



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MAY 27, 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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from May 13, 2025 Regular Meeting **Action:** Motion (pg. 02)

NEW BUSINESS:

Public Comment: *Public comment is limited to 3 minutes per speaker. In the interest of time, we ask that groups wishing to speak limit their public comment to one presenter. This is an opportunity for the City Commission to hear the thoughts of the public prior to conducting official City business. The Mayor, City Commission, and City staff have been asked not to respond to those giving public comment, and action may not be taken by the Commission on public comment items. The Mayor may direct staff to follow-up with specific individuals after the meeting. When speaking, please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.*

General Items:

2. Mayor's Appointments **Action:** Motion (pg. 06)
3. Consider Cereal Malt Beverage License for 818 Nails Salon, 619 S. 4th **Action:** Motion (pg. 07)
4. Acceptance of Land for Public Utilities for Phil's Corner Final Plat **Action:** Motion (pg. 08)

Bids, Contracts and Agreements:

5. Rescind Award of Bid from TK Elevator for RFCC Elevator Modernization Project and Re-Award Bid **Action:** Motion (pg. 10)
6. Consider Award of Bid for Storm Water Project at 6th Ave & Spruce **Action:** Motion (pg. 13)

First Consideration Ordinances:

7. First Consideration Ordinance to Rescind Certain Special Use Permits **Action:** Consensus (pg. 17)
8. First Consideration Ordinance Special Use Permit for Daycare at 414 Pottawatomie **Action:** Consensus (pg. 19)

Staff Report:

- Fire Department Annual Report (pg.38)
- Police Department Annual Report (pg.49)

Consent Agenda:

Claims for May 9, 2025 through May 22, 2025, in the amount of \$1,232,457.56; Net amount for Payroll #10 effective May 16, 2025, in the amount of \$428,177.76 (Includes Police & Fire Pension in the amount of \$7,753.58).

Action: Motion

Other:

9. Executive Session – Attorney-Client Privilege **Action:** Motion (pg.90)

Adjournment

Action: Motion



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

City Commission Regular Meeting
Commission Chambers
Tuesday, May 13, 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 and Jermaine Wilson.

Staff members present: City Manager Scott Peterson, Assistant City Manager Penny Holler, Police Chief Patrick Kitchens, Deputy Police Chief Major Dan Nicodemus, Public Works Director Brian Faust, Street Foreman Becky Beaver, Caleb Phillips for City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Additional members present: Leavenworth County Commissioners Mike Smith, Jeff Culbertson, Willie Dove, Vanessa Reid and Leavenworth County Administrator Mark Loughry. Commissioner Mike Stieben joined the meeting at 6:56 p.m. via telephone call-in.

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

PROCLAMATIONS:

Leavenworth Historic Preservation Month - Mayor Pittman read the proclamation proclaiming the month of May as Leavenworth Historic Preservation Month. The proclamation was accepted by Preservation Commission Members Ken Bateman, Dick Gibson and Rik Jackson.

Economic Development Week - Mayor Pittman read the proclamation proclaiming May 11-17, 2025 as Economic Development Week. The proclamation was accepted by Lisa Haack and Mary Mack of Leavenworth County Development Corporation.

Leavenworth Public Works Week - Mayor Pittman read the proclamation proclaiming the week of May 18-24, 2025 as Leavenworth Public Works Week. The proclamation was accepted by Becky Beaver, Street Foreman.

National Police Week - Mayor Pittman read the proclamation proclaiming the week of May 12-18, 2025 as National Police Week. The proclamation was accepted by Police Chief Patrick Kitchens.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the April 22, 2025 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

NEW BUSINESS:

Public Comment:

John Wyman, 801 Osage St.:

- Did a job fair on May 1st
- Thanked Commissioners for stopping by the fair
- Provided a summary of the job fair
- 3-hour event, had 10 employers, and 7 community resource partners
- 56 job seekers attended
- 1 person was hired and on-boarded on the spot
- 4 others received job offers
- Others had 2nd interviews scheduled
- 30-45 seekers received resources and/or resource information

William Rogers, 7362 Yecker Ave, KCKS:

- Thanked City and County of Leavenworth for covering for the fire department in Missouri so others could attend the services for the fallen fire service member
- Received a letter from CoreCivic a day after the last meeting when he spoke
- Does what he does for Dylan Reed
- Wants to ask CoreCivic some questions and wants CoreCivic to provide body cam footage

General Items:

Mayor's Appointments

Mayor Pittman moved to reappoint to the Board of Zoning Appeals David Ramirez to terms ending May 1, 2028, and reappoint to the Leavenworth Planning Commission Brian Stephens to terms ending May 1, 2028. Commissioner Bauder seconded the motion and the motion was approved. Mayor Pittman declared the motion carried 4-1 with Commissioner Martin voting no.

Consider Transient Merchant Permit Waiver Request – Art Show at Hawthorn Park – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by Barbara Williams for the use of Hawthorn Park on June 22, 2025 for the purpose of an Art Show as part of the Leavenworth Family Pride Picnic Event. 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 space 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 Hawthorn Park for or the purpose of an Art Show as part of the Leavenworth Family Pride Picnic Event on June 22, 2025. Commissioner Wilson seconded the motion and the motion was approved. Mayor Pittman declared the motion carried 3-1, with Commissioner Martin voting no and Commissioner Hingula abstaining from the vote.

Resolutions:

Resolution B-2398 Leavenworth Main Street Special Events for Possession & Consumption of Alcohol – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of the Cherokee Street from 7th Street to the entrance to the Water Department for Leavenworth Main Streets Special Events scheduled for June 7, 2025 and July 12, 2025 to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Martin moved to approve Resolution B-2398 for Leavenworth Main Streets Special Events as presented. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Resolution B-2399 Resolution for Condemnation for 10th & Limit Intersection Project – Public Works Director Brian Faust presented for approval Resolution B-2399 which starts the process for acquisition of private property for public purposes on the 10th Avenue and Limit Street Intersection Improvement Project. In August 2022, the City was notified by KDOT that we were eligible for up to \$1M in federal-aid, Highway Safety Improvement Program, funding for safety improvements at the intersection of 10th Avenue and Limit Street. The plans for the intersection improvements identified the need for temporary easements and additional rights-of-way. Over the last month, the City, through our consultant John Amrein of The Land Company, has been working to obtain the needed easements from the property owners. While several properties have signed the easement documents, there are three (3) properties remaining where an agreement has not been reached. To avoid risking the loss of funding, the City needs a parallel condemnation process to help ensure the needed properties are obtained. City staff will continue to work with all the property owners to obtain the signed easements. This project is scheduled to be bid in September; however, KDOT requires the easements and rights-of-way to be obtained or condemnation to be initiated prior to bidding. The approval of this resolution is simply the first step of a larger process.

Commissioner Bauder moved to approve Resolution B-2399 regarding the appropriation of private property for public purposes for the 10th and Limit Intersection Project. Commissioner Wilson seconded the motion and the motion was approved. Mayor Pittman declared the motion carried 4-1 with Commissioner Martin voting no.

Joint Discussion:

Discussion with Leavenworth County Board of County Commissioners – The Leavenworth City Commission and Leavenworth Board of County Commissioners met and discussed the following topics:

- Property Tax Lid Constitutional Amendment
- City of Leavenworth Transfer Station and Solid Waste Service
- City and County Economic Development Efforts
- Partnership for Countywide Transportation and Expansion of RideLV
 - Council on Aging Transportation
- Proposed Sales Tax for Countywide Radio System

Consent Agenda:

Commissioner Martin moved to approve claims for April 18, 2025 through May 8, 2025, in the amount of \$2,816,927.11; Net amount for Payroll #8 effective April 18, 2025 in the amount of \$418,363.11 (Includes Police & Fire Pension in the amount of \$7,753.58); and Net amount for Payroll #9 effective May 2, 2025, in the amount of \$406,474.31 (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:

- Sent out finalized budget calendar to the Commission

Commissioner Martin

- Have a good week
- Appreciate the County coming out

Commissioner Bauder:

- Have a good week

Commissioner Hingula:

- Get out and get involved
- Come to our meetings on Tuesday evenings

Mayor Pittman:

- Great to have the County here

Executive Session – Attorney-Client Privilege – Mayor Pittman moved the City Commission recess into executive session for 30 minutes for the purpose of *discussing a development matter in consultation with an attorney which would be deemed privileged in the attorney-client relationship, pursuant to K.S.A. 75-4319 (b) 2.* The City Commission, City Manager, Assistant City Manager, and Attorney will be present. The open meeting will resume in the City Commission Chambers at 8:04 p.m. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

The City Commission returned to open session at 8:04 p.m. Commissioner Bauder did not return to open session.

Adjournment:

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

Time Meeting Adjourned 8:04 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

MAYOR'S APPOINTMENTS

MAY 27, 2025

Mayor Pittman

"Move to

*Appoint to the **Board of Zoning Appeals** Ted Davis to an unexpired term ending May 1, 2027;*

*Reappoint to the **Electrical Board of Appeals** Tyler Haas to a term ending May 1, 2030;*

*Appoint to the **Mechanical Board of Appeals** Judi Price to a term ending May 1, 2030;*

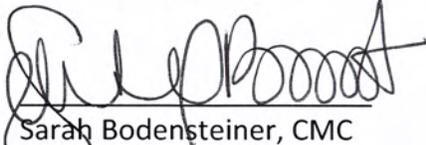
*Reappoint to the **Plumbing Board of Appeals** Terry Scarf to a term ending May 1, 2030.*

Requires a second and vote by the Governing Body.

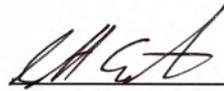
**POLICY REPORT
CONSIDER CEREAL MALT BEVERAGE LICENSE FOR
818 NAILS SALON AT 619 S 4th STREET**

MAY 27, 2025

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Scott Peterson
City Manager

ISSUE:

Consider approving the issuance of a 2025 Cereal Malt Beverage (CMB) License to 818 Nails Salon, located at 619 S 4th Street.

BACKGROUND:

818 Nails Salon is looking to offer for sale cereal malt beverage to patrons while they are getting their nails done. The owner has submitted an application for an on premise consumption Cereal Malt Beverage License for their location in town. The property is zoned General Business District (GBD) which is exempt from the 300-foot distance requirements from churches, schools, etc., per the City Code. The Police Department has reviewed and approved the application.

STAFF RECOMMENDATIONS:

Staff recommends approving the issuance of the CMB license.

ACTION:

Motion to approve the issuance of a 2025 on premise consumption Cereal Malt Beverage License for 818 Nails Salon, located at 619 S 4th Street.

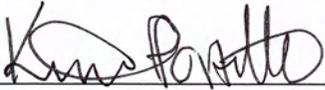
**POLICY REPORT
LEAVENWORTH CITY COMMISSION
2025-08-SUB**

**PHIL'S CORNER
FINAL PLAT**

MAY 27, 2025

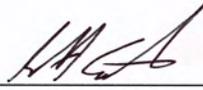
SUBJECT:

Acceptance of land for public utilities for Phil's Corner Final Plat



Prepared By:

Kim Portillo, AICP
Director of Planning and
Community Development



Reviewed By:

Scott Peterson
City Manager

ANALYSIS:

The subject property is owned by the Oliver Gene Warren Trust, with Phillip Martin as Trustee. The plat has been prepared by Herring Survey Company. The applicant is requesting approval of a final plat for one, 2.04-acre lot, known as Lot 1 of Phil's Corner. This property is located at the north corner of Tonganoxie Road and S. 20th Street. The property is currently zoned GBD, General Business District, and the applicant is not seeking a rezoning at this time. The lot is currently undeveloped with future access planned from 20th Street. The final plat includes dedication of easements for public utilities.

The plat has been reviewed by the Development Review Committee with no issues. The subject final plat was considered by the Planning Commission on May 5, 2025, and was approved unanimously.

Staff recommends accepting the dedication of land for public utilities for Phil's Corner Final Plat.

ACTION/OPTIONS:

Accept the dedication of land for public utilities as part of Phil's Corner Final Plat.

PHIL'S CORNER

A Major Subdivision of land in the North Half of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Oliver Gene Warren Trust
1701 THORNTON ST
LEAVENWORTH, KANSAS 66408
PID # 102-10-0-00-00-002

DESCRIPTION: Per Distance 2125 dated 1999
A tract of land located in section 10-99-2031E of the 6th PM described as follows: Connecting at a point on the east right of way line of 20th Street, thence southerly as its intersection with the northwest line of County Road 5, thence northwest a distance of 135 feet along the right of way of 20th Street to the point of beginning; thence westerly along said right of way a distance of 255.19 feet; thence southerly along said right of way a distance of 255.86 feet; thence east 398.9 feet; thence south 210 feet; thence southerly 10 feet to the point of beginning, containing approximately 2.04 acres.

SURVEYOR'S DESCRIPTION:
A tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS# 1296 on March 8, 2025, more fully described as follows:
Commencing at the Northeast corner of said Northwest Quarter; thence South 01 degree 05'28" East for a distance of 1175.07 feet along the East line of said Northwest Quarter; thence South 88 degrees 54'24" West for a distance of 216.01 feet to the POINT OF BEGINNING; thence South 01 degree 43'38" East for a distance of 206.90 feet; thence South 34 degrees 48'12" West for a distance of 77.20 feet; thence North 89 degrees 57'52" West for a distance of 252.20 feet to the Eastern right of way of 20th Street; thence along as it exists today, thence along a non-tangent curve to the right having a radius of 468.2 feet and an arc length of 255.86 feet along said right of way, being subtended by a chord bearing of North 20 degrees 56'08" West and a chord distance of 254.11 feet; thence North 88 degrees 12'34" East for a distance of 398.90 feet to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 2.04 acres, more or less.
Error of Closure = 1 : 308833

PLATTED DESCRIPTION:
LOT 1, PHIL'S CORNER, a subdivision in the City of Leavenworth, Leavenworth County, Kansas.

CERTIFICATION AND DEDICATION:
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: PHIL'S CORNER.

Easements shown on this plat are hereby granted to the City of Leavenworth, Kansas, with subordinate use of the same by other governmental entities and public utilities as may be authorized by statute to be used such easements for said purposes. Utility Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF:
We, the undersigned owners of PHIL'S CORNER, have set our hands this _____ day of _____, 2025.

Phil Martin, Trustee
Oliver Gene Warren Trust

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State I saw _____, Trustee to the Oliver Gene Warren Trust, to be personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC:
My Commission Expires: _____ (year)

This plat of PHIL'S CORNER has been submitted to and approved by the Leavenworth City Commission on this _____ day of _____, 2025.

Mayer - Holly Pittman
City Clerk - Sarah Bodenbacher

Public Works Director - Brian Faust
City Attorney - David E. Waters

This plat of PHIL'S CORNER has been submitted to and approved by the Leavenworth Planning Commission on this _____ day of _____, 2025.

Chairman - Bill Waugh
Secretary - Kim Parillo

Public Works Director - Brian Faust

Scale 1" = 20'

Job # K-23-102
March 8, 2025 Rev. 4/25/25

THE HERRING GROUP
SURVEYING
COMPANY
315 North 55th Street, Leaw, KS 66408
913-833-3025 Fax 913-833-5811
Email - survey@herringks.com

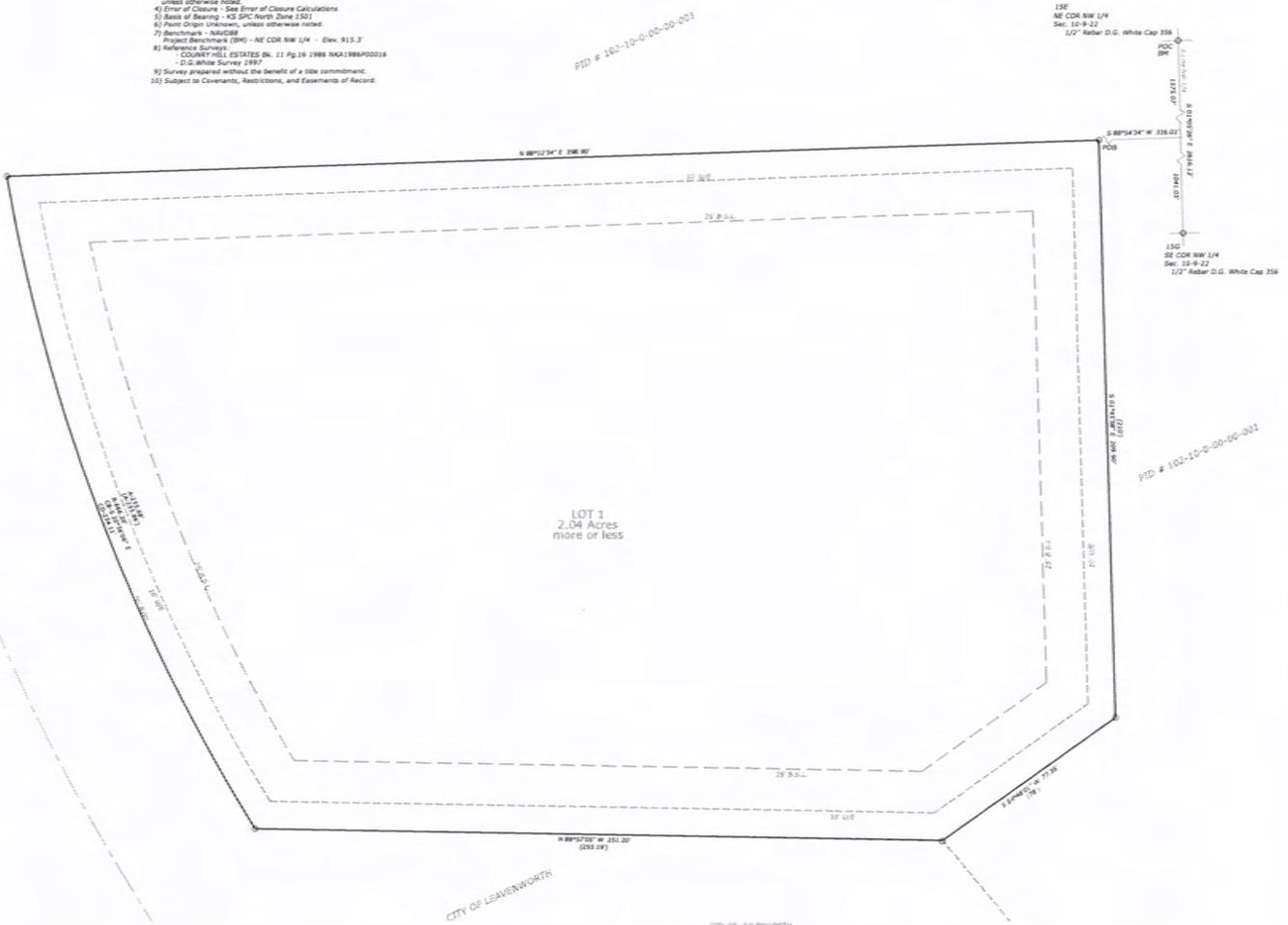


ZONING:
CBD - General Business District

- NOTES:**
- This survey does not show encroachments.
 - All distances are calculated from measurements of measured this survey, unless otherwise noted.
 - All described and measured distances are the same, unless otherwise noted.
 - Error of Closure - See Error of Closure Calculations
 - Basis of Bearing - KS 2PC North Zone 1501
 - Point Origin Unknown, unless otherwise noted.
 - Benchmark - NAVD83
 - Project Benchmark (BPM) - NE COR NW 1/4 - Elev. 915.3'
 - Reference Survey - COUNTY WELL STATUTE No. 11 Pg.16 1988 KCA1988P0018 - D.G. White Survey 1997
 - Survey prepared without the benefit of a site commitment.
 - Subject to Covenants, Restrictions, and Easements of Record.

PID # 102-10-0-00-00-001

- LEGEND:**
- 1/2" Redder Set with Cap No. 1296
 - 1/2" Redder Found Cap 356, unless otherwise noted.
 - Record / Deeded Distance
 - Building Setback Line
 - Existing Right of Way
 - Point of Commencing
 - Point of Beginning
 - Utility Easement



PID # 102-10-0-00-00-001

LOT 1
2.04 Acres
more or less

CITY OF LEAVENWORTH



REGISTER OF DEED CERTIFICATE: _____ on this _____ day of _____, 2025 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds - TerriLore G. Muehman

I hereby certify that this survey plat meets the requirements of K.S.A. 88-2002. The fact of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumbach, PS#1363
County Surveyor

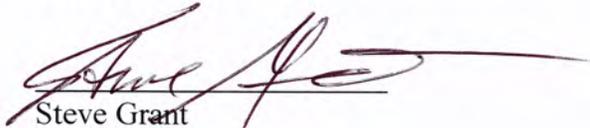


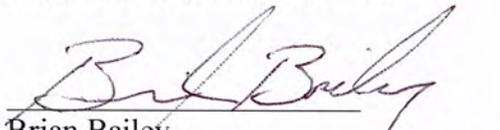
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of March, 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

POLICY REPORT NO. P&R 02-25
Parks & Recreation Department
Riverfront Community Center
Elevator Modernization Contract Rescind
May 27, 2025

PREPARED BY:


Steve Grant
Parks and Recreation Director


Brian Bailey
Parks and Recreation Deputy Director

REVIEWED BY:


Scott Peterson
City Manager

ISSUE:

Rescind the contract for the modernization of the elevator at the Riverfront Community Center with TK Elevator Corporation, and award second low bid proposal from Otis Elevator.

BACKGROUND:

Bids were received and reviewed for the modernization of the elevator at the Riverfront Community Center on March 19, 2025 at 1:00pm. At the City Commission meeting on Tuesday, March 25, the City Commission approved the low bid from TK Elevator Corporation in the amount not to exceed \$168,720.00. Starting the following day, the City Clerk's office began providing all necessary documents to TK Elevator, including the contract signed by the Mayor after approval at the meeting. Since that time, response from TK elevator has been very lapse. Communication attempts by phone and email from both the Parks and Recreation Department, as well as the City Clerk's Office, went unanswered over the next two week period. Finally after providing a deadline for the documents return, a response was received on April 14th that the sales executive was looking into the status of the documents. After no further response from inquiries from staff, on April 29 City Clerk Bodensteiner gave a deadline for document submission of 5:00pm Friday, May 2nd. The TK Sales Executive transferred document submission responsibility to a TK Contract Lead. With short notice of the deadline to the contract lead, in good faith the City extended the deadline into the following week, giving a hard final deadline for documents to be submitted by noon Thursday, May 8th. By this deadline, the City still had not received the signed contract, as well as the maintenance bond.

RECOMMENDATION:

Staff recommends the contract with TK Elevator Corporation for the modernization of the elevator at the Riverfront Community Center in the amount of \$168,720 be rescinded. Staff additionally recommends the second low bid proposal from Otis Elevator in the amount not to exceed \$190,700.

BUDGET IMPACT:

There is \$183,789.20 allocated in the 2025 CIP for this project. The balance of \$6,910.80 can be funded by CIP reserves.

ATTACHMENTS:

Otis Elevator Company Bid Proposal.

BID PROPOSAL

(Must either be typewritten or in ink; all others will be rejected)

RIVERFRONT COMMUNITY CENTER ELEVATOR MODERNIZATION Project No. 2025-RCCELMOD

Base Bid - Lump Sum Price – includes all insurance and bond costs, equipment, materials, appurtenances, and labor for the installation of the items as identified in the “Project Scope”.

Lump Sum Price: One Hundred Ninety Thousand Seven Hundred \$ 190,700

Otis Elevator _____ **HEREBY** agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of Nine Thousand Five Hundred Thirty-Five \$ 9,535 (5%) Dollars (Certified check, cashier’s check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

Completion date to be **Thirty (30) calendar days** after the City Engineer or a duly authorized representative has given “Notice to Proceed” or liquidated damages shall be in accordance with Table 1 in Section 58 of the General Conditions of this document for each calendar day until project completion. *NOTE*: Closure of the elevator during this project creates a substantial disruption to accessibility to portions of the community center. **IT IS ABSOLUTELY CRITICAL THAT THE PROJECT BE COMPLETED AS EXPEDITIOUSLY AS POSSIBLE, WITH A MAXIMUM OF THIRTY DAYS DISRUPTION TO THE OPERATION OF THE ELEVATOR.**

Bidder: <u>Otis Elevator Company</u>	
FEIN: <u>13-5583389</u>	
Address: <u>1100 W Cambridge Circle Dr. Ste. 100 Kansas City, Kansas 66103</u>	
By: <u>Kyle George</u>	Title: <u>Modernization Sales</u>
Telephone No: <u>913-209-5958</u>	Fax No: _____
Email Address: <u>kyle.george@otis.com</u>	

PROPOSAL

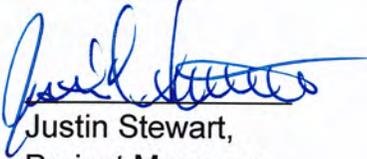
PAGE 2 OF 2

POLICY REPORT PWD NO. 25-27
6TH AVE AND SPRUCE STORM REPAIRS
Project No. 2024-002

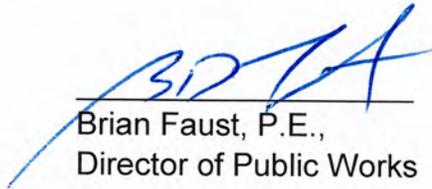
May 27, 2025

Prepared by:

Reviewed by:



Justin Stewart,
Project Manager



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



Scott Peterson,
City Manager

ISSUE:

Consider bids received and possible award of a construction services contract with Linaweaver Construction Co. for the 6th Ave. and Spruce Stormwater Repairs.

BACKGROUND:

The area inlet located in the middle of 6th Avenue north of Spruce Street currently has a rusted corrugated metal pipe connecting two storm structures together. The rusted pipe partially collapsed and caused a medium sized sinkhole in front of the north structure.

As a result, the City filled the failure with concrete to help protect drivers and pedestrians.

In 2024, the City contracted with BG Consultant to design repairs at this location. The project consists of replacing a storm line and localized full-depth base repairs. The new line is located in the middle of 6th Avenue and there will be localized short duration road closures during this project.

The project plans, specifications, and location map were developed by City staff and BG Consultants. The project was advertised for bid on the Bonfire platform and bids were opened on May 7th, 2025. The bid results are shown below and in the attached bid tabulation.

Company	City	Base Total Bid
Linaweaver Construction	Lansing, KS	\$100,980.00
Lexeco Construction	Leavenworth, KS	\$109,893.05
Westland Construction	Basehor, KS	\$196,779.76
Freedom Excavating	N. Kansas City, MO	\$274,005.50
Engineer's Estimate:		\$171,900.00

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

POLICY:

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. There were four (4) responsive bidders and the low bid from Linaweaver Construction Co. was under the engineer's estimate.

BUDGET IMPACT:

The cost for this contract is \$100,980.00. The Stormwater Capital Projects Fund – Orange Fence Projects included \$125,000 for this project. City staff will inspect the project.

RECOMMENDATION:

Staff recommends that the City Commission authorize the Mayor to sign a Construction Services Contract with Linaweaver Construction for the 6th Avenue and Spruce Stormwater Repair in the amount of \$100,980.00.

ATTACHMENTS:

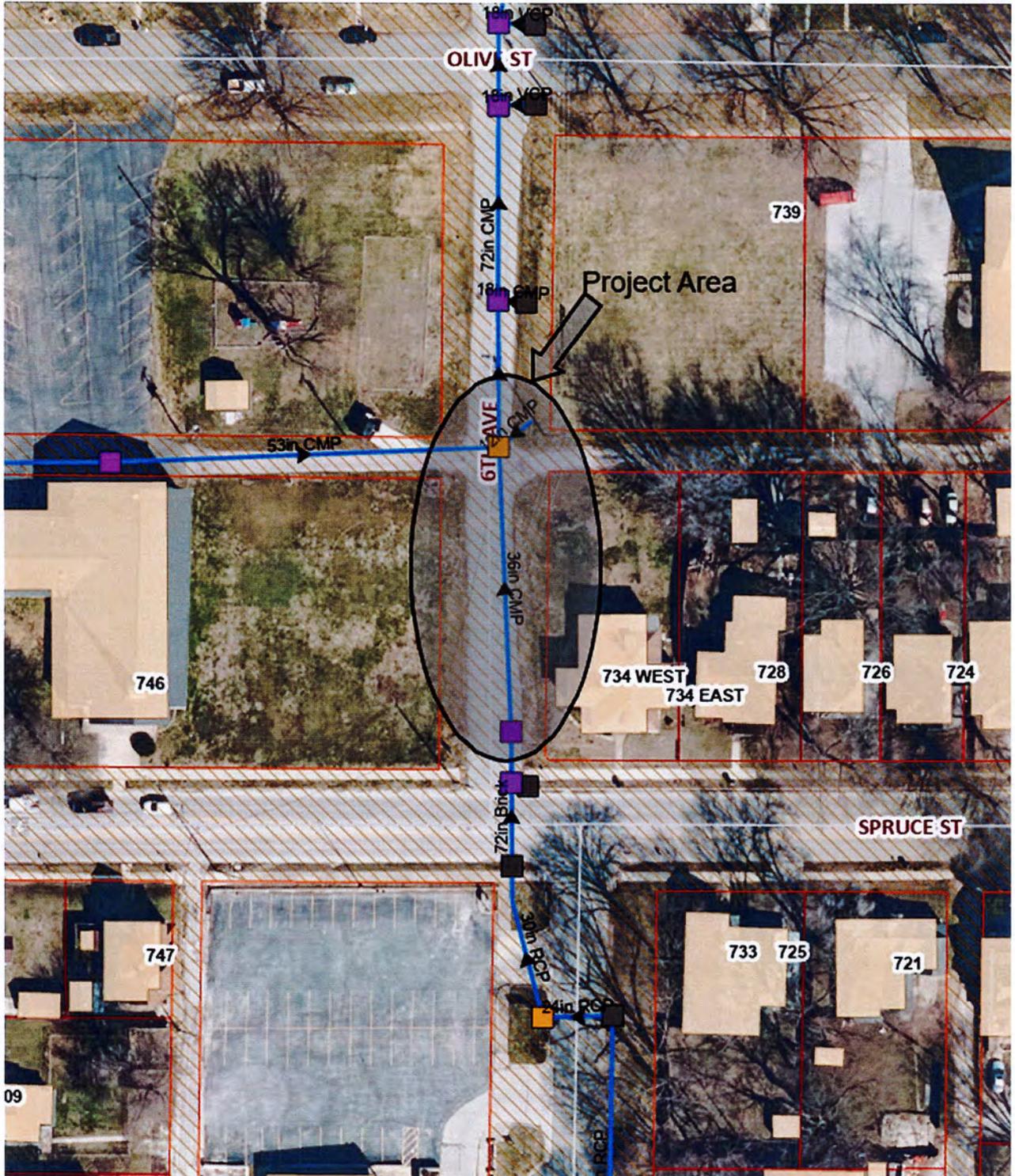
- Bid Tab Review
- Map of Project Area



CITY OF LEAVENWORTH
 Project No. 2024-002
 6th Ave and Spruce Storm Improvements
 7-May-25

BASE BID													
6th Ave. And Spruce				Engineer's Estimate		LINAWEAVER CONSTRUCTION		LEXECO CONSTRUCTION		WESTLAND CONSTRUCTION		FREEDOM EXCAVATING	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Contractor Construction Staking	LS	1	3,000.00	\$3,000.00	\$500.00	\$500.00	\$3,000.00	\$3,000.00	\$500.00	\$500.00	\$3,250.00	\$3,250.00
2	Mobilization	LS	1	17,500.00	\$17,500.00	\$8,000.00	\$8,000.00	\$10,900.00	\$10,900.00	\$23,400.00	\$23,400.00	\$28,000.00	\$28,000.00
3	Temporary Traffic Control	LS	1	6,000.00	\$6,000.00	\$2,000.00	\$2,000.00	\$4,400.00	\$4,400.00	\$4,500.00	\$4,500.00	\$10,010.00	\$10,010.00
4	Seeding, Fertilizing, and Mulching	LS	1	2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$14,950.00	\$14,950.00
5	Removal of Existing Structures	LS	1	7,500.00	\$7,500.00	\$5,000.00	\$5,000.00	\$7,700.00	\$7,700.00	\$0.00	\$0.00	\$63,050.00	\$63,050.00
6	Pavement Patch	SY	267	200	\$53,400.00	\$80.00	\$21,360.00	\$99.15	\$26,473.05	\$140.00	\$37,380.00	\$113.50	\$30,304.50
7	Connect to Exist. Manhole with Concrete Collar	LF	2	7,500.00	\$15,000.00	\$2,500.00	\$5,000.00	\$2,000.00	\$4,000.00	\$3,000.00	\$6,000.00	\$4,165.00	\$8,330.00
8	36 Storm Sewer (RCP)*	LF	134	500	\$67,000.00	\$430.00	\$57,620.00	\$380.00	\$50,920.00	\$921.64	\$123,499.76	\$866.50	\$116,111.00
TOTAL BASE BID:					\$171,900.00		\$100,980.00		\$109,893.05		\$196,779.76		\$274,005.50

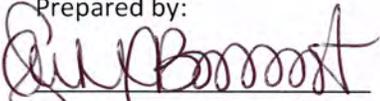
6th Ave and Spruce Storm Water Repair
2024-002



**POLICY REPORT
FIRST CONSIDERATION ORDINANCE TO
RESCIND CERTAIN SPECIAL USE PERMITS
WITHIN THE CITY OF LEAVENWORTH, KANSAS**

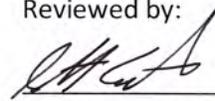
MAY 27, 2025

Prepared by:



Sarah Bodensteiner, CMC
City Clerk

Reviewed by:



Scott Peterson
City Manager

ISSUE:

The issue before the City Commission is to place on first consideration an ordinance to rescind the Special Use Permits (SUP) allowing a Child Care Center at 1205 9th Avenue, 1226 Limit Street and 3812 Clayton Drive, to rescind the Special Use Permit (SUP) allowing a Residential Home Stay at 723 S 10th Street, and to rescind the Special Use Permit (SUP) allowing an Assisted Living/Adult Day Stay Program at 2103 Metropolitan.

BACKGROUND:

The Special Use Permit allowing a child care center at 1205 9th Avenue was approved on August 12, 1997 by passage of Ordinance 7325. The property owner has advised staff that they have not been operating a child care center and will not be renewing the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

The Special Use Permit allowing a child care center at 1226 Limit Street was approved on January 10, 2006 by passage of Ordinance 7684. The property owner has advised staff that they have not been operating a child care center at this location for over twenty-four (24) months. As such, the Special Use Permit is no longer applicable to the property.

The Special Use Permit allowing a child care center at 3812 Clayton Drive was approved on July 11, 2017 by passage of Ordinance 8045. The child care center operator notified staff in mid-2024 that they were closing the center and moving, and as such they no longer needed the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

The Special Use Permit allowing a residential home stay at 723 S 10th Street was approved on January 24, 2023 by passage of Ordinance 8207. The property owner has advised staff that they will not longer operate the property as a residential home stay and will not be renewing the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

The Special Use Permit allowing an assisted living/adult day stay program at 2103 Metropolitan was approved on December 12, 2023 by passage of Ordinance 8230. The assisted living/adult day stay program operator has advised staff that they have not been operating in over twelve (12) months and will not be renewing the Special Use Permit. As such, the Special Use Permit is no longer applicable to the property.

ACTION REQUIRED:

Consensus to place an ordinance on first consideration to rescind the Special Use Permits as presented.

Attachments:

- Draft Ordinance

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE TO RESCIND CERTAIN SPECIAL USE PERMITS WITHIN THE CITY OF LEAVENWORTH KANSAS.

WHEREAS, under Appendix A of the City of Leavenworth Code of Ordinances, Development Regulations, Section 2.04 C, the Governing Body of the City of Leavenworth is given the power to administratively discontinue or rescind a special use permit; and

WHEREAS, property owners approved for a special use permit have discontinued the approved use for over twelve (12) months.

WHEREAS, property owners approved for a special use permit may request that such special use permit be rescinded.

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

Section 1. That the following special use permits are hereby rescinded:

Name	Location	Use	Original Special Use Ordinance to Rescind	Date Approved
Kingdom Harvest	1205 9 th Avenue	Child Care Center	7325	08/12/1997
Maribel Coates	1226 Limit Street	Child Care Center	7684	01/10/2006
Thomas & Michelle Jones	3812 Clayton Drive	Child Care Center	8045	07/11/2017
Christopher & Anna Wilson	723 S 10 th Street	Residential Home Stay	8207	01/24/2023
Elania Arnett	2103 Metropolitan	Assisted Living/Adult Day Stay Program	8230	12/12/2023

Section 2. This Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the City Commission of the City of Leavenworth, Kansas, on this ____ day of _____, 2025.

Holly Pittman, Mayor

{Seal}
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
2025-04 SUP
414 POTTAWATOMIE ST.**

MAY 27, 2025

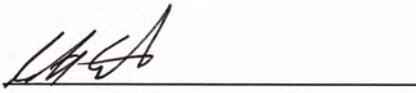
SUBJECT:

A request for a Special Use Permit to allow the operation of an in home Child Care Center at 414 Pottawatomie St.



Prepared By:

Kim Portillo, AICP
Planning & CD Director



Reviewed By:

Scott Peterson
City Manager

NATURE OF REQUEST

The applicant, Jessica Wilson, is requesting a Special Use Permit to allow the operation of an in home Child Care Center located at 414 Pottawatomie St. The property is currently zoned R1-6 (High Density Single Family Residential District). Child Care Centers are allowed in the R1-6 zoning district with issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care.

The Child Care Center will operate Monday-Friday from 7:00 a.m. to 5:00 p.m., and is housed on the main floor of the home. The space includes a front room, dining area, dedicated daycare play space, main bathroom, kitchen, and a fenced outdoor play area.

The Planning Commission considered this item at their May 5, 2025 meeting and voted 5-0 to recommend approval of the Special Use Permit.

CONDITIONS OF DETERMINATION

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

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

The subject property is located along Pottawatomie St., which is classified as a Residential street. Drop-off and pick-up will be on Pottawatomie St., with parents/guardians escorting their child to the front door. To the east of the subject property are two vacant lots, providing ample parking space.

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

The subject property includes a back yard area of approximately 4,600 sqft., enclosed by a 4' high chain link fence.

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

The subject property does not include a driveway or other paved off-street loading area. However, in the area of town in which the property is located, the majority of homes do not have a driveway or other off-street paved parking/loading area. There is ample on-street parking in front of the subject property, and access may be obtained off the rear alley if needed.

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

The applicants have provided a copy of their Family Child Care Home permit from the Kansas Department of Health and Environment (KDHE). KDHE staff has visited and inspected the daycare for all areas of compliance.

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

The home functions as the only residence of the operator/owner.

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

No signage is currently displayed on the property. Any signage displayed in the future will conform to this requirement.

COMMISSION FINDINGS

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

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

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

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

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

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

Staff has no indication that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood.

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

No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure. The daycare could account for an increase in up to 48 car trips per day on the street, when at full capacity of 12 children. Currently, there are three children being cared for.

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

STAFF RECOMMENDATION:

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

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the permanent Family Child Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. All playground equipment shall be within the enclosed area.
5. No additional home occupations may be carried out at the residence.
6. Annual renewal of the Special Use Permit.

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

ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the Special Use Permit request to allow the operation of an in home daycare operation at 414 Pottawatomie Street, subject to the noted conditions.
- Deny the Special Use Permit request to allow the operation of an in home daycare at 414 Pottawatomie Street.
- Remand the matter back to the Planning Commission for further consideration, together with a statement as to the reasons therefore. Following remand, the Governing Body may consider and adopt an ordinance to either APPROVE or DENY the Special Use Permit with a majority vote of the Governing Body.

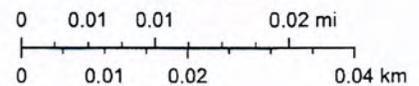
2025-04 SUP



4/29/2025, 3:37:08 PM

1:1,128

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



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



SPECIAL USE PERMIT
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

CASE NO.: 2025-04 SUP

Application No.	16904
Fee (non-refundable)	\$350.00
Filing Date	3/5/25
Received By	SH
Hearing Date	5/5/25
Publication Date	4/9/25

As provided in Section 2.04 of the 2016 Development Regulations, application is hereby made for a SPECIAL USE PERMIT for the operation of a: IN Home Daycare

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

Subject Property:	414 Pottawatomie St. Leavenworth KS, 66048		
Legal Description:	(Attach a full legal description provided by the Register of Deeds Office)		
Real Estate PID #:	052-071-25-0-32-08-02.00-0		
Zoning:	R1-L6	Historic District:	

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

Name(s) of Owner (print):	Jermaine Wilson and Jessica Wilson		
Owner Address:	414 Pottawatomie St. Leavenworth KS, 66048		
Contact No.	9132005994	Email:	jfamilydaycare2024@gmail.com

Signature of Owner(s): [Handwritten Signatures]

State of Kansas
County of Leavenworth

(SEAL) **CHERYL J. LUKE**
Notary Public-State of Kansas
My Appl. Expires 10/13/28

Signed or attested before me on: 3/5/25

Notary Public: Cheryl Luke

My Appointment Expires: 10/13/2028

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

Name of Lessee:	
Address:	
Contact No.	
Email:	

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

Check list below...

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

**Kansas Department of Health and Environment
License**

Family Child Care Home
License No. 0084501-003

Licensee: Jessica Marie Wilson

Facility: JFamily Daycare

Located at: 414 NE Pottawatomie St
Leavenworth, KS 66048



In the county of: Leavenworth

Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Family Child Care Homes, Jessica Marie Wilson is hereby authorized to care for

a maximum of 12 children under the capacities outlined in K.A.R. 28-4-114(e).

This License is effective 03/20/2025 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

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

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

A handwritten signature in black ink that reads "Janet Stanek". The signature is written in a cursive style and is positioned above a horizontal line.

Janet Stanek, Secretary
Kansas Department of Health and Environment



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 CHILD CARE LICENSING PROGRAM
 1000 SW Jackson *CSOB * Suite 200 * Topeka, Kansas 66612-1274
 Phone (785) 296-1270 Fax 559-4244
 www.kdheks.gov/kidsnet

NOTICE OF SURVEY FINDINGS

K.S.A. 65-512 requires all licensed facilities to be surveyed at least once every 12 months. The survey is to include all areas of the home or facility, both indoors and outdoors. The Notice of Survey Findings is your notification of the results of any on-site survey. Findings may result in enforcement action by the Kansas Department of Health and Environment (KDHE). Areas of non-compliance are to be corrected within five days as required by K.S.A. 65-513.

If you believe the findings listed below are in error, first discuss the findings with your surveyor. If the matter remains unresolved, you may request a Program Review. Procedures for requesting a Program Review can be obtained from the KDHE website or by contacting KDHE directly. Any requests for Program Review must be submitted within 15 calendar days of the date at the bottom of this form.

JFamily Daycare **0084501**

Name of Facility (as stated on the license) License #

414 NE Pottawatomie St,

Physical Address of the facility

Jessica Marie Wilson

Licensee

City: **Leavenworth, KS** Zip Code : **66048-** County : **Leavenworth**

Phone Number : **(913) 617-3667** Fax Number : **() -** E-mail : **jfamilydaycare2024@gmail.com**
ail.com

Type of Facility : **Family Child Care Home** Survey Date(s) : **01/08/2025**

Survey Type : **Initial Survey** Survey #**24-007781** Complaint #

Law/Regulation # Required	Non-Compliance Description
K.A.R. 28-4-126(c)(1) Health of individuals at least 16 years of age. Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met. Each individual at least 16 years of age who is living, working, or regularly volunteering in the facility shall have a record of a negative tuberculosis test or x-ray obtained not more than two years before the date of employment or initial application for a license or not later than 30 days after the date of employment or initial application.	One provider lacks documentation of a negative TB test. Two residents of the home lack negative TB on file.

NOTICE OF SURVEY FINDINGS

Survey Type : **Initial Survey**

License #**0084501**

Complaint

Survey #**24-007781**

Law/Regulation # Required	Non-Compliance Description
Consultation	Transportation If you start transporting children, ensure that your insurance is compliant with KDHE regulations.
Consultation	Emergency Preparedness Please update and add more information.
Consultation	Other Update and add more detail to discipline policy.

Consultations are not a result of a violation but are an opportunity for surveyors to provide new or updated information and/or regulatory guidance.

Assistant Surveyors : Alyson Heim

Surveyor : Joy Bogart

Date : 01/08/2025

Provider : Jessica Wilson

Date : 01/08/2025

Page : 2 / 2

OFFICE OF THE STATE FIRE MARSHAL
800 SW JACKSON, STE 104, TOPEKA, KS 66612
PHONE: (785) 296-3401 FAX: (785) 296-0151

FIRE AND LIFE SAFETY AGREEMENT
INITIAL APPLICATION AND ANNUAL RENEWAL FORM

Check One: Group Day Care Home Licensed Day Care Home

Check One: Initial License Annual Renewal

0084301-001
(License Number)

1. Jessica Marie Wilson have provided the following:
(Print your name as it is listed on your license)

I understand that I am responsible for meeting the fire and life safety codes to protect all persons in my home under my care from fire.

I have contacted my local fire department and building/zoning official and have met all local fire safety requirements.

This year I notified the fire department closest to my home that I do child care in my home. The fire department I notified was: Fire Department Name Leavenworth Fire Department FD Phone Number 913 682-3346

I understand that my basement or second floor can NOT be used for child care until I have written approval on file from the State/local fire officials. Once approved the basement may ONLY be used for child care if there are at least two separate and remote exits to the outside, only ONE exit can be an approved escape window.

I understand that I must be able to demonstrate that I can get everyone under my care, safely out of my home to a designated safe place within 4 minutes, and that I may be asked to demonstrate this ability in a fire exit drill. If children are located on the second floor, children must occasionally practice the use of the approved second floor fire escape window by going to the window and waiting for rescue.

I have working smoke detectors installed according to the manufacturer's instructions on every level of my home in the pathways leading directly to the outside and in each sleeping room used by children in my care. My smoke detectors are tested monthly and records are kept for review. My smoke detectors are powered by 10-year lithium batteries or are hard-wired with battery back-up.

I have a written emergency plan for use in case of fire. All persons responsible for the care of children in my home are familiar with my emergency plan and can get the children safely outside to the designated safe place.

I understand all areas of my home may be inspected at any time by State/local officials to determine compliance with this Agreement.

I understand that an on-site inspection conducted by State/local fire officials may only occur once in the lifetime of the license. I understand that it is my responsibility to conduct an annual review of all fire and life safety code requirements.

I agree to follow all fire and life safety codes and standards as outlined within the Fire and Life Safety Agreement and as directed by the State/local fire officials when an on-site inspection is conducted.

I understand that a copy of this Agreement must be posted next to my license at all times.

I understand by signing this Agreement I have met all the requirements stated in this document. I understand that if inspected and found to be in violation, I may be subject to criminal or administrative action.

NAME: _____
ADDRESS: _____
CITY/STATE: _____ **KS** _____
PHONE: _____ **913 2005 999**

Child care provider is in a structure designed and/or used as one or two family dwelling.
 Day Care Compliance Items that apply to an apartment, church, commercial building, or other area.

Child care is on main level and has two remote compliant exits.
 (Secondary exit may be stairs a compliant Rescue/ventilation window or door leading directly to the outside)

Child care is in the basement area and has compliant exiting.
 (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside)

Child care is on the second floor and has compliant exiting.
 (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside)

Primary or Secondary means of escape does not exit through any hazard area. (Garage, storage, etc.)

Every required exit door can be easily opened from the inside at all times when the facility is operating.

Every ESCAPE PATH including all stairways is clear of obstacles and all doors are in proper working condition.

Working smoke detectors are located in every exit pathway, in each sleeping room used for child care.

Single-station smoke detection hardwired to the electrical system with battery back up or ten year lithium battery detectors shall be required for initial inspection (Licensed after January 1, 2003).

Existing providers, previously licensed before January 1, 2003 may continue with battery detectors.

Smoke detectors are tested monthly and records are kept on file for review.

Copy of the current FIRE/LIFE SAFETY AGREEMENT is posted next to license.

Children can open every closet door from the inside at all times.

Written emergency procedures for fire evacuation are provided and practiced monthly.

Monthly fire drills are documented. Drills shall be conducted and evacuation times shall be within 4 minutes.

Written emergency procedures for tornadoes are provided and practiced monthly April through September.

Every bathroom door can be unlocked from the outside at all times. The unlocking key/device is readily accessible to the provider.

All unused electrical outlets (in licensed areas) have child-resistant protective covers.

All natural gas, kerosene, wood, propane heaters, etc., are properly vented to the outside of the home.

A barrier that prevents children from getting too close or burned protects all heating devices.

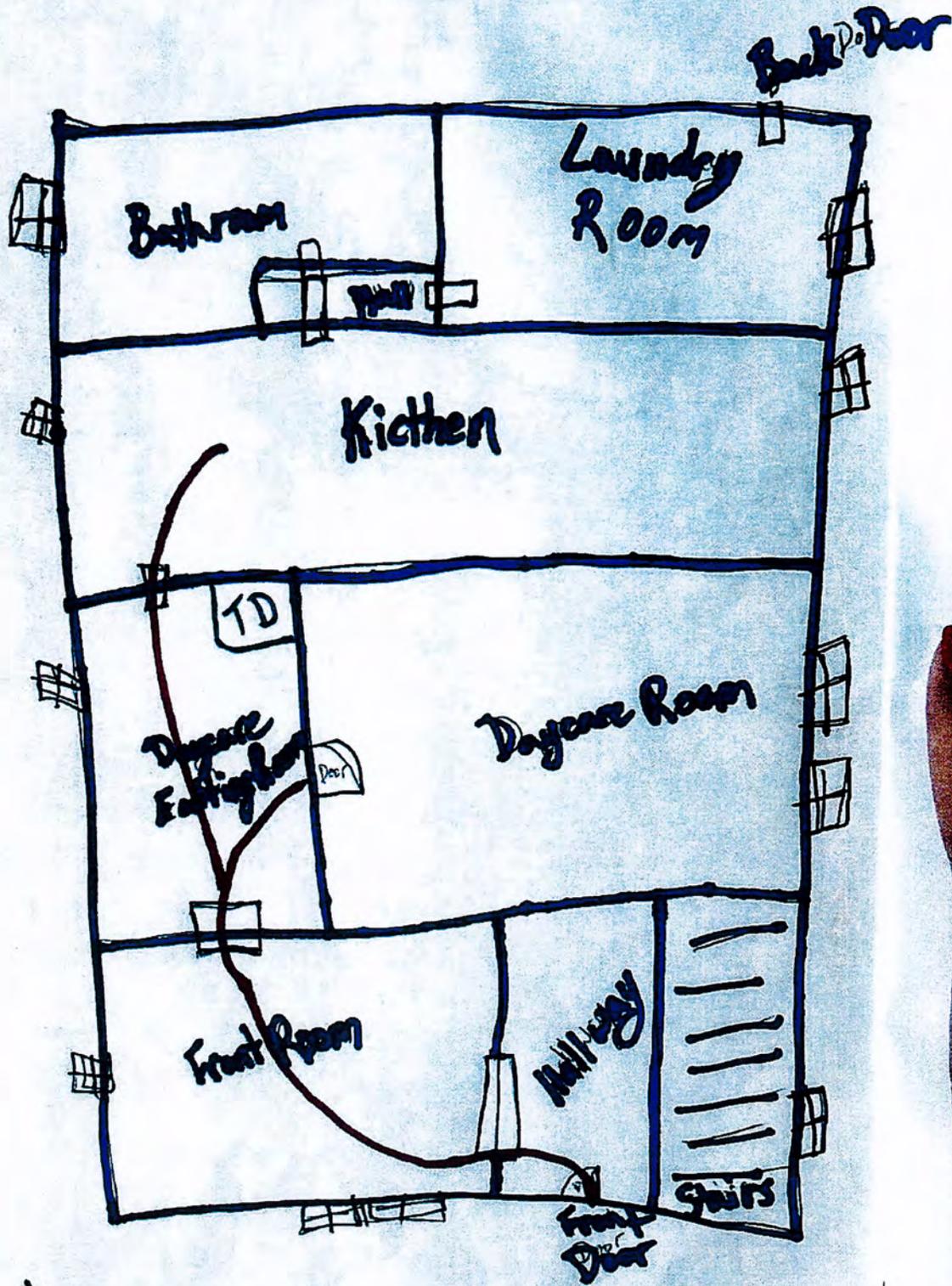
DATE OF FIRE OFFICIAL INSPECTION: 01/27/24 **FIRE OFFICIAL SIGNATURE:** _____

ANNUAL RENEWAL: I declare that the Fire and Life Safety Agreement has been examined by me and to the best of my knowledge and belief is a true, correct and complete attestation of my compliance with fire codes as required by Kansas law. I understand that failure to comply with Kansas fire codes may result in fines or a cease and desist order pursuant to K.S.A. 31-139 and K.S.A 31-159.

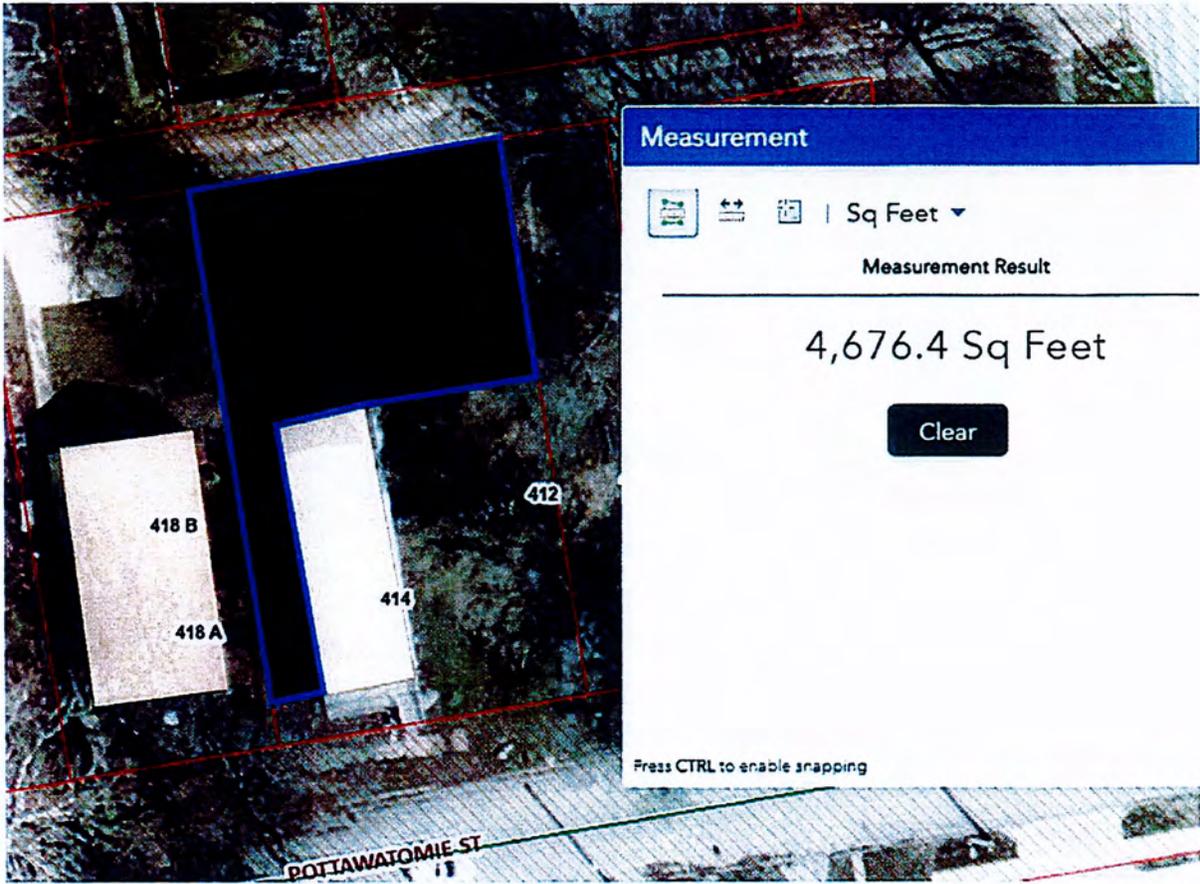
If you agree with the statement above please check the box, sign your name and provide the date that you reviewed the agreement.

DATE OF ANNUAL REVIEW: _____ **PROVIDER SIGNATURE:** _____

WILSON



Fire
Tornado Drill



JFamily Daycare Daily Schedule

Our daily schedule is very flexible to allow for unplanned events or other opportunities that may arise throughout the day. We do our best to fit everything into our day. We do go outside every day (Weather Permitting) to play in the yard.

7-8:30am	School Drop OFF
8:30-9am	Breakfast
9-9:45am	Free Play/Quiet Time
9:45-10:45am	Learning Centers
10:45-11:45am	Arts & Crafts/Outdoor play
11:45-12pm	Wash up/Bathroom Break
12-1pm	Lunch Time
1-1:15pm	Story Time
1:15-3pm	Naptime/Quiet Time for non-nappers
3-3:20pm	Wake up Time/Bathroom Break
3:20-3:45pm	Afternoon Kid Pick up from schools
3:45-4:15pm	Wash Hands/Snack Time
4:15-5pm	Clean up/TV Time/Outside Play/Parent Pick up

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, May 5, 2025
6:00 PM

CALL TO ORDER:

Commissioners Present

Brian Stephens
Ken Bateman
Bill Waugh
Sam Maxwell
Sherry Hines Whitson Hanson

Commissioners Absent

Don Homan

City Staff Present

Kim Portillo
Michelle Baragary

Chairman Waugh called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES – February 3, 2025

Chairman Waugh asked for questions, comments or a motion on the February 3, 2025 minutes presented for approval. Commissioner Stephens moved to approve the minutes as presented, seconded by Commissioner Hanson and approved by a vote of 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2025-04 SUP – 414 POTTAWATOMIE ST.

Conduct a public hearing for Case No. 2025-04 SUP – 414 Pottawatomie St., wherein the applicant is requesting a Special Use Permit to allow the operation of an in home Child Care Center in the R1-6 (High Density Single Family Residential District) zoning district.

Chairman Waugh called for the staff report

City Planner Michelle Baragary stated that the applicant, Jessica Wilson, is requesting a special use permit to allow the operation of Child Care Center in their home located at 414 Pottawatomie. The property is currently zoned R1-6 High Density Single Family Residential District. Child Care Centers are allowed in the R1-6 zoning district with issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children.

The Child Care Center will operate Monday-Friday from 7:00 a.m. to 5:00 p.m., and is housed on the main floor of the home.

CONDITIONS OF DETERMINATION

The development regulations stipulate specific conditions as a requirement for the approval of Child Care Centers as follows:

1. Shall not be located along an arterial street as designated on the Major Street Plan Map, unless indirect vehicular access to that street, such as with a frontage road is available. The City Planner, with the advice of the DRC, shall determine if the drop off and pick up arrangements of a childcare center or business appear safe. Appeal of any negative decision shall be to the City Commission.
The subject property is located along Pottawatomie St., which is classified as a Residential street. Drop-off and pick-up will be on Pottawatomie St., with parents/guardians escorting their child to the front door. To the east of the subject property are two vacant lots, providing ample parking space.
2. Shall provide at least one hundred (100) square feet of open space per child. This open space shall be 100% enclosed by a minimum four (4) foot high fence or wall.
The subject property includes a back yard area of approximately 4,600 sq ft., enclosed by a 4' high chain link fence.
3. Shall provide a loading zone capable of accommodating at least two (2) automobiles for the easy picking up and discharging of passengers.
The subject property does not include a driveway or other paved off-street loading area. However, in the area of town in which the property is located, the majority of homes do not have a driveway or other off-street paved parking/loading area. There is ample on-street parking in front of the subject property, and access may be obtained off the rear alley if needed.
4. Shall conform to all requirements of the State of Kansas and shall acquire a State of Kansas Child Care Center License.
The applicants have provided a copy of their Family Child Care Home permit from the Kansas Department of Health and Environment (KDHE). KDHE staff has visited and inspected the daycare for all areas of compliance.
5. All childcare centers operated in residential zoning districts shall be the only legal residence of the operator.
The home functions as the only residence of the operator/owner.
6. Childcare centers in residential districts may have one non-illuminated monument sign with no more than 3 square feet per side and a maximum of 2 sides or one non-illuminated sign affixed to the main structure of 3 square feet.
No signage is currently displayed on the property. Any signage displayed in the future will conform to this requirement.

COMMISSION FINDINGS

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

1. The proposed special use complies with all applicable provisions of this ordinance.
Staff believes that this application complies with all provisions of City of Leavenworth Development Regulations, based upon review of all available materials.

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

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

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

Staff has no indication that the proposed Child Care Center will cause any substantial injury to the value of other property in the neighborhood.

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

No new structures or building modifications are proposed as part of this special use permit. The property will continue to look and function as a residential structure. The daycare could account for an increase in up to 48 car trips per day on the street, when at full capacity of 12 children. Currently, there are three children being cared for.

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

STAFF RECOMMENDATION:

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

1. A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition.
2. A copy of the Child Care Home license shall be provided annually upon renewal by the State of Kansas.
3. The operation shall be limited to a maximum of 12 children.
4. No additional home occupations may be carried out at the residence.
5. Annual payment of the Special Use Permit.

ACTION/OPTIONS:

- Motion, based upon findings as stated and conditions as presented, to recommend approval to the City Commission with included conditions.
- Motion, to recommend denial to the City Commission.
- Table the issue for additional information/consideration.

Chairman Waugh asked the commissioners for questions about the staff report. With no questions, Chairman Waugh opened the public hearing.

Ms. Jessica Wilson, the applicant (414 Pottawatomie St), stated she is currently caring for 3 children and only wants a max of 6 children. There is a need in her neighborhood for childcare. Ms. Wilson brought 2 letters in favor of the daycare.

With no one wishing to speak, Chairman Waugh closed the public hearing, and called for discussion among the commissioners. The discussion among the commissioners included the need for service, ample parking and licensing.

Commissioner Hanson asked about the expiration date of the daycare license.

Ms. Baragary responded that the expiration date for the permanent daycare license is March 31, 2026.

With no further discussion, Chairman Waugh called for a motion. Based on the findings as stated and conditions as presented, Commissioner Maxwell moved to recommend approval of the SUP to the City Commission, seconded by Commissioner Stephens, and passed by a vote of 5-0.

DRAFT

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE ALLOWING A SPECIAL USE FOR AN IN HOME CHILD CARE CENTER TO BE LOCATED AT 414 POTTAWATOMIE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

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

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 5th day of May, 2025 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 9th day of April, 2025 and mailed to all property owners within 200 feet of the said property were given notice of the public hearing; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for an in home child care center in the R1-6 (High Density Single Family Residential District) zoning district located at 414 Pottawatomie Street, Leavenworth, Kansas.

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

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

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

LOT 8 AND 9, BLOCK 54, LEAVENWORTH CITY PROPER, CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS. LOT 7, BLOCK 54, ORIGINAL PLAT OF THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS. And more commonly referred to as 414 Pottawatomie Street, Leavenworth, Kansas.

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

- a.) A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition;
- b.) A copy of the permanent Family Child Care Home License shall be provided annually upon renewal by the State of Kansas;

- c.) The operation shall be limited to a maximum of twelve (12) children; and
- d.) All playground equipment shall be within the enclosed fence area.
- e.) No additional home occupations may be carried out at the residence.

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

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this _____ day of _____, 2025.

Holly Pittman, Mayor

{Seal}

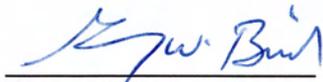
ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**POLICY REPORT NO FD #2025-01
Fire Department 2024 Annual Report**

May 27, 2025

Prepared by:



Gary W. Birch
Fire Chief

Approved by:



Scott Peterson
City Manager

BACKGROUND:

The Fire Department will be presenting the 2024 annual report to provide an overview of the Department's related activities.

Upon presentation, staff will make the report available on the City website.



2024 Annual Report

CITY OF
LEAVENWORTH
FIRE
DEPARTMENT

Table of Contents

- 2** A Message from the Chief
- 3** Emergency Response Activity
- 5** Division of Prevention
- 7** Professional Development
- 8** Capitol Improvements
- 9** Progress Update Fire Station #3

City of Leavenworth Fire Department

 3600 S. 20th St. Trafficway
Leavenworth, KS 66048

 (913) 682-3346

 lvks.org



A Message from The Chief



It is my distinct honor to present the 2024 Annual Report of the Leavenworth Fire Department. We are a modern "all hazards" department that is rich in history and tradition. We hold the values set before us of providing exemplary professional public safety service to the citizens of Leavenworth and the many others who choose to visit our city every year.



We continuously strive to reach higher levels of excellence in service to our community. However, our ability to be successful is achieved only with the collective support of our employees, our governing body and our public. This steadfast support is the energy that fuels the dedicated members of the Leavenworth Fire Department, and provides us with the incentive to push even harder to innovate and deliver the excellent services that our community deserves and has come to expect.

As we have entered 2025, I look forward to continuing work toward a much-needed replacement for Station #3. This station should be occupied in the spring of 2026, providing our members with a modern, up-to-date facility enhancing their quality of life.

I want to thank every member of the LFD for your contributions to this wonderful organization, and I look forward to another very active year for us all. Additionally, I want to thank the support we receive from the Leavenworth City Manager's office, without which, our efforts would be much more difficult.

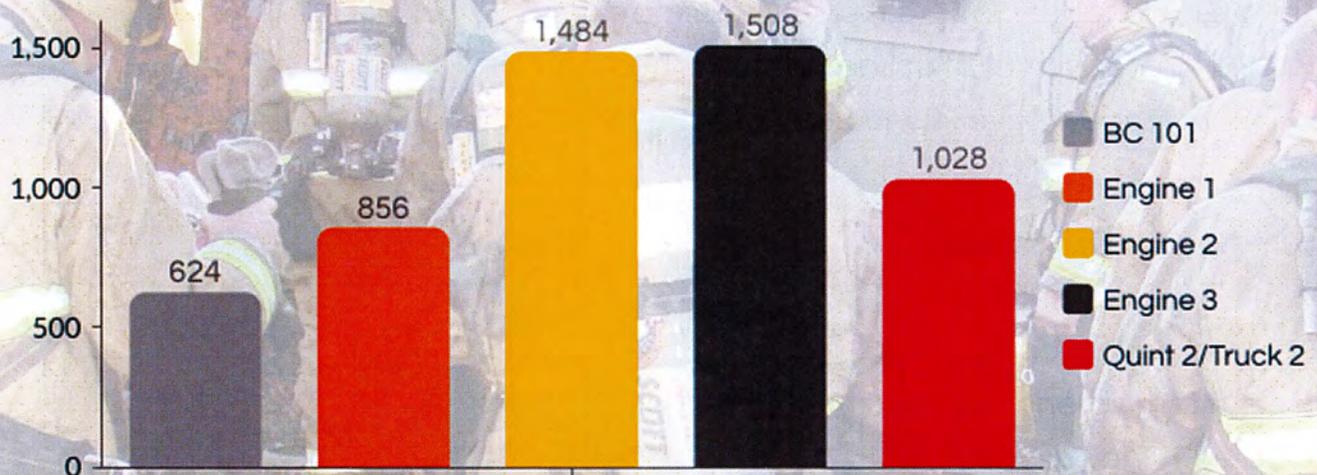
Respectfully,

Gary Birch
Fire Chief

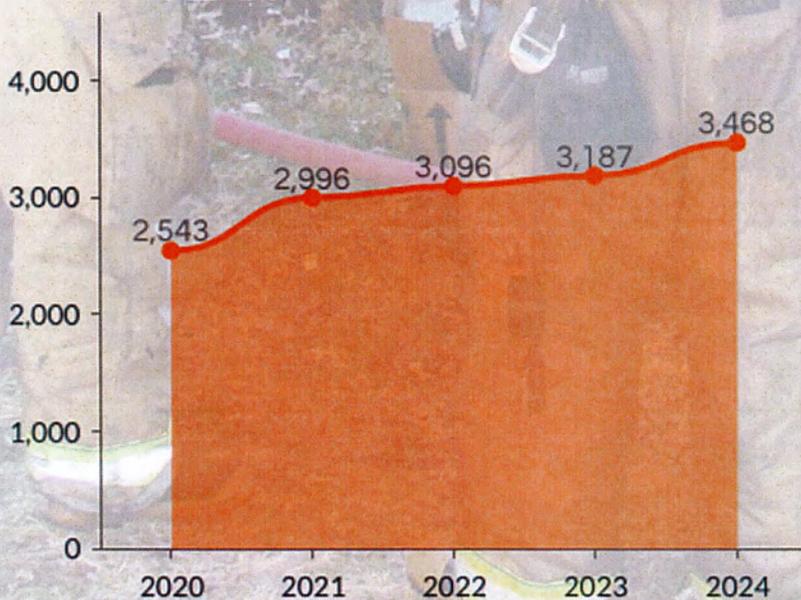


LFD Emergency Response ACTIVITY

Incidents by COMPANY



Runs per YEAR



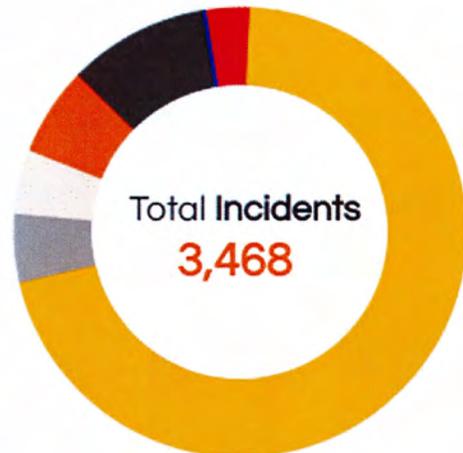
The LFD has experienced a **36%** increase in yearly runs over the course of 4 years.

Daily runs for 2024 average **9.5** per day.

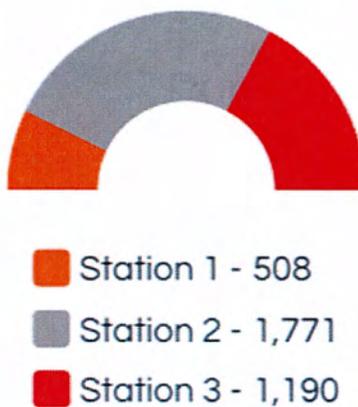
LFD Emergency Response ACTIVITY



- Fire Calls 113
- Medical Emergencies 2,450
- Hazardous Conditions 172
- Service Calls 160
- Good Intent 222
- False Alarms 349
- Overpressure 2



Incidents by STATION



Response TIMES



	Goal	Actual
Turnout Time	1:20	1:32
First Travel Time	4:00	3:27

Division of PREVENTION

Risk REDUCTION



HYDRANTS

INSPECTED 1,118



FLUSHED 427

Mutual Aid
INCIDENTS

23
Given



11
Received

74

Smoke Detectors
INSTALLED

COMPANY 535



INSPECTIONS

ADMIN 50

Division of **PREVENTION**

Community **OUTREACH**

Our department prioritizes every opportunity to reach out to its citizens to promote the importance of fire education.

During any given year, we participate in numerous community events for children and adults alike, that allow us to make connections with and teach the community we serve.

36 Public Appearances

10 Station Visits

9 School/Daycare Visits

3 Parades

2 U.S. Flag Displays

Notable Events:

- Veteran's Day Parade
- Emergency Preparedness Fair
- Carry the Load National Relay
- Ft. Leavenworth Freedom Walk



Professional DEVELOPMENT

"Training is an important aspect of our profession and is essential to the service we provide to our community.

We incorporate computer based learning with hands on skills at our training tower and facility which is frequently utilized by our crew members to maintain proficiency and improve firefighter skills."

Capt. Isaiah Maher

“



Total
Training
HOURS

9,330

	2023	2024
Apparatus Operations	1,514	1,502
Fire Suppression & Tactics	2,694	4,929
Hazardous Materials	473	577
Technical/Specialized Rescue	252	102
Officer Development	1,145	1,577
Emergency Medical CEU's	247	643

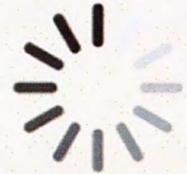
Capital IMPROVEMENTS

Completed



- New HVAC system at Station #2
- Replacement of 33 SCBA's
- Driveway replacement at Station #1
- Installation of Security Badge System at Station 1 & 2

In Progress



- New HVAC system at Station #1
- 75' Aerial Truck approved by City Commission
- Pumper approved in 2022 progresses through pre-build process

Progress Update

FIRE STATION #3

3-D Perspective of Station #3
Courtesy of WSKF Architects



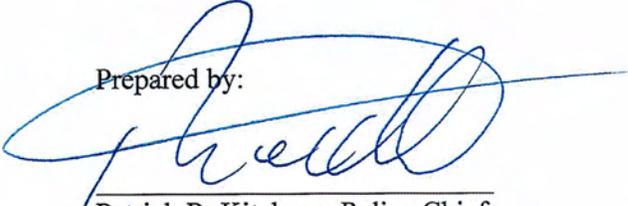
The LFD has been in the planning stages for a replacement of Fire Station #3 for several years. In September 2024, the City Commission approved going forward with the \$5M project. Crews working out of this station were relocated in December 2024 with all of their equipment and apparatus to Station #1 as demolition began and our general contractor started the first phase of the construction project.

The design of the new station will improve the buildings ADA and gender-based requirements, add a third bay for apparatus, as well as a decontamination area to prevent carcinogens from entering the station's living quarters.

The next 14-15 months will be busy as we anticipate the completion to be during Spring 2026.

**Policy Report No. 1-2025
2024 Annual Report
May 27, 2025**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Scott Peterson, City Manager

ISSUE:

The Police Department will present and discuss our 2024 Annual Report.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

Power Point attached.

BUDGET IMPACT:

None

COMMISSION ACTION:

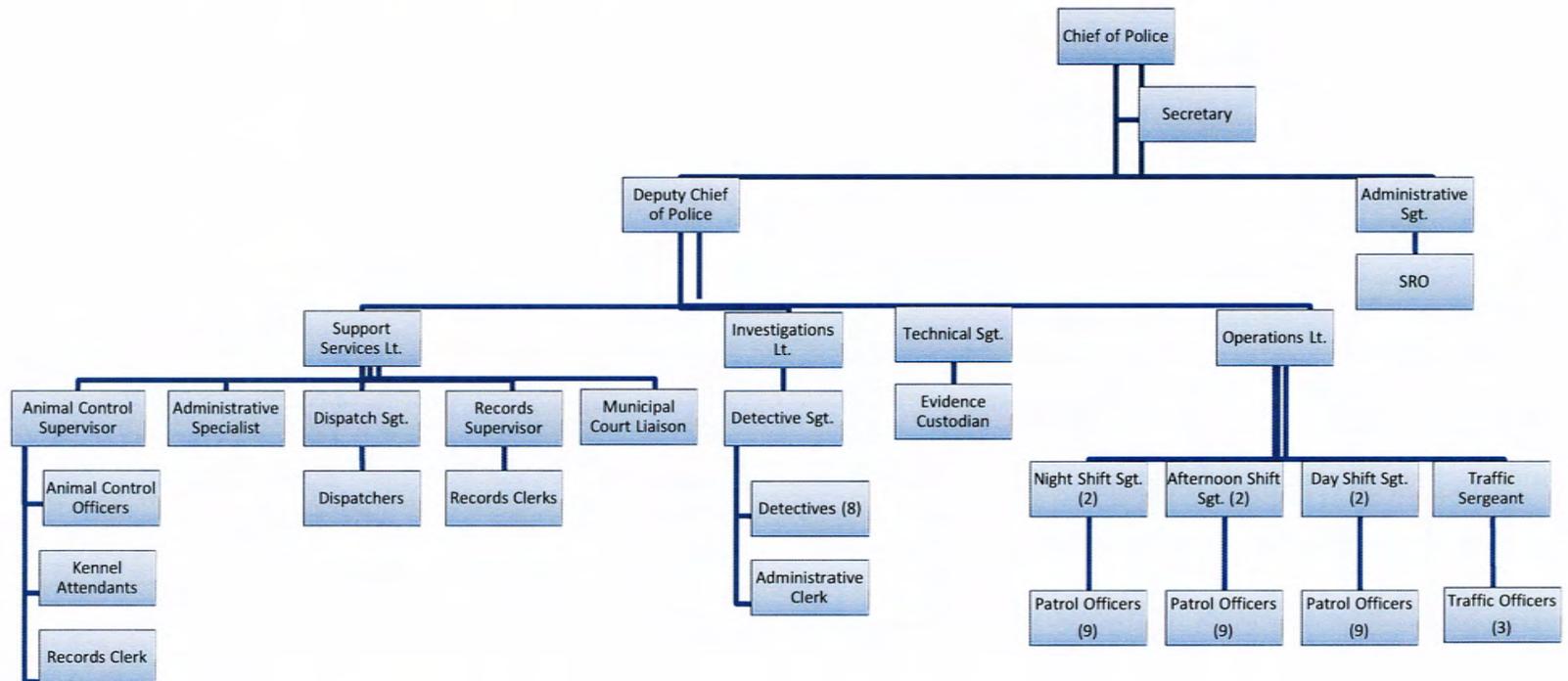
Review and discuss.



Leavenworth Police Department 2024 Annual Report



Leavenworth Police Department Organizational Chart



The Organizational Chart for the Leavenworth Police Department is established to ensure continued operations in the event of catastrophe. The Deputy Chief of Police is fully trained and experienced in all matters should it become necessary to fulfill the role of Chief of Police. Throughout the year the agency spends considerable time and effort training and preparing Officers for promotion and the transition to leadership roles. Several times each year, employees are appointed and serve in an acting role such as Acting Lieutenant or Acting Chief of Police. This helps people transition to positions of greater responsibility!



