>	Approved copy sent to Register of Deeds Office (date sent): _____	
Action Taken:		
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
City Staff Reviewer/Approver: _____		Date: _____



POTTAWATOMIE

1 ARCHITECTURAL SITE PLAN
Scale: 1/8" = 1'-0"



A1.1

DEPAUL USA
NEW DUPLEX
DEVELOPMENT

222 S. UNIVERSITY
LAWRENCE, KS 66044

ROGUE
architecture

REGISTERED ARCHITECT
NO. 10740
CONSTRUCTION
KANSAS

ARCHITECTURAL SITE PLAN
Scale: 1/8" = 1'-0"

DATE: 08/20/19

PROJECT NO: 19-001

DATE: 08/20/19

PROJECT NO: 19-001

DATE: 08/20/19

PROJECT NO: 19-001

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 711 OTTAWA STREET FROM OFFICE BUSINESS DISTRICT (OBD) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R1-6).

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 2nd day of December 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 7th day of November 2024 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 711 Ottawa Street, Leavenworth Kansas from Office Business District (OBD) to High Density Single Family Residential District (R1-6); and

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

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

Section 1: That the following described property, to-wit, is hereby rezoned from Office Business District (OBD) to High Density Single Family Residential District (R1-6).

Lots 41 and 42 and the North 59.19 feet of Lots 43, 44, 45 and 46, Block 98, DAY & MACAULAY'S ADDITION, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 711 Ottawa Street**, Leavenworth, Kansas

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

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

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

Holly Pittman, Mayor

{Seal}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk