



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, FEBRUARY 11, 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

PROCLAMATION:

- 1. Susan B. Anthony Day, February 15th

Amended Agenda
*Item No. 5 - Corrected Draft of KDHE 2024
 Annual Report*

(pg. 02)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

- 2. Minutes from January 28, 2025 Regular Meeting

Action: Motion (pg. 03)

NEW BUSINESS:

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

Public Hearing:

- 3. Public Hearing for Waiver of Distance Requirement for Temporary Liquor Permits for St. Joseph Church & Immaculate Conception Church (pg. 09)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comment
 - c. Close Public Hearing **Action:** Motion
 - d. Consider Waiver **Action:** Motion

General Items:

- 4. Mayor’s Appointments **Action:** Motion (pg. 11)
- 5. Review Draft of 2024 KDHE Annual Report for Stormwater **Action:** None (pg. 12)

Bids, Contracts and Agreements:

- 6. Consider Award of Bid for Stormwater Orange Fence Project #5 – 9th & Osage **Action:** Motion (pg. 36)
- 7. Consider Award of Bid for Construction Observation Services for 4th Street (Rees to Poplar) Project **Action:** Motion (pg. 39)

Staff Report:

- Special Event Street Closure Policy Discussion (pg. 48)

Consent Agenda:

Claims for January 24, 2025 to February 6, 2025, in the amount of \$1,923,456.57; Net amount for Payroll #2 effective January 24, 2025 in the amount of \$438,154.12 (Includes Police & Fire pension in the amount of \$7,753.58). **Action:** Motion

Other:

Adjournment **Action:** Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *During the year 2025, the Leavenworth County Historical Society recognizes the achievements and contributions made in Leavenworth for the Women's Suffrage Movement that promoted social and political change; and*

WHEREAS, *Susan B. Anthony, women's rights activist and sister of Colonel Daniel R. Anthony, first visited Leavenworth in January 1865, advocating the rights of both freed slaves and women, and was a resident in Leavenworth when President Abraham Lincoln was assassinated. Her brother owned the Leavenworth Times; and*

WHEREAS, *Leavenworth was the largest city in Kansas in 1867, when it became the first state in The Union to offer a popular referendum on women's suffrage. Susan B. Anthony campaigned here, along with national women's suffrage activists such as Elizabeth Cady Stanton; and*

WHEREAS, *Susan B. Anthony successfully led the campaign for women's municipal suffrage in Kansas in 1887, the first State to do so. The bill was signed by Gov. John A. Martin on February 15. She returned to Leavenworth in 1894 for the second state campaign along with other suffrage and state leaders, Rev. Anna H. Shaw, Carrie Catt Chapman, Anna Diggs and Laura Johns; and*

WHEREAS, *The nephew of Miss Anthony, Daniel R. Anthony, Jr., voted for the 19th Amendment as a Kansas Congressman and in 1923, introduced the Equal Rights Amendment in Congress.*

NOW, THEREFORE, *I, Holly Pittman, Mayor of the City of Leavenworth, Kansas hereby proclaim February 15, 2025 as:*

Susan B. Anthony Day in Leavenworth

and to be annually recognized in subsequent years. I urge all citizens to become familiar with the unique history, services and benefits offered in Leavenworth, the first city of Kansas.

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

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



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

City Commission Regular Meeting
Commission Chambers
Tuesday, January 28, 2025 6:00 p.m.

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

Staff members present: City Manager Scott Peterson, Assistant City Manager Penny Holler, Planning & Community Development Director Kim Portillo, Public Works Director Brian Faust, Public Works Project Manager Justin Stewart, Assistant Operations Superintendent Becky Beaver, Public Information Officer Melissa Bower, Riverfront Community Center Manager Tammy Metzgar, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PROCLAMATION:

Black History Month – Mayor Pittman read the proclamation proclaiming the month of February as Black History Month. The proclamation was accepted by Lakei Evans of the Leavenworth Community Service Organization.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the January 14, 2025 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8256 Rezone 711 Ottawa Street from Office Business District to High Density Single Family Residential District – Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8256 was unanimously approved.

Second Consideration Ordinance No. 8257 Rezone 701 Pottawatomie Street from Office Business District to High Density Single Family Residential District - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8257 was unanimously approved.

Second Consideration Ordinance No. 8258 Special Use Permit to Allow a Two-Family Dwelling at 711 Ottawa Street - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8258 was unanimously approved.

Second Consideration Ordinance No. 8259 Special Use Permit to Allow a Two-Family Dwelling at 701 Pottawatomie Street - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8259 was unanimously approved.

Second Consideration Ordinance No. 8260 Special Use Permit to Allow a Two-Family Dwelling at 724 Osage Street - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8260 was unanimously approved.

Second Consideration Ordinance No. 8261 Special Use Permit to Allow a Two-Family Dwelling at 724 Pottawatomie Street - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8261 was unanimously approved.

NEW BUSINESS:

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

Ray Hillebrand, 1345 Cheyenne St.:

- Having issues with structure/container in his backyard
- Having to go to court on the issue
- Noted issues on other properties with shipping containers

Louis Klemp, 1816 Pine Ridge Dr.:

- Governments need to work together
- Mentioned School District enrollment is down
- Ft. Leavenworth is renting to non-military
- Mentioned high speed vehicles and people running red lights
- Channel 2 has good music
- Mentioned Camp Leavenworth and Buffalo Bill Cody Days

General Items:

Consider Transient Merchant Permit Waiver Request for Dark River Artifacts Show at Riverfront Community Center – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by John Kruid for the use of the Riverfront Community Center on April 11-12, 2025 for an artifact, rock and fossil collectors show. City Code prohibits Transient Merchant permits on city property,

but does allow the City Commission to grant waivers. All fees for the use of the facility and permits would still apply should the waiver be granted.

Commissioner Bauder moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Dark River Artifact Show on April 11-12, 2025. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Contract for 2025 Camp Leavenworth Event Management – Assistant City Manager Penny Holler presented for consideration a comprehensive management contract with O’Neill Events and Marketing for the 2025 City of Leavenworth festival. The City’s signature event, Camp Leavenworth, is scheduled for September 26th and 27th. This will be the sixth year for the festival that brings thousands of residents and visitors together. Last year’s event saw attendees enjoy two days of music, activities and food. Tourists experience the First City through local food trucks, two downtown breweries, twenty local craft vendors, a chalk art activity, a 5k run and local dance performances. O’Neill Events and Management has been the event organizer for several years. They have been integral in finding creative ways to highlight Leavenworth and make the event unique. The 2025 Scope of Work includes the same expectations as last year with the exception of financial management. The City’s Finance Department will take the financial management work in-house. The overall cost increase is \$1,698 compared to the previous year.

Commissioner Bauder moved to approve the comprehensive management contract with O’Neill Events and Marketing for the 2025 City of Leavenworth Camp Leavenworth Festival in an amount not to exceed \$73,000.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Consider Award of Bid for 2025 Pavement Management Program Mill & Overlay – Public Works Director Brian Faust and Public Works Project Manager Justin Stewart presented for consideration award of bid for the Mill & Overlay program of the 2025 Pavement Management Project. The streets were evaluated using both actual field observation and their Pavement Condition Index. The components of the 2025 program include mill and overlay and minor upgrades to a parking lot. The Mill & Overlay Program for 2025 includes the City streets:

- 10th Avenue (Stockton to Spruce)
- 10th Avenue (Muncie to Gatewood)
- Limit Street (west side of 20th to east side of 20th)
- Limit Street (15th to 14th)
- Limit Street (Shrine Park east to concrete east of Cody Park)
- Trailhead Lane (Limit to Montana)
- Montana Court (4th Street to Trailhead)
- Idaho Street (4th Street to Frontage)
- Frontage Road (4th Street to MacDonalds)
- 10th Street (Spruce to Sherman)
- 10th Street (Cherokee to Shawnee Street)
- Eisenhower Road (Progress to west of 4th Street)
- Cody Park Parking Park Lot

- Alternate 1 – 5th Avenue (Thornton to Doniphan)
- Alternate 2 – Ottawa Street (20th to 17th)
- Alternate 3 – 5th and Cherokee Parking Lot

The project plans were prepared and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on January 16, 2025. McAnany Paving met all the bidding requirements and has previously performed mill & overlay work for the City.

Commissioner Wilson moved to award the base bid and three (3) alternates for the 2025 Pavement Management Program Mill & Overlay Project to McAnany Paving in an amount not to exceed \$1,384,543.27 with an additional 5% contingency to cover issues that arise in the field. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Award of Bid for 2025 Pavement Management Program Granite Seal – Public Works Director Brian Faust and Public Works Project Manager Justin Stewart presented for consideration award of bid for the Granite Seal program of the 2025 Pavement Management Project. The streets were evaluated using both actual field observation and their Pavement Condition Index. It is important to protect streets that are in fair to good condition with a surface seal. Surface seals help preserve the pavement and extend its useful life. Applying a surface seal is significantly less expensive than waiting until the pavement degrades further and a mill/overlay or reconstruction is required. The project plans were prepared and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on January 16, 2025. Vance Brothers met all the bidding requirements and has previously performed asphalt sealing project work for the City.

Commissioner Hingula moved to award the bid for the 2025 Pavement Management Program Granite Seal Project to Vance Brothers, Inc., in the amount not to exceed \$470,903.14. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Approval of Final Change Order and Acceptance of Construction for 4th Street Improvements Project – Public Works Director Brian Faust presented for consideration approval of the Final Contract Change Order and acceptance of the construction for the 4th Street Project between Choctaw and Seneca. The 4th Street Improvements Project was originally planned as a joint City and KDOT project, but based on the higher than expected bids received for this project, the City notified KDOT that we would not be moving forward with the project as designed. Staff worked with the design consultant to modify the design scope for the project that would provide the needed upgrades to the street while limiting the subsurface replacement of the sanitary and storm sewers. The revised scope focused on reducing all construction related costs. The revised design left the street at its current width, but provided for a mill and overlay of the pavement from Choctaw to Seneca along with reconstruction of the Cherokee, Delaware and Shawnee Street intersections. ADA upgrades at all intersections within the projected boundaries were made and the pavement was striped for three lanes as per the original design. The initial purchase order for the construction of the project was \$3,145,630. The City realized that a project of this magnitude through our downtown would likely run into significant unforeseen issues. As a result, the City Commission authorized the City Manager to approve change orders up to \$315,000 or 10% of the original bid amount. During the course of the project, numerous challenges arose including voids under the driving surface and around manholes, stairs and below grade store fronts, as well as significantly more concrete driving surface that needed to be removed and replaced. The net impact of all the increases and decreases for this project is

\$463,117.83 or 14.72% over the original bid. The final change order is being presented in the amount of \$430,742.07. This will allow the final Pay Applications to be processed. The City will continue to hold retainage until traffic signals are fully operational.

Commissioner Bauder moved to approve the Final Change Order for the 4th Street Improvements Project Choctaw to Seneca in the amount of \$430,742.07 and grant acceptance of the project. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Award of Bid for Purchase of Front-End Rubber Tire Loader – Public Works Director Brian Faust and Assistant Operations Superintendent Becky Beaver presented for approval the cooperative purchasing bid through Sourcewell for a 2025 926-14 Wheel Loader. In the 2025 CIP, the Solid Waste Division budgeted \$214,000 for a front-end rubber tire loader to replace the 2001 loader currently in use. The loader is used at the brush site to move debris and turn materials for compost, loading de-icing material during winter events, picking up and moving piping and inlet structure along with numerous other uses. The City typically uses cooperative purchasing when procuring equipment. Sourcewell develops RFPs for national, competitive solicitations that meet or exceed local requirements. It has the benefit of reducing administrative costs, eliminating duplication of effort and lowering prices. The bid from Foley Equipment included a 12-month, unlimited hours standard warranty. The bid also included an extended 60-month, 5,000-hour (includes powertrain, hydraulic, technician and travel) warranty.

Commissioner Bauder moved to approve the cooperative purchasing bid through Sourcewell for a 2025 926-14 Wheel Loader from Foley Equipment in the amount not to exceed \$213,155.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Award of Bid for Purchase of Compact Track Loader – Public Works Director Brian Faust and Assistant Operations Superintendent Becky Beaver presented for approval the cooperative purchasing bid through Sourcewell for a 2025 265-05X2C Compact Track Loader. In the 2025 CIP, the Street Division budgeted \$89,000 for a compact track loader that will replace the 2008 loader currently in use. The track loader (skid loader) is a piece of equipment that is used frequently to assist in moving materials, loading and placing hot asphalt, milling asphalt pavement, sweeping and using with the 2024 Pavijet. The City typically uses cooperative purchasing when procuring equipment. Sourcewell develops RFPs for national, competitive solicitations that meet or exceed local requirements. It has the benefit of reducing administrative costs, eliminating duplication of effort and lowering prices. The bid from Foley Equipment includes a 24-month, 2,000-hour standard warranty. The bid also includes an extended 48-month, 2,000-hour (includes powertrain, hydraulic, technician and travel) warranty. The 2025 CIP included funding in the amount of \$89,000 and with the extended warranty, the total cost is \$89,617.00. Staff's plan is to sell the 2008 loader on the auction site PurpleWave.

Commissioner Hingula moved to approve the cooperative purchasing bid through Sourcewell for a 2025 265-05X2C Compact Track Loader from Foley Equipment in the amount not to exceed \$89,617.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consent Agenda:

Commissioner Martin moved to approve claims for January 10, 2025 through January 23, 2025, in the amount of \$1,681,526.87; Net amount for Payroll #1 effective January 10, 2025, in the amount of \$436,778.21 (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:

- City newsletter is coming out this week
- Spring Clean-up is April 26th

Commissioner Martin:

- Hoping for a 3-peat for the Chiefs
- God bless

Commissioner Hingula:

- Enjoy the warmer weather
- God bless

Commissioner Wilson:

- God bless and have a great week

Mayor Pittman:

- Happy to see trash is mostly back on schedule
- The buffalos up on metropolitan were decked out in some Chiefs gear and colors

Adjournment:

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

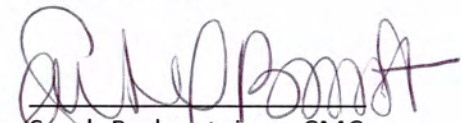
Time Meeting Adjourned 6:52 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT
PUBLIC HEARING
WAIVER OF THE DISTANCE REQUIREMENT
FOR TEMPORARY LIQUOR PERMITS FOR
IMMACULATE CONCEPTION CHURCH & ST. JOSEPH CHURCH**

FEBRUARY 11, 2025

Reviewed by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Scott Peterson
City Manager

Issue:

The issue before the City Commission is to consider a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital; to allow the following temporary liquor permits to be issued for use at Immaculate Conception Church, located at 711 N. 5th St. on Sunday, March 9, 2025 for the St. Patrick's Corned Beef and Cabbage Dinner and at St. Joseph Church, located at 306 N. Broadway St. on Saturday, October 4, 2025 for the Annual Germanfest Dinner & Dance.

The City of Leavenworth Code of Ordinances, Chapter 6, Article III, Section 6-97 (d) allows the governing body to grant such a waiver, if they find that the proximity of the establishment is not adverse to the public welfare or safety. Letters were sent to all property owners within 300 feet of the location notifying them of the public hearing.

Action:

Approve or deny request to waive the 300 foot requirement from any church, school, nursing home, library or hospital.

Attachments:

- Letter dated January 17, 2025 from Kathy Roemer with Immaculate Conception – St. Joseph Parish requesting the waivers.



Immaculate Conception - St. Joseph Parish
747 Osage Street
Leavenworth, KS 66048
(913) 682-3953

Served by the Carmelites



January 17, 2025

City of Leavenworth
City Hall/5th & Shawnee
Leavenworth KS 66048

Sarah Bodensteiner, CMC,

I am writing to request that the City of Leavenworth grant Immaculate Conception-St Joseph Parish a waiver for the 300-foot requirement in order to obtain/receive a temporary liquor permit.

I request a waiver for the following event in 2025:

Sunday, March 09

St Patrick's Corned Beef & Cabbage Dinner
at: Immaculate Conception Church
711 N. 5th St, Leavenworth, KS 66048

Saturday October 04

Annual Germanfest Dinner & Dance
at: St Joseph Church
306 N Broadway Leavenworth, KS 66048

John and Theresa Williams, of our Parish, will appear before the City Commission to answer any questions. Thank you for your assistance in this matter.

Sincerely,

Kathy Roemer

Kathy Roemer
Bookkeeper
kroemer@icsj.org

MAYOR'S APPOINTMENTS

FEBRUARY 11, 2025

Mayor Pittman

"Move to

*Appoint to the **Convention & Tourism Committee** Jen Anders to an unexpired term ending January 31, 2027.*

Requires a second and vote by the Governing Body.


POLICY REPORT PWD NO: 25-14

REVIEW DRAFT 2024 KDHE ANNUAL REPORT
FOR STORMWATER


February 11, 2025

Prepared by:

Submitted by:



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



Scott Peterson,
City Manager

ISSUE:

Review the draft of the annual KDHE report for 2024 stormwater activities.

BACKGROUND:

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report summarizes the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on were set by the revised Stormwater Management Program (SMP) that was adopted by the City Commission on October 27, 2020. These guidelines have been used since 2021.

The City has submitted reports in accordance with KDHE requirements in previous years. Interaction with KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. The attached documents are a draft of the key portions of the annual report for 2024. There will be additional supporting information in the appendices when the report is submitted.

Staff is requesting comments and suggestions from the City Commission related to the content of the report. It is appropriate for the City Commission to seek input from the public on this matter as well.

The previous KDHE stormwater permit was in force from November 2019 through October 2024; however, the City was notified last year that KDHE was updating their permit process to stagger when permits expired. The City received a new permit in July 2024 that is effective from August 1, 2024 to December 31, 2027.

Key narratives in the report are:

- Executive Summary
- Six Minimum Control Measures: Discussion on Effectiveness and Annual Performance Measures.
 - Public Education and Outreach
 - Public Involvement and Participation
 - Illicit Discharge Detection and Elimination
 - Construction Site Stormwater Runoff and Control
 - Post Construction Stormwater Management in New Development and Post Development Projects
 - Pollution Prevention and Good Housekeeping

RECOMMENDATION:

The information is presented in draft form. We are looking for any comments or questions the Commission may have as well as the public on the efforts that we've taken over the last year.

It is recommended the City Commission adopt a resolution supporting the final report at the February 25, 2025 Commission meeting. The final report will be delivered to KDHE on February 28th.

ATTACHMENTS:

- Draft 2024 Report (partial)
 - Executive Summary
 - Six Minimum Control Requirements
 - Comments on Part IV
- Maps
 - Stormwater with Creek Basins
 - Stormwater Management Data Collection
- KDHE Annual Report for 2024 – link here:
<https://www.leavenworthks.org/publicworks/page/draft-2024-kdhe-annual-stormwater-report-0>
- Revised Stormwater Management Program - link here:
<https://www.leavenworthks.org/publicworks/page/designs-studies-reports>

Executive Summary

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2024, and examining communications and publications made available to the citizens of Leavenworth.

The City of Leavenworth continues to struggle with filling vacant positions in our Operations and Water Pollution Control Divisions. Significant increases in construction costs and supply chain issues have also impacted our day-to-day operations. The City has created a two-person stormwater team that works out of our Municipal Service Center. This team address stormwater complaints and failures for City infrastructure.

City staff pursued activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

1. **Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**
 - Contractor and public compliance with implementation of the Land Disturbance Permit requirements has improved over the initial years and is generally satisfactory.
 - Street sweeping is an effective tool for removing pollutants.
 - Use of "Stormwater Utility" funds to address long-standing issues has reduced erosion in several locations through the "Orange Fence Repair Projects".

2. **Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the Library and City Hall along with informational brochures available on the City's website were probably the least effective tools identified.

3. **What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program. On numerous public improvement projects, City staff ensured that measures were installed and maintained. These activities are very visible to residents living in the area and to the traveling public.

4. **What was the most challenging aspect of the program?**

The most challenging aspect was having developers install and properly maintain construction site runoff control. New development remained slow in 2024 with the higher interest rates and a limited number of buildable lots. The City does notify all developers with a land disturbance permit of their responsibilities each time there is more than 0.5" of rain. The City has had to remind developers on multiple occasions to inspect, repair and maintain their measures. The City issued a Stop Work Order for a commercial site that was under construction. Despite plans showing erosion control measures and despite verbal and written communication from the City about the need to address deficiencies on their site, the contractor did not correct the issues. The Stop Work Order was issued and the contractor corrected the outstanding issues.

5. Describe any City/County area MS4 clean ups and the participation.

- The City of Leavenworth sponsored a “City-Wide” clean-up day. This event was held on April 20, 2024.
- Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in April 2024.
- The City has a “Three-Mile Creek” monthly clean-up program in which citizens pick up trash. In 2024, there were seven citizen groups that received a \$500 donation per group from Convention & Visitor’s Bureau grant payments.

6. Describe the elected officials' participation in the stormwater pollution elimination.

The City Commission has supported stormwater pollution elimination by creating a “Stormwater Utility” that is funded by a fee on all properties. This fee is used to address longstanding stormwater issues in the community, including reduction or elimination of erosion caused by failing roadways and culverts along with impacts to streambanks from shifting channel alignments. The Commission has also supported the goal of having public and private projects with some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also directed to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

7. Describe the collaboration with other organizations to eliminate stormwater pollution.

- The City coordinated a “City-Wide” clean-up day on April 20, 2024.
- Leavenworth County provided one HHW (Household Hazardous Waste) collection service in April 2024.

8. If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.

There were no known inspections of the MS4 program by KDHE or EPA in 2024.

TOPICS REQUIRED TO BE ADDRESSED IN THIS REPORT AS IDENTIFIED IN PART IV OF THE PERMIT

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

- 1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.**

City of Leavenworth's opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. The ability of our residents to attend and participate in public meetings and events has reached pre-pandemic levels. As a result, the city's efforts related to Public Education/Outreach as well as the Public Involvement/Participation minimum control measures have improved.

- 2. Provide results of information collected and analyzed, (for example test results, surveys or public comments/inputs) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.**

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt as well as salt brine), grease trap program, land disturbance permit issuance, SSO reporting and others. There has been no overall "trend" noticed in this data, but it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result.

- 3. Provide results of information collected and analyzed, if any, during the annual reporting period, including monitoring data used to assess the success of the program at reducing the TMDL regulated pollutants.**

Part II (TMDL BMP and Surface Water Monitoring) and Part III (Industrial Stormwater Discharges) are not applicable to this permit.

- 4. Provide a summary of the stormwater activities that were scheduled to be undertaken during the previous calendar year and the status of these activities.**

The following key programs associated with stormwater activities were conducted in 2024. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements.
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person.
- ✓ City-wide civic effort for "Spring Clean-up".
- ✓ Grease Trap Program inspections and reports.
- ✓ Street Sweeping Program.
- ✓ Legacy Tree Program replaces old trees with new ones.
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site.
- ✓ Free Drop-Off Recycling Program.
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County).
- ✓ Free drop-off refuse disposal once per month.
- ✓ Maintain "Clean up your Dog Poop" effort at selected City parks.
- ✓ Adopt-A-Park Program to help maintain/clean City parks.
- ✓ Aggressive response to SSO calls 24/7.
- ✓ Sewer line cleaning and TV program.
- ✓ Stormwater articles in City newsletters and brochures placed at City Hall.

5. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).

All activities as noted in #4 are expected to be continued in 2025. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2025.

6. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.

There were no changes to the City Limits in 2024.

7. Provide a description of significant changes in any of the BMPs.

There were no significant changes to the BMPs in 2024.

8. Provide a list of any ordinances or resolutions which were updated in the last year and are associated with the SMP. Please note, page one of this report requires submission of any new stormwater related ordinances or resolutions or any such updated ordinances or resolution be submitted with this annual report.

There were no updates to ordinance or resolution in 2024 associated with the SMP.

9. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.

There were no other municipalities or consultants involved with implementing the SMP.

SIX MINIMUM CONTROL MEASURES FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) WITH NPDES PERMITS

The following outlines the NPDES permit requirements for implementation of the Six Minimum Control Measures as required under Kansas MS4 permits issued by the KDHE. The NPDES permit provided to the MS4 authority should be reviewed for additional requirements associated with implementation of the Six Minimum Control Measures such as deadlines for the implementation of the requirements or supplemental requirements associated with the individual measures. The general requirements are as follows:

A. Six Minimum Controls - The permittee shall develop and implement Best Management Practices (BMPs with measurable goals for each of the six minimum control measures. The six minimum control measures and the associated requirements are listed and explained as follows:

1. Public Education and Outreach

The permittee shall implement a public education program which includes distribution of educational materials to the community or conducting equivalent outreach activities which address the impacts of stormwater discharges on water bodies and the steps the public can take to reduce pollutants in stormwater runoff.

2. Public Involvement and Participation

The permittee shall implement a public involvement and participation program to solicit public comment and recommendations regarding the BMPs and measurable goals utilized by the permittee to comply with the permit. The permittee shall comply with state and local public notice requirements when implementing a public involvement and participation program.

3. Illicit Discharge Detection and Elimination

The permittee shall:

- a. Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4.
- b. Develop a storm sewer system map of the permittee's MS4, showing the location of all outfalls, either pipes or open channel drainage, showing the names and location of all streams or lakes that receive discharges from those outfalls. A copy of the map shall be submitted to KDHE. This map may be submitted as a PDF file(s) on a CD or DVD.
- c. Enact ordinances or resolutions to prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions if the permittee has such authority. A copy of the ordinances or resolutions shall be submitted to KDHE.
- d. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste, and
- e. Develop and implement a plan to detect and address prohibited non-stormwater discharges, including, but not limited to illegal dumping, to the storm sewer system. Unless identified by either the permittee or KDHE as a significant source of pollutants to waters of the state, the following examples of non-stormwater discharges are not prohibited from entering the MS4.

1. Water line flushing
2. Diverted stream flow
3. Rising groundwaters
4. Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers
5. Uncontaminated pumped groundwater
6. Contaminated groundwater if authorized by KDHE and approved by the municipality
7. Discharges from potable water sources
8. Foundation drains
9. Air conditioning condensate
10. Irrigation waters
11. Springs
12. Water from crawl space pumps
13. Footing drains
14. Lawn watering
15. Individual residential car washing
16. Occasional not-for-profit car wash activities
17. Flows from riparian habits and wetlands
18. Dechlorinated swimming pool discharges excluding filter backwash
19. Street wash water (excluding street sweepings which have been removed from the street)
20. Discharges of flows from firefighting activities
21. Heat pump discharge waters (residential only)
22. Treated wastewater meeting requirements of a NPDES permit
23. Sump pump drains
24. Other discharges determined not to be a significant source of pollutants to water of the state, a public health hazard, or a nuisance

4. Construction Site Stormwater Runoff Control

The permittee shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharge from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the development and implementation, at a minimum, of the following:

- a. Permittees which have the authority to enact ordinances or resolutions shall enact such ordinances or resolutions to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
- b. Requirements for constructions site owners or operators to implement appropriate erosion and sediment control best management practices.
- c. Requirements for construction site owners or operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that are likely to cause adverse impacts to water quality.
- d. Procedures for site plan review which incorporate consideration of potential water quality impacts.
- e. Procedures for receipt and consideration of information submitted by the public.
- f. Procedures for site inspection and enforcement of control measures.

5. Post-Construction Stormwater Management in New Development and Redevelopment Projects

The permittee shall develop, implement, and enforce a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development and implementation, at a minimum of the following:

- a. BMPs to prevent or minimize adverse water quality impacts.
- b. Strategies which include a combination of structural and/or non-structural BMPs appropriate for the municipality.
- c. For permittees which have the authority, ordinances or resolutions to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law.
- d. Ensure adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

The permittee shall develop and implement an operation and maintenance program that includes employee training to prevent and reduce stormwater pollution from municipal operations activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

B. Stormwater Management Program

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the Stormwater Management Program (SMP) been developed and implemented?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Has the SMP been modified or updated during this reporting period?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the current SMP been submitted to KDHE via KEIMS?

If the answer to item 3 is a "NO", a copy of the updated SMP must be uploaded to KEIMS. If it is anticipated a measurable goal cannot be met in the next year, the SMP should be modified and submitted to KDHE for review. The modifications may include different BMPs and/or revised goals to avoid being in a position of non-compliance. However, reasonable BMPs with reasonable goals must be implemented or KDHE may require the permittee to modify the SMP to include additional or better BMPs and/or more reasonable goals.

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

1. Public Education and Outreach

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Has a program been developed and implemented to educate the public about stormwater topics?

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

1. Public Education and Outreach (Table)

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
PE&O - 1	Maintain a stormwater webpage for the permittee.	Stormwater webpage - https://www.leavenworthks.org/citymanager/page/stormwater-projects	2
PE&O - 2	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website and in City Hall.	2
PE&O - 3	Provide either training or educational materials to permittee identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - https://www.leavenworthks.org/publicworks/page/stormwater-report-documents	2
PE&O - 4	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping - Drains to River".	Not taking any points. Unable to verify that the City has met the 5% threshold	
PE&O - 5	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - https://www.leavenworthks.org/publicworks/page/public-works-documents MS4 Permit - https://www.leavenworthks.org/publicworks/page/stormwater-report-documents	1
PE&O - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	Stormwater-related brochures can be found at: https://www.leavenworthks.org/publicworks/page/stormwater-report-documents	1
PE&O - 15	Develop or participate in an ongoing social media program to share pertinent stormwater public education topics.	There were 10 social media posts related to public education about improving, reducing or listing the dangers of polluting the City's stormwater system.	2
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			12

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

1. Public Involvement and Participation

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a public involvement and participation program been developed and implemented to solicit public comments and recommendations regarding BMPs and measurable goals utilized to comply with the permit?

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

2. Public Involvement and Participation (Table)

List all public involvement and participation BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 6 points

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
P I/P - 1	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	<p>City Commission reviewed the 2023 KDHE Annual Stormwater Reports on February 13 and 27, 2024. The City Commission reviewed the 2024 KDHE Annual Stormwater Reports on February 11 and 25, 2024. The meetings were also broadcast on the City's channel Cable TV station and YouTube.</p> <p>City Commission reviewed stormwater projects for CIP in 2024, and approved design and construction of several projects which can be found at: https://www.leavenworthks.org/citymanager/page/stormwater-projects</p> <p>Stormwater-related documents are at: https://www.leavenworthks.org/publicworks/page/stormwater-report-documents</p>	2
P I/P - 3	Hold a park or stream bank clean-up event for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Clean-up - April 20, 2024. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center in April 2024 where a total of 3,252 pounds of HHW was collected.	3
P I/P - 5	Provide at least two events for residents to engage in clean-up activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program (March through November) in which citizens pick up trash. In 2024, there were 7 citizen groups that participated.	3
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			8

C. SMP Requirements (Six Minimum Control Measures)

3. Illicit Discharge Detection and Elimination

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a program/plan been developed and is it presently implemented to detect and address illicit/prohibited discharges into the MS4, including dry weather monitoring?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a map of the MS4 been developed, showing the location of all outfalls, either pipes or open channel drainage, showing names and location of all streams or lakes receiving discharges from the outfalls? If yes, attach map. Map can be found at: (2024 report webpage)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have ordinances, or resolutions, or regulations to prohibit non-stormwater discharges into the storm sewer system been enacted? If yes, list ordinances/resolutions and their effective dates below: <ul style="list-style-type: none"> • Ordinance No. 8201 was adopted on December 16, 2022, and enforcement began in 2023. • Ordinance No. 8201 - Amending Division 5, Chapter 46, Regulating and Permitting the Operation of Facilities Producing Grease-Laden Waste and Service Providers for Grease Interception Devices
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Have the ordinances, resolutions, or regulations been modified? If yes, list ordinances/resolutions and their effective dates below:

List all the Illicit Discharge Detection and Elimination BMPs as identified in the SMP and provide the requested information in the following table.

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

3. Illicit Discharge Detection and Elimination (Table)

List all illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
IDD&E - 6	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspected open channels and televised storm lines across the City. Televising lines was done by Water Pollution Control staff while open channels/ditch lines were inspected by our dedicated stormwater staff at our Municipal Service Center.	3
IDD&E - 7	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year, and a special event to dispose of HHW was held at the Municipal Service Center in April 2024 where a total of 3,252 pounds of HHW was collected.	3
IDD&E - 9	Provide a contribution to area recycle programs or programs (such as household hazardous waste disposal facilities, e-cycle facilities, paper shred facilities, pharmaceutical disposal facilities, etc.) designed to properly dispose of types of waste or materials which have previously been discarded to or adjacent to either the MS4, streams, or lake within or adjacent to the permittee's permit area.	The City has a Recycling Center (free to the City of Leavenworth residents) that accepts the following items: tin and aluminum cans, car batteries and rechargeable batteries, e-waste, used automotive oil, plastics, to name a few. A complete list can be found at: https://www.leavenworthks.org/publicworks/page/leavenworth-recycling-center	2
IDD&E - 10	Inspect 5% of the MS4 system stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.	Stormwater crew inspected and/or maintained approximately 5,330 inlets and area drains, and other stormwater facilities. Number of inlets cleaned - 998	3
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			11

C. SMP Requirements (Six Minimum Control Measures)

4. Construction Site Stormwater Runoff Control

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit requires the permittee, if they have such authority, to enact ordinances or resolutions. Have ordinances or resolutions to address construction site runoff from new development/redevelopment projects been enacted?
			If yes, list ordinances/resolutions and their effective dates below: Review Stormwater Management Land Disturbance Permits - December 6, 2016
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a procedure or program been developed requiring construction site owners and/or operators to implement appropriate erosion and sediment control best management practices?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a procedure or program been developed requiring construction site owners and/or operators to control waste such as discarded building materials, concrete truck washout, chemicals, paint, litter, and sanitary waste at construction sites likely to cause adverse impacts to water quality?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a procedure been developed and implemented requiring site plan review which includes consideration of potential water quality impacts?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a procedure been developed for the receipt and consideration of information submitted by the public?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a procedure been developed and implemented for construction site inspection and enforcement of the control measures?

List all the construction site stormwater runoff control BMPs as identified in the SMP and provide the requested information in the following table.

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

4. Construction Site Stormwater Runoff Control (Table)

List all construction site stormwater runoff control BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 6 points.

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
CSSRC - 1	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any land disturbance. This includes submittal of a plan identifying all needed erosion control measures. Examples of residential and commercial LDPs can be found at: https://www.leavenworthks.org/publicworks/page/draft-2024-kdhe-annual-stormwater-report-0	2
CSSRC - 2	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites disturbing sites equal to or greater than one acre or for construction activity disturbing less than one acre which is part of a large common plan of development or sale that in total disturbs one acre or more.	The City follows MARC erosion control BMPs and APWA 5600. Examples can be found at: https://www.leavenworthks.org/publicworks/page/stormwater-report-documents	2
CSSRC - 4	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until the water quality is addressed.	2
CSSRC - 7	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			7

C. SMP Requirements (Six Minimum Control Measures)

5. Post-Construction Site Stormwater Management in New Development and Redevelopment

Please place an “X” in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit requires the permittee, if they have such authority, to enact ordinances or resolutions. Have ordinances or resolutions to address construction site runoff from new development and redevelopment projects been enacted?
			If yes, list ordinances/resolutions and their effective dates below: In December, 2016, City staff implemented the requirement to obtain a Land Disturbance Permit (LDP) for any construction activity within the City. Ordinance No. 8021 can be found at: https://www.leavenworthks.org/publicworks/page/land-disturbance-and-excavation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a post-construction stormwater runoff program been implemented?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have post-construction sites been inspected this past year?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are BMPs specified to minimize adverse water quality impacts?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have strategies been developed to include a combination of structural and/or non-structural BMP appropriate for the municipality?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have measures been implemented to ensure adequate long-term operation and maintenance of structural BMPs?

List all the post-construction site stormwater management in new development and redevelopment BMPs as identified in the SMP and provide the requested information in the following table.

C. Stormwater Management Program Requirements (Six Minimum Control Measures)

5. Post-Construction Stormwater Management (Table)

List all post-construction stormwater management BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of 7 points.

BMP ID NUMBER	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
PCSM - 1	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	Link to APWA/MARC manuals posted at City's website: https://www.leavenworthks.org/publicworks/page/additional-stormwater-documents Link to the City of Leavenworth Manual of Infrastructure Standards: https://www.leavenworthks.org/publicworks/page/designs-studies-reports	3
PCSM - 2	Develop a list of post-construction structural or non-structural BMPs which are required to be incorporated in any development/re-development project. The list must include guidance regarding the BMPs which must be incorporated in various projects as determined appropriate by the permittee. The list is to be provided to entities involved with the design of projects prior to site plan review by the permittee.	The City requires that water quality impacts be addressed for development activities. Water quality BMPs may consist of rain gardens, bio-swales, basins that detain runoff until silt/pollutant settle out or other approved BMPs. In areas where there is sufficient space for larger BMPs, hydrodynamic separators are being utilized.	2
PCSM - 3	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally owned or operated post-construction structural stormwater BMP facilities.	The City has a software maintenance program that identifies and schedules inspections.	2
PCSM - 5	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	The City inspected City-owned structural BMPs at random times and after significant storm events. These BMPs mostly consist of hydrodynamic separators (Thornton and Eisenhower) and "beehive" grates. No points taken.	2
PCSM - 6	Develop and implement a program for inspection of privately-owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.	Due to personnel changes, a Detention Public Meeting was not held. Staff did inspect the majority of the privately-owned basins in 2024 and we are creating a rotation inspection schedule for all of these basins. No points taken.	2
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			11

C. SMP Requirements (Six Minimum Control Measures)

6. Municipal Pollution Prevention/Housekeeping

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit requires the permittee to enact a program to address pollution prevention/good housekeeping for Municipal Operations. Has such a program been enacted?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a program to ensure proper use and storage of pesticides, herbicides, and fertilizers at permittee owned facilities? The City follows SDS (Safety Data Sheet).

List all the municipal pollution prevention/good housekeeping BMPs as identified in the SMP and provide the requested information in the following table.

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C. Stormwater Management Program Requirements (Six Minimum Control Measures)

6. Municipal Pollution Prevention/Housekeeping (Table)

List all municipal pollution prevention/housekeeping BMPs as identified in the SMP and provide the requested information in the following table. The BMPs listed in the below table should add up to a minimum of **6** points.

BMP ID	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
PP/GH - 1	Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.	Parking lot across from City Hall screens runoff. Device was previously installed so using two points per permit.	2
PP/GH - 2	Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	Staff is currently participating in a recycle and proper waste disposal program.	2
PP/GH - 5	Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	Street sweeping program operations continued throughout the year. Miles of street swept: Sweeper No. 3332: 278 Sweeper No. 3333: 1,465	2
PP/GH - 7	Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	Stormwater crew inspected and/or maintained approximately 5,330 inlets and area drains, and other stormwater facilities. Number inlets cleaned: 998	1
PP/GH - 8	Make updated online storm sewer map accessible to the public.	Map can be viewed at the City GIS website: https://gis.firstcity.org/	2
PP/GH - 12	Install a stormwater treatment system for capture of either trash, sediment, or debris.	City installed a stormwater treatment system in inlets along Thornton Street and Eisenhower Road. The system was cleaned in 2024.	2
TOTAL POINTS CLAIMED FOR PUBLIC EDUCATION AND OUTREACH →			11

D. Total Maximum Daily Load (TMDL) Best Management Practices (BMPs)

Some permittees are required to implement BMPs to reduce the discharge of listed TMDL regulated pollutants (potentially any or all of the following pollutants - bacteria, nutrients, and sediment)

Please place an "X" in the left boxes to complete the table below.

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were any BMPs intended to reduce the discharge of TMDL regulated pollutants implemented? See your permit to determine if TMDL regulated pollutants are listed for the receiving stream affected by your stormwater system (TMDL Table).

List all the TMDL BMPs as identified in the SMP and provide the requested information in the following table.

CITY NOT REQUIRED TO REPORT

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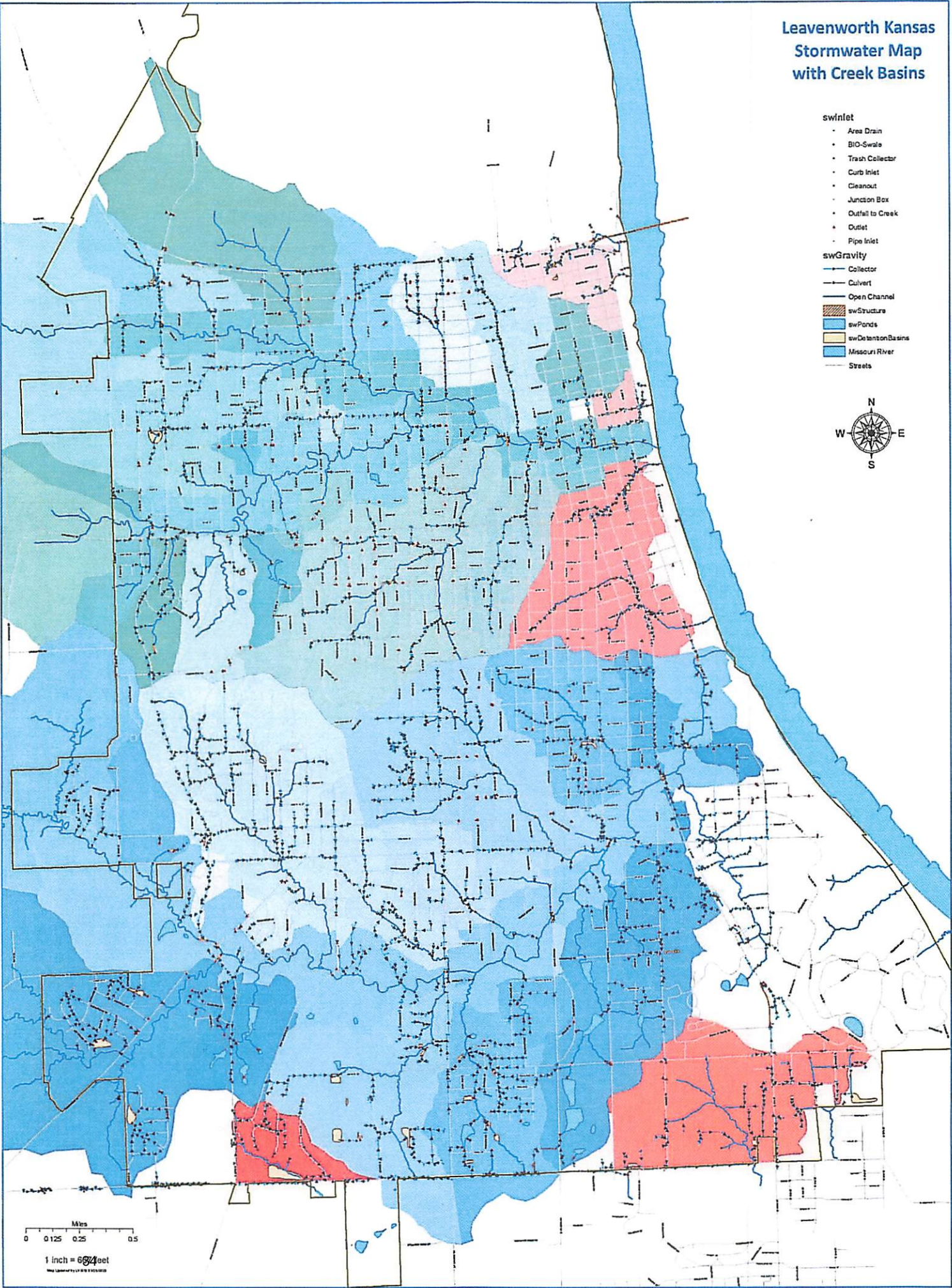
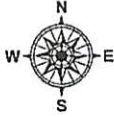
D. TMDL BMP Table

The BMPs listed in the below table should add up to a minimum of 6 points.

BMP ID	BRIEF BMP DESCRIPTION	PROGRESS ACHIEVING GOAL(S) (MEASURED RESULT)	POINTS CLAIMED
	City Not Required to Report		
TOTAL POINTS CLAIMED FOR TMDL			

Leavenworth Kansas Stormwater Map with Creek Basins

- swInlet
 - Area Drain
 - BIO-Swale
 - Trash Collector
 - Curb Inlet
 - Cleanout
 - Junction Box
 - Outfall to Creek
 - Outlet
 - Pipe Inlet
- swGravity
 - Collector
 - Culvert
 - Open Channel
 - ▨ swStructure
 - swPonds
 - swDetentionBasins
 - Missouri River
 - Streets



Miles
0 0.125 0.25 0.5
1 inch = 664 feet
Map Updated by L&W 11/2010

City of Leavenworth, KS Stormwater Management Data Collection



POLICY REPORT PWD NO. 25-13

STORMWATER ORANGE FENCE PROJECT #5
9TH AND OSAGE - ALLEY

Project 2021-952

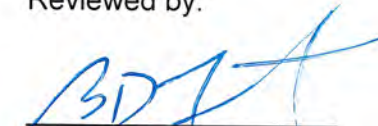
February 11, 2025

Prepared by:



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Deputy Director of Public Works

Reviewed by:



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



Scott Peterson,
City Manager

ISSUE:

Consider bids received and possible award of the Stormwater Orange Fence Project #5 at 9th and Osage including the Alley south of Osage.

BACKGROUND:

The Public Works Department was informed of a cross-road culvert wall collapse on March 19, 2021. After visiting the site, it was determined that the wall and the crossroad culvert stone arch needed to be replaced to ensure the long-term safety of the traveling public and enhance the stormwater runoff through this area. The corrugated metal pipe in the alley directly south of the Osage Street stone arch rusted to the point where it collapsed on January 20, 2015. The alley has remained closed since then.

In September 2021, the Engineering Department of Public Works engaged Napier Engineering for the design of the project.

The project plans were prepared by Napier Engineering and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on February 5, 2025. Bid results are shown below and in the attached bid tabulation.

Company	City	Total Bid
Linaweaver Construction	Lansing, KS	\$290,380.00
LEXECO, Inc.	Leavenworth, KS	\$297,775.85
Garibay Siteworks	Manhattan, KS	\$309,632.23
Westland Construction, Inc.	Kansas City, MO	\$313,004.84
Base Bid Engineer's Estimate		\$336,416.00

Work is expected to begin in March with a late start date of March 17, 2025 and be completed in 90 calendar days.

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. Linaweaver Construction Co. was the low bidder and met all bidding requirements. Linaweaver has completed stormwater repair projects for the City in the past and the prior work was completed within the required timeframe and specifications.

BUDGET IMPACT:

The cost for construction is \$290,380. Funding is available in the Stormwater Capital Fund. Inspection will be by City Staff.

RECOMMENDATION:

Staff recommends that the City Commission authorize the Mayor to sign a Construction Services Contract with Linaweaver Construction Co. for the Stormwater Orange Fence Project #5 at 9th and Osage including the Alley in the amount of \$ \$290,380.

ATTACHMENTS:

Project Overview Map
Bid Tabs

No. 25-13 Stormwater Orange Fence #5 - 9th & Osage



ALLEY CLOSE UP



ALLEY TO SOUTH



38 FAILED HEADWALL



STREET VIEW TO NORTH

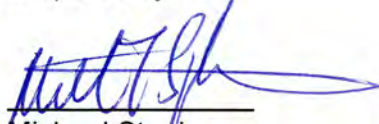
POLICY REPORT PWD NO. 25-16

CONSIDER AWARD OF A CONSTRUCTION OBSERVATION SERVICES CONTRACT WITH JEO CONSULTING GROUP FOR IMPROVEMENTS ON 4th STREET FROM REES STREET TO POPLAR STREET

KDOT PROJECT NO. 052 U-2509-01
CITY PROJECT NO. 2023-027

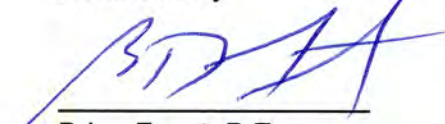
February 11, 2025

Prepared by:



Michael Stephan,
Deputy Director of Public Works

Reviewed by:



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



Scott Peterson,
City Manager

ISSUE:

Consider award of a construction observation services contract with JEO Consulting Group 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 to Poplar. This is the area where Tire Town and Abeles Field is located.

This project will consist of a mill/overlay, localized full-depth base repairs, spot curb and sidewalk replacement along with any needed ADA upgrades at ramps. The Construction Contract was awarded to J M Fahey on January 14, 2025 (Policy Report No. 25-01).

POLICY:

The City generally uses the design engineering firm for Construction Observation Services if that firm employs qualified inspectors. Since KDOT is funding a portion of the project, it is required that a KDOT certified inspector be used. JEO has available staff that have the proper certifications.

City staff reviewed JEO's qualifications, staffing, and scheduling to be sure that they could satisfactorily provide said services. The firm has also worked on KDOT projects in the past.

BUDGET IMPACT:

City staff worked with JEO to negotiate a detailed project scope of services and fee for the work. Construction observation services are a non-participating cost for the CCLIP-SP project. As such, the City will be responsible for the entire cost of this service. The fee is a not to exceed amount of \$72,565. Funding is available in the Grant Matching Capital Projects Fund.

RECOMMENDATION:

Staff recommends that the City Commission authorize the Mayor to sign a Construction Observation Services Contract with JEO Consulting Group for the improvements to K-7/4th Street from Rees Street to Poplar Street in the amount of \$72,565.

ATTACHMENTS:

Professional Services Contract



**AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____ ("Effective Date") between City of Leavenworth, Kansas ("Owner") and JEO Consulting Group, Inc. ("Engineer").

Owner's project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Construction engineering & inspection services for the US-73/K-7 (4th Street) – Rees St. to Poplar St., City Project 2023-027, KDOT Project 73-52 U 2509-01 in the City of Leavenworth, KS. ("Project").

JEO Project Number: 240747.01

Owner and Engineer further agree as follows:

ARTICLE 1 - SERVICES OF ENGINEER

1.01 Scope

- A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.

ARTICLE 2 - OWNER'S RESPONSIBILITIES

2.01 Owner Responsibilities

- A. Owner responsibilities are outlined in Section 3 of Exhibit B.

ARTICLE 3 - COMPENSATION

3.01 Compensation

- A. Owner shall pay Engineer as set forth in Exhibit A and per the terms in Exhibit B.
- B. The "not to exceed" fee for the Project is: \$72,565.00

ARTICLE 4 - EXHIBITS AND SPECIAL PROVISIONS

4.01 Exhibits

Exhibit A – Scope of Services
Exhibit B – General Conditions

4.02 Total Agreement

A. This Agreement (consisting of pages 1 to 2 inclusive, together with the Exhibits identified as included above) constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Owner:

Engineer: JEO Consulting Group, Inc.

By: _____

By: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

Address for giving notices:

Address for giving notices:

City of Leavenworth, KS

JEO Consulting Group, Inc.

100 North 5th Street

1937 North Chestnut Street

Leavenworth, KS 66048

Wahoo, NE 68066

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SCOPE OF SERVICES

PROJECT DESCRIPTION:

The scope of this agreement is to provide construction engineering & inspection services for the US-73/K-7 (4th Street) – Rees St. to Poplar St., City Project 2023-027, KDOT Project 73-52 U 2509-01 in Leavenworth, Kansas. JEO Project No. 240747.01.

1. CONSTRUCTION ADMINISTRATION

- 1.1. Provide Construction Engineering (CE) services that meet the requirements of KDOT Bureau of Local Projects.
- 1.2. Schedule and conduct a Pre-construction Conference (Pre-Con), consisting of one (1) meeting prior to the start of construction. This conference will review the required timelines set forth in the specifications, lines of communication, key contacts of those involved, review any conflicts with utilities or schedules, review the schedule proposed by the Contractor, etc. Discuss construction phasing and access requirements. Minutes of the Pre-construction Conference will be provided to all participants by the Engineer.
 - 1.2.1. Pre-construction invitation will include JEO, City Staff, City Project Manager, Contractor, all Utility Providers, as well as project Stakeholders as determined necessary.
- 1.3. Review for approval of submittals, material certifications, mix designs and related data supplied by the Contractor.
- 1.4. Provide interpretation of the plans and specifications, when necessary.
- 1.5. Review and process Contractor's monthly payment applications and change orders (if necessary) and provide to Owner for review and approval for up to three (3) progress payments and one (1) final payment.
- 1.6. Conduct monthly progress meetings, up to three (3) meetings estimated.
- 1.7. Consult with and advise Owner during construction in regard to all aspects of the project. Provide weekly/bi-weekly project status updates via email.
- 1.8. Verify Contractor is maintaining and providing as-built drawings plan set in accordance with City Contract for construction.
- 1.9. Conduct a final walk-thru and inspection of project with the Contractor and Owner, one (1) meeting.
- 1.10. Prepare a final punch list of outstanding items needing completion prior to finalization of the project based on field observations and reviews by the Resident Project Representative, Contractor, and Owner.
- 1.11. Recommend to the Owner the acceptance of the project and complete the necessary certificate(s). This recommendation will be based on the Engineer's observation of construction utilizing professional judgment and accepted tests to determine that the Contractor has completed their contracts in substantial compliance with the plans, specifications and contract documents.

2. CONSTRUCTION OBSERVATION (RESIDENT PROJECT REPRESENTATIVE)

- 2.1. JEO will furnish a full-time Resident Project Representative (RPR) to inspect & observe construction progress and the quality of the work. An estimated 520 hours for 13 weeks of construction is anticipated.
- 2.2. The duties and responsibilities of the RPR are described as follows:
 - 2.2.1. Review of contractors work for general compliance with the plans and specifications.
 - 2.2.2. Monitor Contractors' progress and project schedule.
 - 2.2.3. Complete Construction Observation Daily Work Reports construction activities, weather conditions, and any project issues.
 - 2.2.4. Measure pay quantities and coordinate concurrence with Contractor.
 - 2.2.5. Review of materials delivered to the site for specification compliance.

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- 2.2.6. Assist the engineer in interpretation of the plans and specifications to the contractor.
- 2.2.7. Review materials testing for acceptance completed by independent lab hired by the contractor.
- 2.2.8. Attend progress meetings.
- 2.2.9. Compile records for use in preparing record drawings.

3. Materials Testing

- 3.1. All materials testing is to be performed by the contractor per the construction contract.
- 3.2. JEO will review all materials testing completed by the independent lab hired by the contractor for this project and compare test results to the project specifications.
- 3.3. JEO will approve or reject all submitted materials test reports.

4. Post Construction Phase

- 4.1. Prepare Record Drawings.
- 4.2. Prepare Report of Total Cost.
- 4.3. Assist the Owner during any warranty period with questions and coordination with the contractor for warranty period correction items.
- 4.4. Conduct post-construction field reviews of project should a field inspection be necessary.
- 4.5. Issue a warranty period correction letter to the contractor for warranty repair items if necessary.

5. FEE

- 5.1. The cost to provide Construction Administration, and Construction Observation will be billed as hourly not to exceed, as indicated below, for a total estimated fee of \$117,570.
- 5.2. The above-mentioned fee includes JEO's billable time and overhead expenses including telephone calls, copying, postage, travel and meals that are included in our hourly rates and fees. Any additional services beyond the Scope of Services will be provided at agreeable hourly rates, only when authorized by the Owner.

5.3. Tasks	Fee	
Construction Engineering/Administration	\$14,690	
<u>Construction Observation</u>	<u>\$57,875</u>	
Total Estimated Fee	\$72,565	Hourly Not To Exceed

6. PAYMENT:

- 6.1. We will invoice you monthly for work completed to date, payment is due upon receipt. Invoices unpaid after 30 days will accrue interest at 12% per annum (1.0%/month).

7. TIME FRAME:

- 7.1. Tentative Start of Construction 04/14/2025
- 7.2. Final Completion 90 Calendar Days from Notice to Proceed

8. OWNER RESPONSIBILITY:

- 8.1. The Owner must provide the following information to the Engineer:
 - 8.1.1. Owner shall secure all right-of-entry to adjacent properties if needed.
 - 8.1.2. Timely decisions on questions relating to completion of work.
 - 8.1.3. Assist with any stakeholder issues that arise.

9. EXCLUSIONS:

- 9.1. Environmental reviews and/or studies not included in the scope of services.
- 9.2. Traffic Control Plans.

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- 9.3. Special meetings and meetings not outlined in the scope of services.
- 9.4. ROW and Title/Deed research.
- 9.5. Public Involvement services.

10. GENERAL CONDITIONS

- 10.1. JEO's general conditions are attached as Exhibit B.

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GENERAL CONDITIONS

1. SCOPE OF SERVICES: JEO Consulting Group, Inc. (JEO) shall perform the services described in Exhibit A. JEO shall invoice the client for these services at the fee stated in Exhibit A.

2. ADDITIONAL SERVICES: JEO can perform work beyond the scope of services, as additional services, for a negotiated fee or at fee schedule rates.

3. CLIENT RESPONSIBILITIES: The client shall provide all criteria and full information as to the client's requirements for the project; designate and identify in writing a person to act with authority on the client's behalf in respect to all aspects of the project; examine and respond promptly to JEO's submissions; and give prompt written notice to JEO whenever the client observes or otherwise becomes aware of any defect in work.

Unless otherwise agreed, the client shall furnish JEO with right-of-access to the site in order to conduct the scope of services. Unless otherwise agreed, the client shall also secure all necessary permits, approvals, licenses, consents, and property descriptions necessary to the performance of the services hereunder. While JEO shall take reasonable precautions to minimize damage to the property, it is understood by the client that in the normal course of work some damage may occur, the restoration of which is not a part of this agreement.

4. TIMES FOR RENDERING SERVICES: JEO's services and compensation under this agreement have been agreed to in anticipation of the orderly and continuous progress of the project through completion. Unless specific periods of time or specific dates for providing services are specified in the scope of services, JEO's obligation to render services hereunder shall be for a period which may reasonably be required for the completion of said services.

If specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided, and if such periods of time or date are changed through no fault of JEO, the rates and amounts of compensation provided for herein shall be subject to equitable adjustment. If the client has requested changes in the scope, extent, or character of the project, the time of performance of JEO's services shall be adjusted equitably.

5. INVOICES: JEO shall submit invoices to the client monthly for services provided to date and a final bill upon completion of services. Invoices are due and payable within 30 days of receipt. Invoices are considered past due after 30 days. Client agrees to pay a finance charge on past due invoices at the rate of 1.0% per month, or the maximum rate of interest permitted by law.

If the client fails to make any payment due to JEO for services and expenses within 30 days after receipt of JEO's statement, JEO may, after giving 7 days' written notice to the client, suspend services to the client under this agreement until JEO has been paid in full all amounts due for services, expenses, and charges.

6. STANDARD OF CARE: The standard of care for all services performed or furnished by JEO under the agreement shall be the care and skill ordinarily used by members of JEO's profession practicing under similar circumstances at the same time and in the same locality. JEO makes no warranties, express or implied, under this agreement or otherwise, in connection with JEO's services.

JEO shall be responsible for the technical accuracy of its services and documents resulting therefrom, and the client shall not be responsible for discovering deficiencies therein. JEO shall correct such deficiencies without additional compensation except to the extent such action is directly attributable to deficiencies in client furnished information.

7. REUSE OF DOCUMENTS: Reuse of any materials (including in part plans, specifications, drawings, reports, designs, computations, computer programs, data, estimates, surveys, other work items, etc.) by the client on a future extension of this project, or any other project without JEO's written authorization shall be at the client's risk and the client agrees to indemnify and hold harmless JEO from all claims, damages, and expenses including attorney's fees arising out of such unauthorized use.

8. ELECTRONIC FILES: Copies of Documents that may be relied upon by the client are limited to the printed copies (also known as hard copies) that are signed or sealed by JEO. Files in electronic media format of text, data, graphics, or of other types that are furnished by JEO to the client are only for convenience of the client. Any conclusion or information obtained or derived from such electronic files shall be at the user's sole risk.

a. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it shall perform acceptance tests or procedures within 30 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any errors detected within the 30 day acceptance period shall be corrected by the party delivering the electronic files. JEO shall not be responsible to maintain documents stored in electronic media format after acceptance by the client.

b. When transferring documents in electronic media format, JEO makes no representations as to long term compatibility,

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GENERAL CONDITIONS

usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by JEO at the beginning of the project.

c. The client may make and retain copies of documents for information and reference in connection with use on the project by the client.

d. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

e. Any verification or adaptation of the documents by JEO for extensions of the project or for any other project shall entitle JEO to further compensation at rates to be agreed upon by the client and JEO.

9. SUBCONSULTANTS: JEO may employ consultants as JEO deems necessary to assist in the performance of the services. JEO shall not be required to employ any consultant unacceptable to JEO.

10. INDEMNIFICATION: To the fullest extent permitted by law, JEO and the client shall indemnify and hold each other harmless and their respective officers, directors, partners, employees, and consultants from and against any and all claims, losses, damages, and expenses (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) to the extent such claims, losses, damages, or expenses are caused by the indemnifying parties' negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of JEO and the client, they shall be borne by each party in proportion to its negligence.