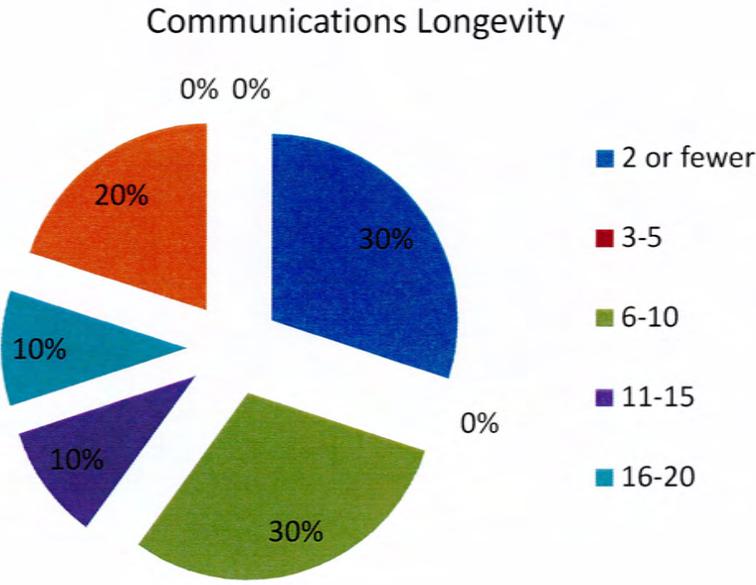
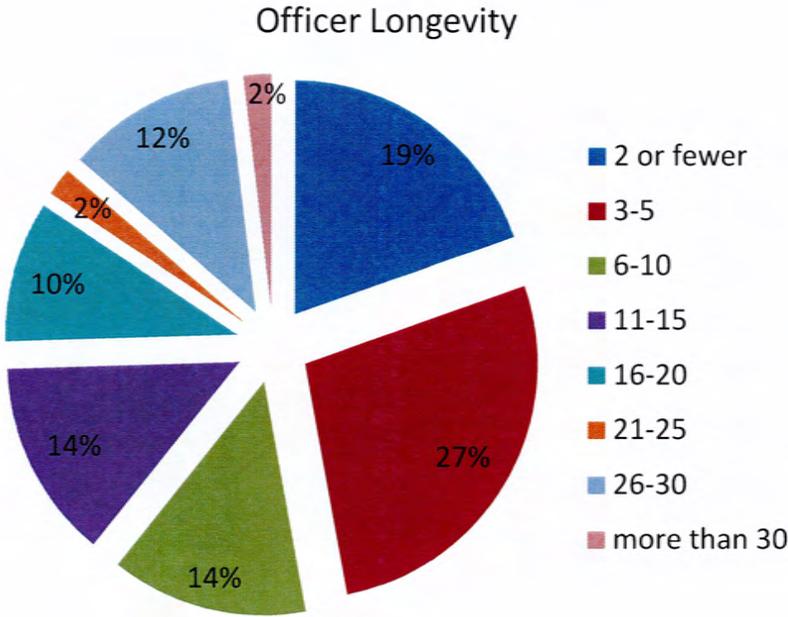
Message from Chief Kitchens

The men and women of the Leavenworth Police Department are proud to present the 2023 Annual Report. Officers and employees continued to meet the challenges of providing for the public safety of our community with great spirit.

The crime rate for Leavenworth rose in 2024. Our calls for service were down by a small amount. We continue to spend considerable time and effort on Domestic Violence, Mental Illness, Drug Investigations, and Property Crimes.

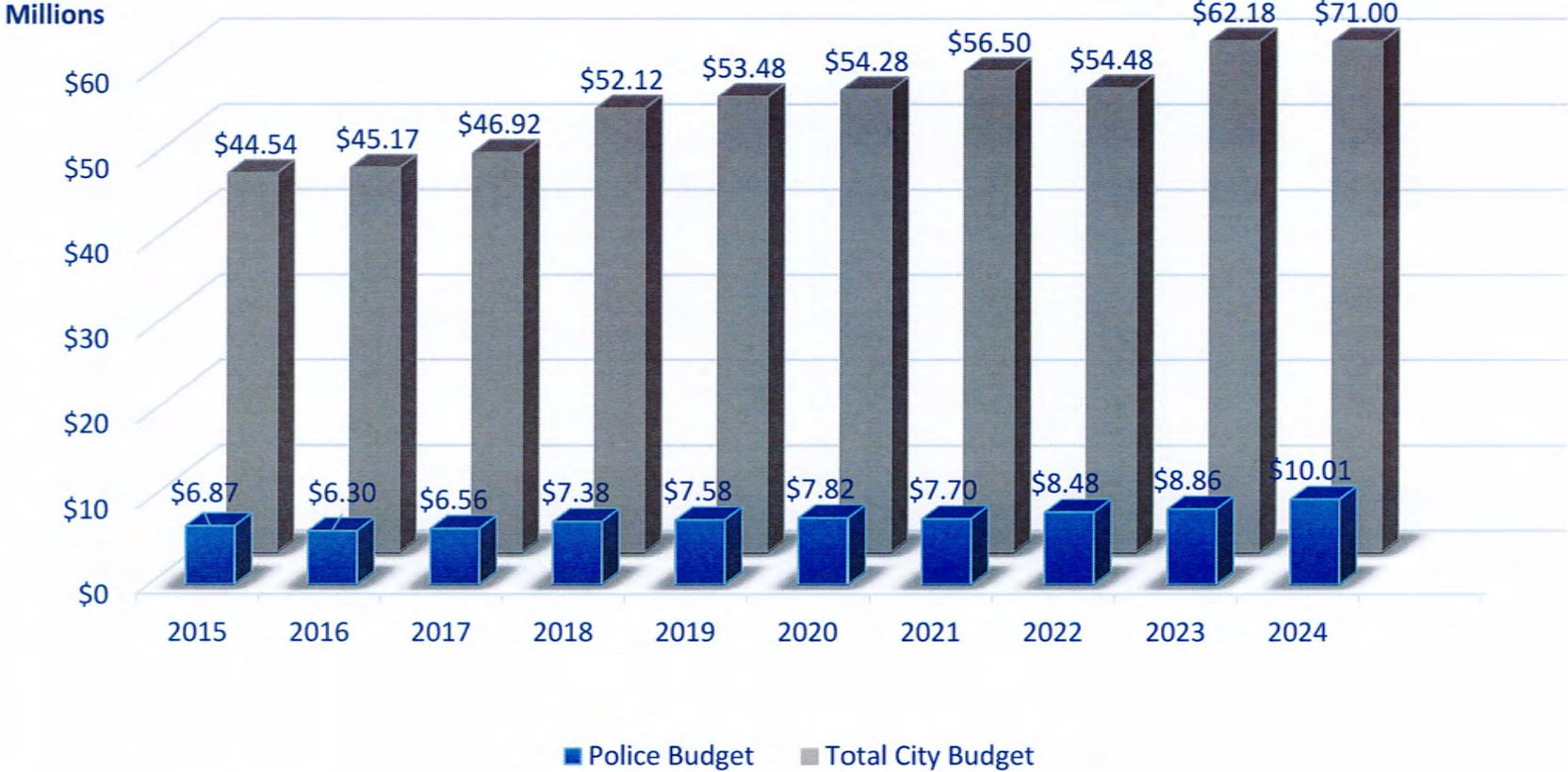
The law enforcement profession continues to focus our efforts on hiring and retention. We have been presented with serious staffing challenges, as Police Officers continue to take advantage of a highly competitive marketplace.

Police Department Employee Longevity (in years)