11. INSURANCE: JEO shall procure and maintain the following insurance during the performance of services under this agreement:

a. Workers' Compensation: Statutory

b. Employer's Liability

i. Each Accident: \$500,000

ii. Disease, Policy Limit: \$500,000

iii. Disease, Each Employee: \$500,000

c. General Liability

i. Each Occurrence (Bodily Injury and Property Damage): \$1,000,000

ii. General Aggregate: \$2,000,000

d. Auto Liability

i. Combined Single: \$1,000,000

e. Excess or Umbrella Liability

i. Each Occurrence: \$1,000,000

ii. General Aggregate: \$1,000,000

f. Professional Liability:

i. Each Occurrence: \$1,000,000

ii. General Aggregate: \$2,000,000

g. All policies of property insurance shall contain provisions to the effect that JEO and JEO's consultants' interests are covered and that in the event of payment of any loss or damage the insurers shall have no rights of recovery against any of the insureds or additional insureds thereunder.

h. The client shall require the contractor to purchase and maintain general liability and other insurance as specified in the Contract Documents and to cause JEO and JEO's consultants to be listed as additional insured with respect to such liability and other insurance purchased and maintained by the contractor for the project.

i. The client shall reimburse JEO for any additional limits or coverages that the client requires for the project.

12. TERMINATION: This agreement may be terminated by either party upon 7 days prior written notice. In the event of termination, JEO shall be compensated by client for all services performed up to and including the termination date. The effective date of termination may be set up to thirty (30) days later than otherwise provided to allow JEO to demobilize personnel and equipment from the site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble project materials in orderly files.

13. GOVERNING LAW: This agreement is to be governed by the law of the state in which the project is located.

14. SUCCESSORS, ASSIGNS, AND BENEFICIARIES: The client and JEO each is hereby bound and the partners, successors, executors, administrators and legal representatives of the client and JEO are hereby bound to the other party to this agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, with respect to all covenants, agreements and obligations of this agreement.

a. Neither the client nor JEO may assign, sublet, or transfer any rights under or interest (including, but without limitation, monies that are due or may become due) in this agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under this agreement.

b. Unless expressly provided otherwise in this agreement: Nothing in this agreement shall be construed to create, impose, or give rise to any duty owed by the client or JEO to any contractor, contractor's subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them.

c. All duties and responsibilities undertaken pursuant to this agreement shall be for the sole and exclusive benefit of the client and JEO and not for the benefit of any other party.

JEO CONSULTING GROUP INC ■ JEO ARCHITECTURE INC
GENERAL CONDITIONS

15. PRECEDENCE: These standards, terms, and conditions shall take precedence over any inconsistent or contradictory language contained in any proposal, contract, purchase order, requisition, notice to proceed, or like document regarding JEO's services.

16. SEVERABILITY: Any provision or part of the agreement held to be void or unenforceable shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the client and JEO, who agree that the agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

17. E-VERIFY: JEO shall register with and use the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986, to determine the work eligibility status of new employees physically performing services within the state where the work shall be performed. Engineer shall require the same of each consultant.

**STUDY SESSION POLICY REPORT
STREET CLOSURE POLICY**

January 21, 2025

Prepared by:



Scott Peterson
City Manager

Subject:

The City has recently seen an increase in the amount of requests for events in Leavenworth's downtown that require street closures from several hours to days. To date, the City has not had a policy to address these as previous Commissions favored events at Haymarket Square instead of closing City streets. To help the City better address these requests and to clearly lay out the expectations of the responsible parties, the City has drafted a policy and application process.

In crafting the policy, staff utilized feedback and comments received after events in the last 2 years to help address the concerns of the event coordinators and impacted businesses and residents. Among the primary concerns raised in the last two (2) years have been:

1. Businesses and residents were not informed of a street closure, impacting their ability of customers to access their businesses or residents to access their homes.
2. The approved closure area was not fully being utilized, causing "wasted" space of streets that did not need to be closed.
3. Requests for trash cans and dumpsters to be provided, and sometimes emptied, by the City.
4. Additional requests for electrical hookups, street sweeping, etc., that required City manpower and resources, occasionally at the last minute.

In order to assist staff with drafting the most impactful policy possible, we reached out to our community partners for these events: Main Street, Chamber of Commerce, and recent event coordinators to garner feedback and comments on the drafted policy and application. We received one letter with feedback, from Kathleen Wade, attached with this policy report. Prior to drafting any policy, Staff also reached out to other cities across Kansas to see how other cities handle events. It was clear in the feedback from other cities that how they handle events is incredibly varied. Some Cities prohibit any street closures for events not sponsored by the municipality itself. Other cities have an application and approval process, but provide either no or limited support for the event. Others still require the City Commission approve the closure, but any and all needs for the event are supplied by the Event Coordinator.

Staff felt that based on how the Commission has handled street closures for events recently, that the Commission would be open to assisting in a few areas for these types of requests, while also working to address the concerns of all parties. Staff is before the Commission requesting comments and feedback on the drafted policy and application for addressing downtown special event street closure requests.

Staff will review the proposed policy with the Commission during the study session. In terms of financial resources, the Commission added \$5,500 to the CVB Budget for Street Closure Event Costs for FY 2025. This was to cover the costs of towing cars for downtown events so that the event coordinator didn't have to bear that cost, as it was previously agreed upon that one of the prior events (April 2024) had to reimburse the City for any towing expenses. The incurred cost for that April event was \$195.00 and the event coordinator reimbursed the City.

February 11, 2025 Update- After taking feedback from the City Commission at the January 21 study session, staff has reconfigured the notification system for affected businesses and residents. Instead of requiring event coordinators to get signatures from all impacted businesses and residents, they will instead only be required to get signatures from affected businesses. For residences, they will be provided with a template letter that they will be required to either mail or deliver to all impacted residences. This letter can simply be placed in mailboxes, in doors, etc., and does not require a signature from anyone living in each unit. The event coordinator will then be required to provide a list of all residences that were sent or delivered the letter. Staff believes this adequately addresses the concerns that some commissioners had with requiring event coordinators to interact with every resident in the special event area.

Attachment – Draft Street Closure Policy
Draft Street Closure Application Form
Draft Street Closure Resident/Business Notification Form
Letter of Input from Kathleen Wade
January 25 Letter of Input from Kathleen Wade



Street Closure Request Policy

Contact the Office of the City Clerk for Questions

913-682-9201 option 9

Street Closure Request Application must be turned in no less than 8 weeks prior to the requested street closure date. Applications submitted after that may not be considered.

Availability:

- Street Closures **will not be available** to be requested on the following days:
 - Any Federal Holidays
 - Days where a Parade is already scheduled
 - Days of Camp Leavenworth (September)
 - The Friday before Thanksgiving (November) - Mayor's Tree Lighting Ceremony
 - The Friday following Thanksgiving – City Offices are closed

Types of Events this Policy Does Not Apply To:

- Parades
- Walk/Runs
- Events occurring outside of the Central Business District (CBD) Zoning District

Applicant's Responsibilities:

- Street Closure Request Form.*
- Acknowledgement of Impacted Business Notification for Street/Block Closure Form (must include signatures of all impacted businesses within the road closure request area).*
- List of all residential units that received a letter notifying them of the application for a street/block closure.
- Sample of letter that was sent or delivered to all impacted residential units notifying them of the application for a street/block closure.
- Non-refundable Fee of \$25.00 Per Street Closure Request Event.*

***Must be submitted, and complete, a minimum of eight (8) weeks prior to the scheduled event date.**

City's Responsibilities if Request is Approved:

- City Staff will notify Businesses and Residents, from the submitted forms and lists submitted above, of the approval, location, and date of closure.
- Provide one (1) twenty (20) ton roll off dumpster for use during the event.
- If closure area contains City Trash Cans, appropriate City Staff will empty those within the road closure area up to 24 hours in advance of the closure and place trash can liners in them.
- If closure area contains City Trash Cans, a roll of trash can liners will be made available for pickup from the Municipal Service Center by the Event Coordinator in advance of the event.
- Police Officers will place flyers on cars parked in the road closure area several days in advance of the closure.
- The day before the schedule event, the City will place all event barricades at a single designated location, for set-up by the Applicant.
- Police Officers will attempt to locate car owners to move vehicles within the road closure.
- Police Officers will move cars from the area via Tow Company.
- Appropriate City Staff will take down and remove barricades.

Applicant's Responsibilities if Request is approved:

- If closure area contains City Trash Cans, retrieving the roll of trash can liners from the Municipal Service Center in advance of the event.
- Applicant will be responsible for placing and maintaining all barricades at the designated locations throughout the event. The City will provide all necessary barricades the day prior to the event.
- Once the approved event is completed, Applicant will be responsible for removing all barricades and returning them

to the designated location where they were dropped off prior to the event. The City will pick up all barricades from the designated location.

- Any other logistics, including but not limited to, temporary trash cans (cardboard bins), temporary trash can liners, electrical needs, portable restrooms, picnic tables, or security associated with the event, will be the sole responsibility of the Event Coordinator.
- Applicant must supply and set up their own tables, chairs, pop-up tents, and equipment necessary for the operation of their event. All items must be along the curb, so as to allow room for an Emergency Vehicle to access the area down the middle of the road is necessary.
- Closure area must be kept clean, and the applicant is responsible for cleaning the area at the end of their event and picking up litter and placing it in the trash cans.
- In case of inclement weather, where the event is canceled in full, the applicant may contact the City Clerk's Office to discuss the possibility of rescheduling the event.
- Applicant must comply with any other permitting that the proposed event may require, including, but not limited to, Special Event Permit, Noise Permit, Temporary Food Permit, or Temporary Liquor Permits.

Required of Applicant

Impacted Business Notification for Street/Block Closure

We, the undersigned, do hereby acknowledge notification of the street closure(s) for the _____ (name of event) event on _____ (date) From: _____ (time) To: _____ (time) as detailed on the attached.

SIGNATURE	NAME OF BUSINESS	ADDRESS OF BUSINESS	DATE

[Your Organization's Letterhead/Information]

[Date]

RE: Notification of Upcoming Street Closure for Special Event

Dear Residents of [Street Name],

We are writing to inform you that there will be a request submitted to temporarily close streets near you to accommodate the [Event Name] Special Event. The [Event Name] Special Event will take place on [date] from [start time] to [end time]. As a result, [Street Name(s)] will be closed to all traffic from [start time of closure] to [end time of closure] to ensure the safety of attendees and participants. We kindly request your cooperation in the upcoming street closure by ensuring that any vehicles are moved from the roadway. This will help avoid any inconvenience, as vehicles remaining in the closed areas will be subject to relocation by the police department. We apologize for any inconvenience this may cause and appreciate your understanding and cooperation during this event. If you have any questions or concerns, please do not hesitate to contact [Contact Name] at [Phone Number] or [Email Address].

Sincerely,

[Your Name]

[Your Position]

[Your Organization]

From: Kathleen <leavenworthksantiquemail@gmail.com>

Sent: Wednesday, December 18, 2024 2:58 PM

To: Edd Hingula <Edd.Hingula@firstcity.org>; Holly Pittman <holly.pittman@firstcity.org>; Nancy Bauder <nbauder@firstcity.org>; Jermaine Wilson <jwilson@firstcity.org>; Scott Peterson <Scott.Peterson@firstcity.org>; Penny Holler <Penny.Holler@firstcity.org>; Melissa Bower <melissab@firstcity.org>

Subject: Street Closure policy amendments

Attached please find my responses to the suggested street closure special event policy changes. I would appreciate being a part of these policy plans moving forward if that is possible. My plan for 2025 is to have 2-3 events similar to the ones we had from December 2023 through this month.

Thank you. Kathleen

December 12, 2024

Sarah Bodensteiner, CMC

City Clerk

City of Leavenworth

100 N 5th Street

Leavenworth KS 66048

Dear Sarah;

Thank you for sending me a copy of the proposed Street Closure Request Policy. I have carefully reviewed the proposed documents.

Availability: There is incongruence in street closures not being available on Federal Holidays and having a parade on Veterans day as an exception. I was unaware that Camp Leavenworth (September) was going to be a future event. Are we going to continue that in the future? The city offices are always closed on Saturday when we have our events so I am not sure why having an event the day after Thanksgiving should be treated as an exception.

Types of Events this policy does not apply to: The exclusion of parades from this policy is problematic. As a strong advocate for our community parades, I am eager to see them flourish. However, from my perspective as a business and building owner in downtown, I often find myself uninformed about upcoming parades. On any day there is a parade my income is cut significantly. If the purpose of this new proposal is to streamline and ensure fairness in the execution of all events, then I fail to understand why parades should be treated differently. In addition, the parades have city law enforcement security making sure barricades are not "moved" which means the parades cost our city money. As the parades have been a long term event standard and they are an expected exception, I believe that needs to be stated and addressed in their relevance to other street events.

Applicant's responsibilities: Business and Resident Signature Approval for Street/Block Closure Form that requires "all businesses and residents within the road closure request area".

The stipulation for "**Business and Resident Signature Approval**" on the Street/Block Closure Form—that requires signatures from “all businesses and residents within the road closure request area”—is fundamentally flawed for our downtown setting. This requirement practically forces those organizing events to confront opposing voices in the community. The phrase "signature approval" indicates a voting process, which simply does not apply to this context. Additionally, the city’s recent difficulties in locating all building owners for an event in August highlight the impractical nature of this requirement. To illustrate this further, most businesses operate within standard hours, making it reasonable for me to reach out for notifications. However, what about businesses like Crancers, which operate sporadically for special occasions? How do we demonstrate that we’ve attempted contact with these types of businesses? What occurs if someone chooses not to sign? Are we meant to document with a photograph?

This confrontational approach could easily dissuade potential organizers from pursuing events. Engaging with residents further complicates matters. I cannot pinpoint the locations of apartments or identify who resides in them, particularly on Delaware or 5th Street. Many buildings lack tangible means of contact at street level, and the majority of residents are at work during daytime hours. Would event organizers be expected to wait until evening to connect with individuals as they return home? This scenario seems impractical at best. Moreover, the documents mention “as detailed on the attached”—are we referring to the permit application here? Is there a specific quota or percentage needed for authorization? What is the allotted time frame for fulfilling this requirement? If, this is going to be a requirement, the city would need to supply exact language to be used as well as a written protocol to be followed.

City's Responsibilities if Request is Approved: The city is responsible for communicating with businesses and residents listed on the approval sheet once an event is approved. It would be beneficial to understand the method of communication that is to be used. The previous notification attempted by the city to building owners was not very efficient. I did not receive any notice, nor did the previous business/building owner and I understand the city received returned

letters months after the event. What is the expected time frame for these notifications to be sent out?

With regard to waste management, the specification of a 20-ton dumpster is grossly over-sized for our events. The presence of such a large dumpster in front of a business is generally unwelcome. A smaller dumpster would be both more practical and cost-effective for the city. Additionally, the city trash cans pose challenges for emptying, even with liners. Throughout our one-day events, these liners typically fill to capacity at least once or twice. For the Christmas Market event, the liners provided were not only inadequately thin but also failed to fit the cans properly. When I addressed this issue with Penny, I was informed that the city did not carry trash bags and had to purchase replacements. While I appreciate the logistical challenges, it is reasonable to expect quality and proper sizing. Cardboard temporary bins could serve as a more efficient solution for managing trash, and I would be willing to provide information on wholesale pricing for these as an option for the future.

Barricades: The situation surrounding barricades is one of the most vexing issues related to organizing special events in this city. As acknowledged by both city employees and law enforcement, there exists a prevailing sentiment among residents that our barricades can be ignored and hold no legal barrier, which leads many to disregard them entirely. This disregard is compounded by the fact that no citations are issued for actions including removal, resulting in barricades being frequently displaced. During our last event, law enforcement even suggested utilizing our vehicle parked across the street to help secure the barricades in place and to maintain the barrier. I recognize the delicate balance between ensuring access for emergency vehicles while maintaining restricted access for events.

We take this safety very seriously and as our insurance is on the line for any problems we NEED to solve this issue.. I have called other cities and towns where I have lived in the past and their solutions have been to both make the barricade heavier with sand bags attached when they are put in place or using the new style barricades which are filled with water solutions which can be drained when picked up. I see LE during the parades to make sure everyone stays safe. I realize the city does NOT want to have to spend any money for the street events. I am sure other cities have faced similar situations and we can come to some sort of a form which will ensure the safety of all the event attendees and the cost effectiveness of that safety.

Applicant's responsibilities: All items must be along the curb so to allow room for an Emergency Vehicle to access the area down the middle of the road is necessary. This one requirement has been interpreted in various ways in different cities. Again, trying to balance the best course for safety as well as making the event successful and functional may require further discussion. Kansas City has many events which block streets and function quite well. The Plaza

Art Fair, Brookside Art Fair, Westport Art Fair are 3 examples. Pushing the event tents to the curb is the least advantageous for the event and the businesses on the street. The tents set up back to back down the center of the street allows shoppers to shop both the brick and mortar stores as well as the vendors and allows the most open space for those in wheel chairs and scooters and strollers.

I believe we should look at cities which will have varied requirements and success for more inspiration on this. What is the width requirement? The planters make Delaware difficult in many ways. Again, during any parade we have, getting emergency vehicles into a specific location would be difficult but we make it work because we all support the parades. What is the fire department distance requirement for hose distance to hydrant?

On a personal note, having been involved with 4 events downtown in the last year I have experienced the less than enthusiastic attitude about having street events by some of the staff. It has been said it makes extra work for staff and LE. Staff has expressed that the events don't make the city money. That the tax dollars collected are really minimal and at best make it a break even for the city. Passively, each time different variations of difficulties have been placed as new requirements. Mostly with a smile and a suggestion that in some way it is for safety reasons. However, while safety and security are always foremost in my mind during events this is NOT something other cities larger and smaller have not found a comfortable way to work through.

In addition, our downtown is dying. Again, as I have been told by staff, their jobs will be there even if we all close down. I do not believe that is the goal of either the city or the staff but it does reflect the disconnect between the importance of retail and restaurants having huge sales days and the convenience of the city dealing with the special events.

Our 2023 and 2024 Christmas Market rendered all time record sales days for at least 9 businesses and restaurants downtown. We recognize all events will not render these same results but, I believe it is vital for us to find ways to revitalize our retail and food establishments very quickly for the survival of our downtown. I would not want to think that the city and the citizen business owners would have to be at odds with each other on this success.

Current studies show that closing streets increases sales in stores.

<https://link.edgepilot.com/s/66419f33/qMv5njKoP0OL433wHzcExA?u=http://www.businessinsider.com/downtowns-cities-holiday-shopping-eliminating-street-parking-spots-boosts-retail-2023-10>. Special events can significantly increase a store's sales by attracting new customers,

generating excitement, boosting foot traffic, and generally enhancing the shopping experience, often leading to impulse purchases and increased average transaction value.

I am confident if we as businesses and the city worked together we could bring our city into being a destination location. But, that can only be accomplished by getting out of our comfort zones of how things have been done in the past and moving into the future with an eye on success and mutual cooperation which will include changes and thinking outside our old boxes.

Respectfully,

Kathleen Wade

Kathleen Wade
505 Delaware Street
Leavenworth KS 66048
913.787.4867

January 25, 2025

To whom it may concern;

After watching the planning meeting and reading the excerpts from the Leavenworth Times I wanted to address a couple of additional items regarding street closure events for the city.

I suggest that we post a notice to the door of each address/business 30 days before the event. The one's we posted to every door were BRIGHT 8.5x11 paper which you could NOT miss. Then we could post the same notice to the doors 7 days before. My husband and I did this personally so I know exactly which doors and when I posted as I took photos of each one with a time stamp.

To address Edd's question about using Haymarket Square let me explain that when events happen over there the businesses on our street see NO additional traffic. In many cases, the events are held in the evening long after the retail stores and restaurants on the streets are closed. Retail stores are closing much more rapidly with the increase of online sales. The first Christmas market in 2023 served to show 9 different stores and restaurants having record sales that day from their inception. Nothing else I have seen has even come close to that. Walking traffic causes visitors to go into stores they didn't even know were here. Our advertising results have shown we usually get about 25% of new out of town visitors at each event.

I want ALL events to happen downtown. Not just one's I work to put on. Fill Haymarket as often as you can. The events take work and initiative and steadfast enthusiasm in the face of laziness and procrastinators. These events do not make a lot of money to the person setting them up. It is the business we drive to the brick and mortar locations which makes it worth while.

As the only person currently participating in the discussion about street closures who has actually conducted one in the last few years I suggest we mold as we go. The items I brought up regarding the barricades was something that is very important for the safety and welfare of the visitors and vendors.

Please consider, other towns have figured this out and prosper from it. I do not know why our town should be any different.

Kathleen Wade
Leavenworth Antique Mall