Annual City Budget

Dollar Comparison



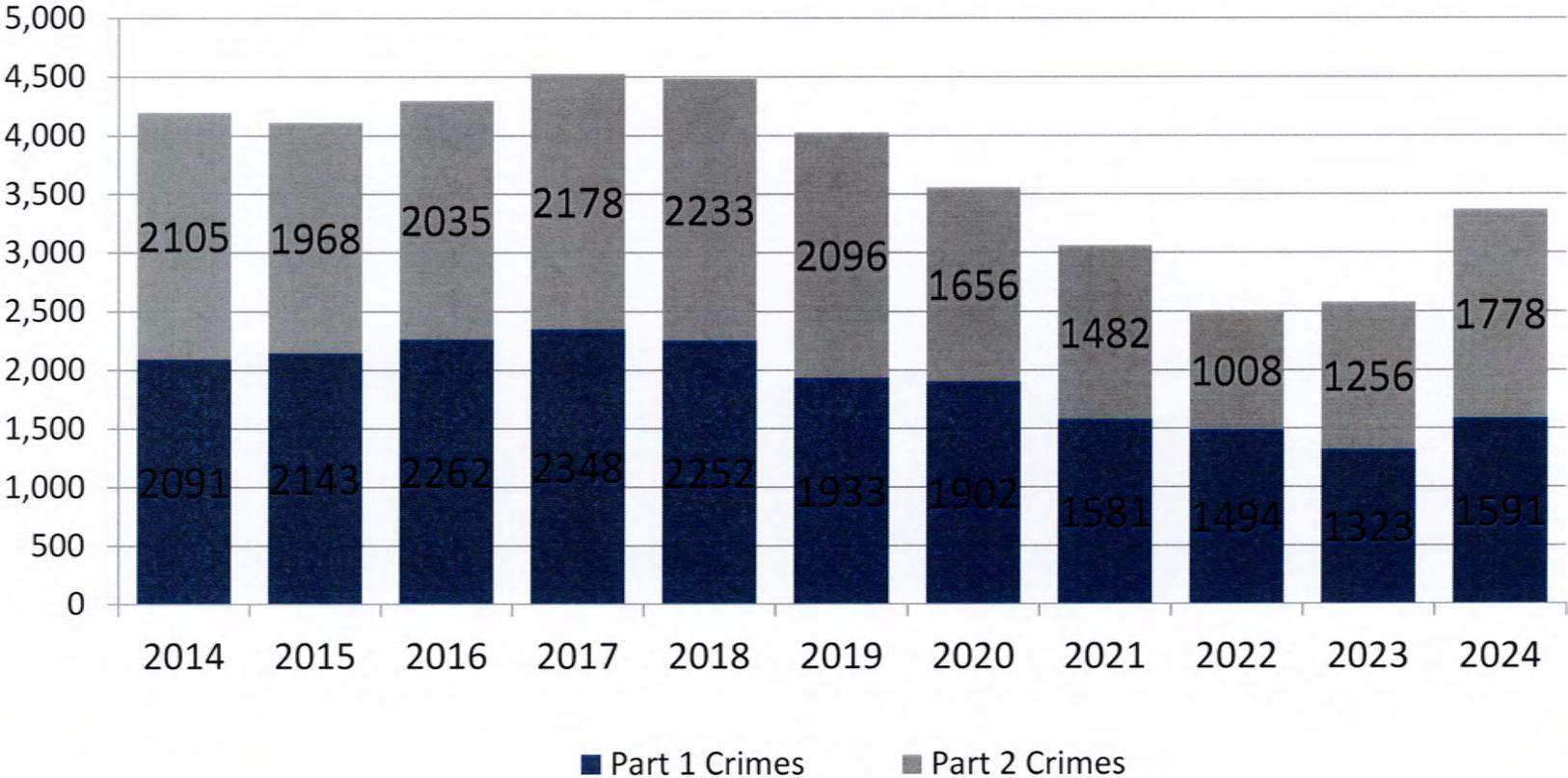
Community Engagement



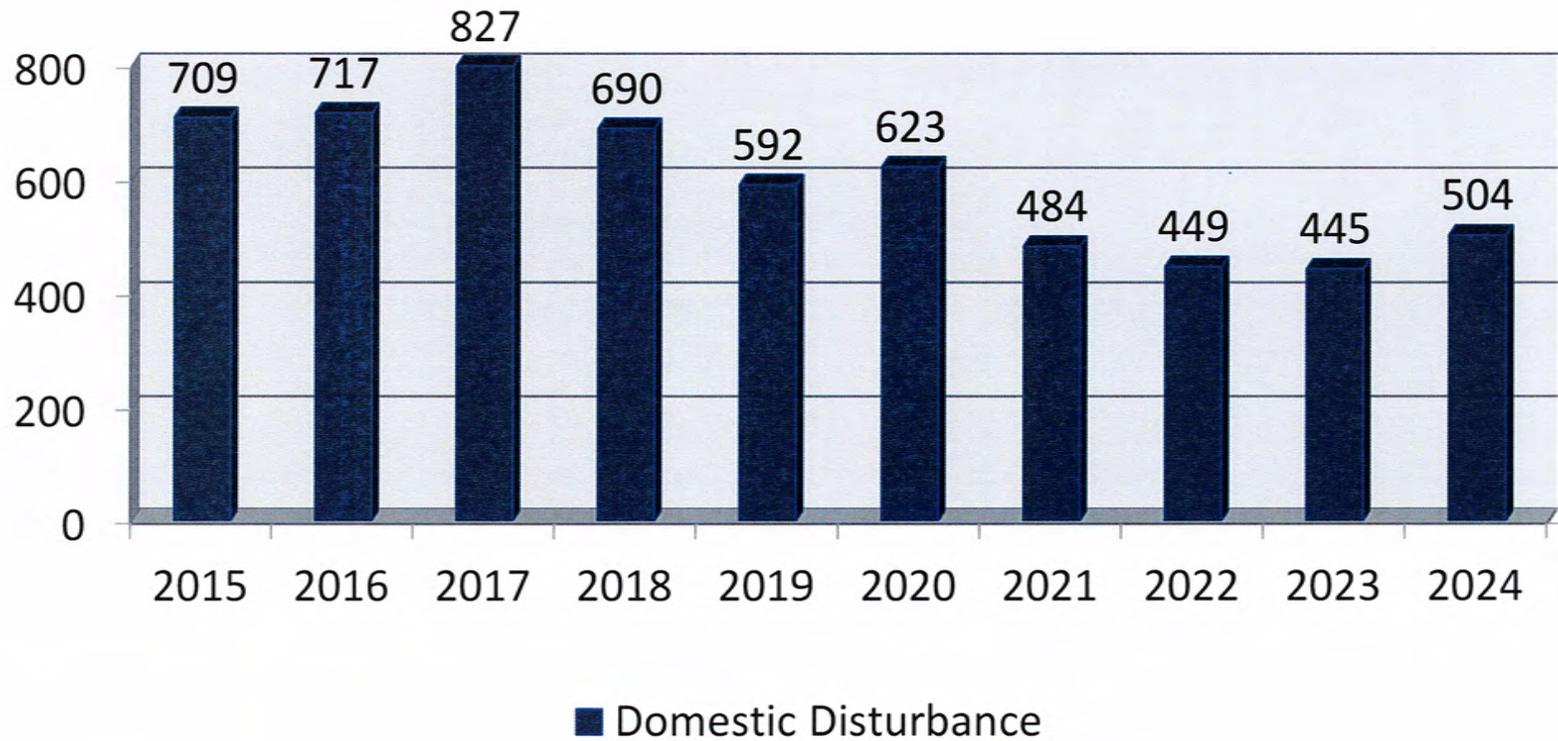
Calls For Service



Part 1 & Part 2 Crimes



Domestic Cases

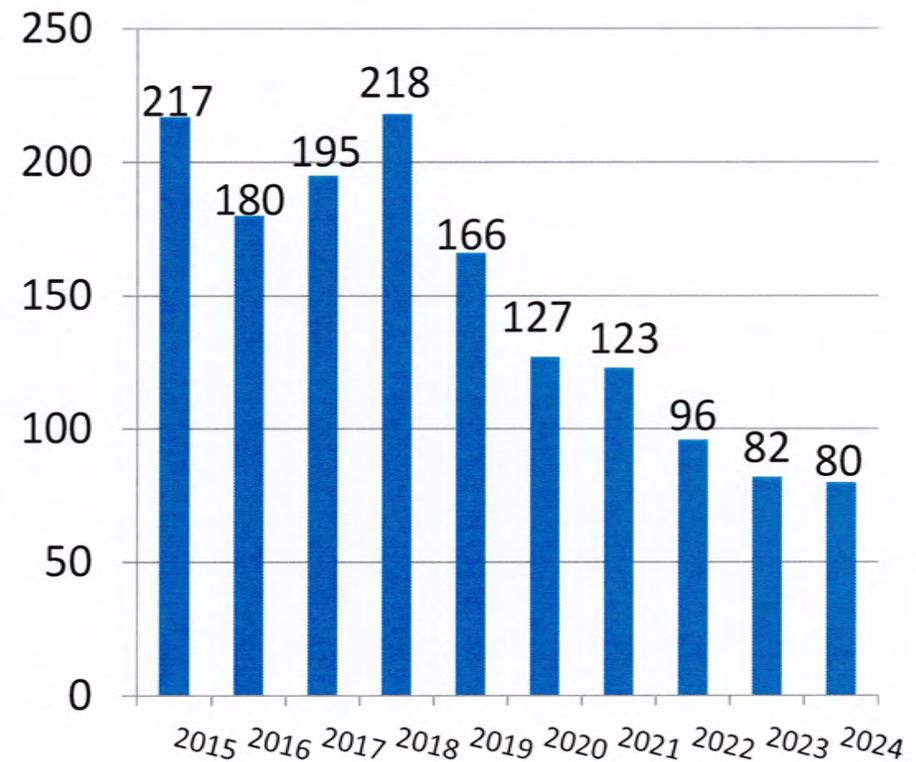


Mental Health

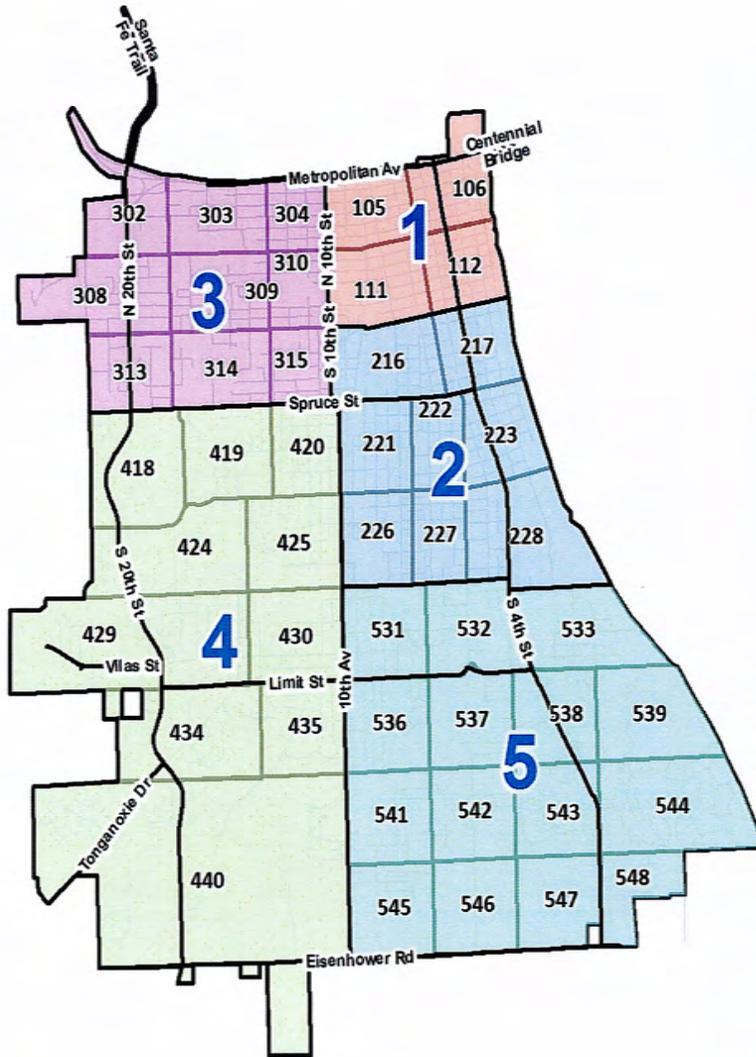
Mental Health Co-Responder

Call out	45
Collaboration	283
Initial Contact	238
Repeat Contact	279
Telephone	213
Self-Initiated	326
Outreach Attempt	29
Total	1413

Suicide Calls

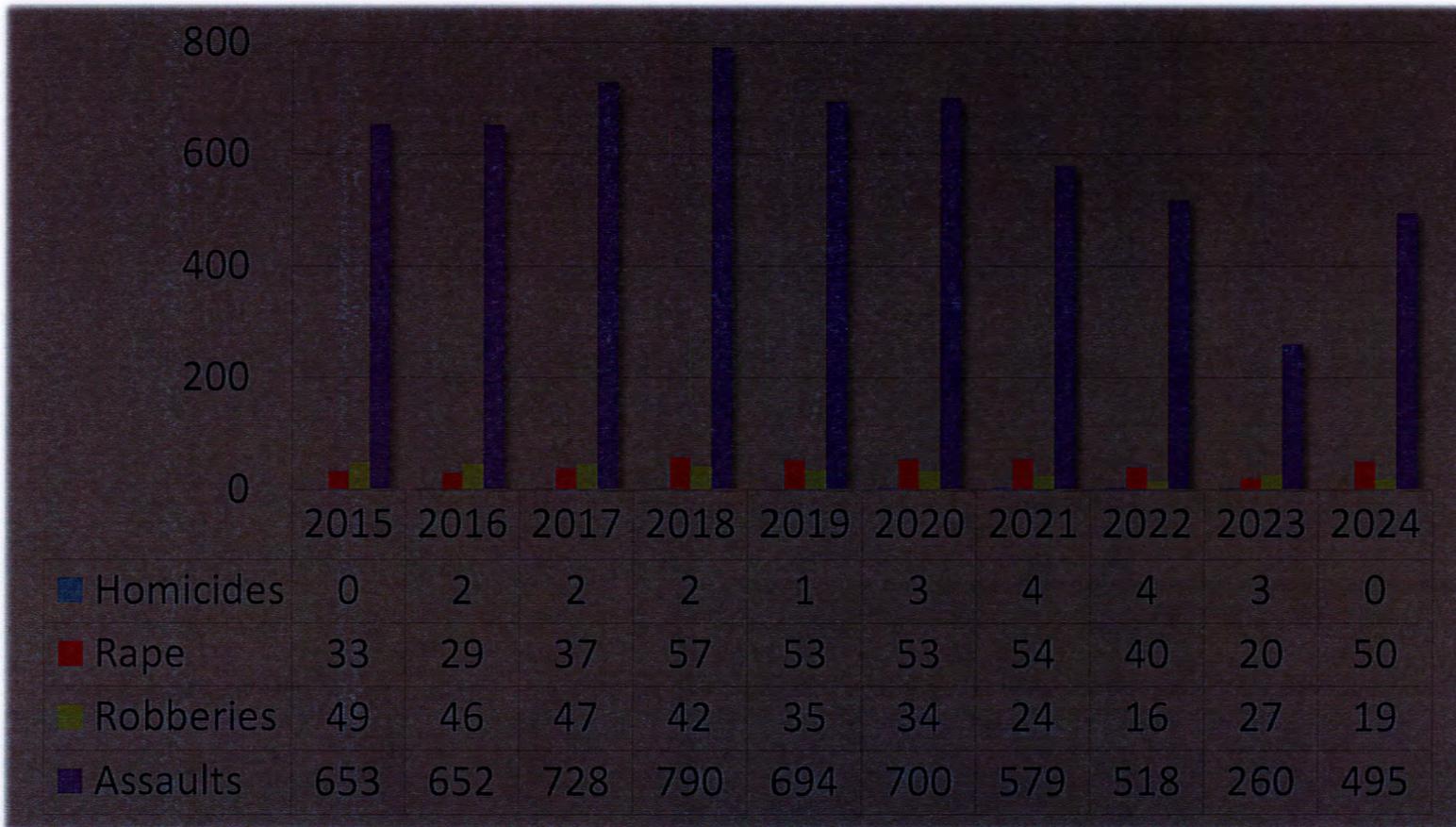


Criminal Activity – Persons 2024

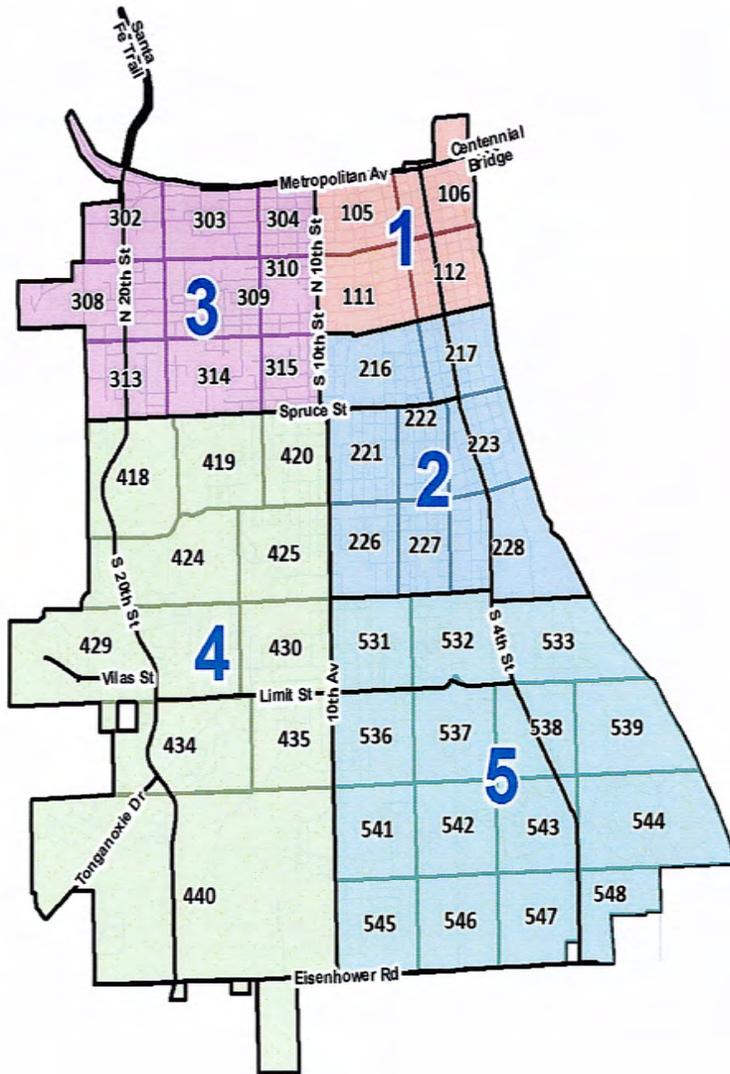


Area	Homicides	Rape	Robberies	Assaults
1	0	10	8	97
2	0	14	3	79
3	0	8	2	85
4	0	10	2	72
5	0	8	4	162

Criminal Activity Persons – 10 Year Trend

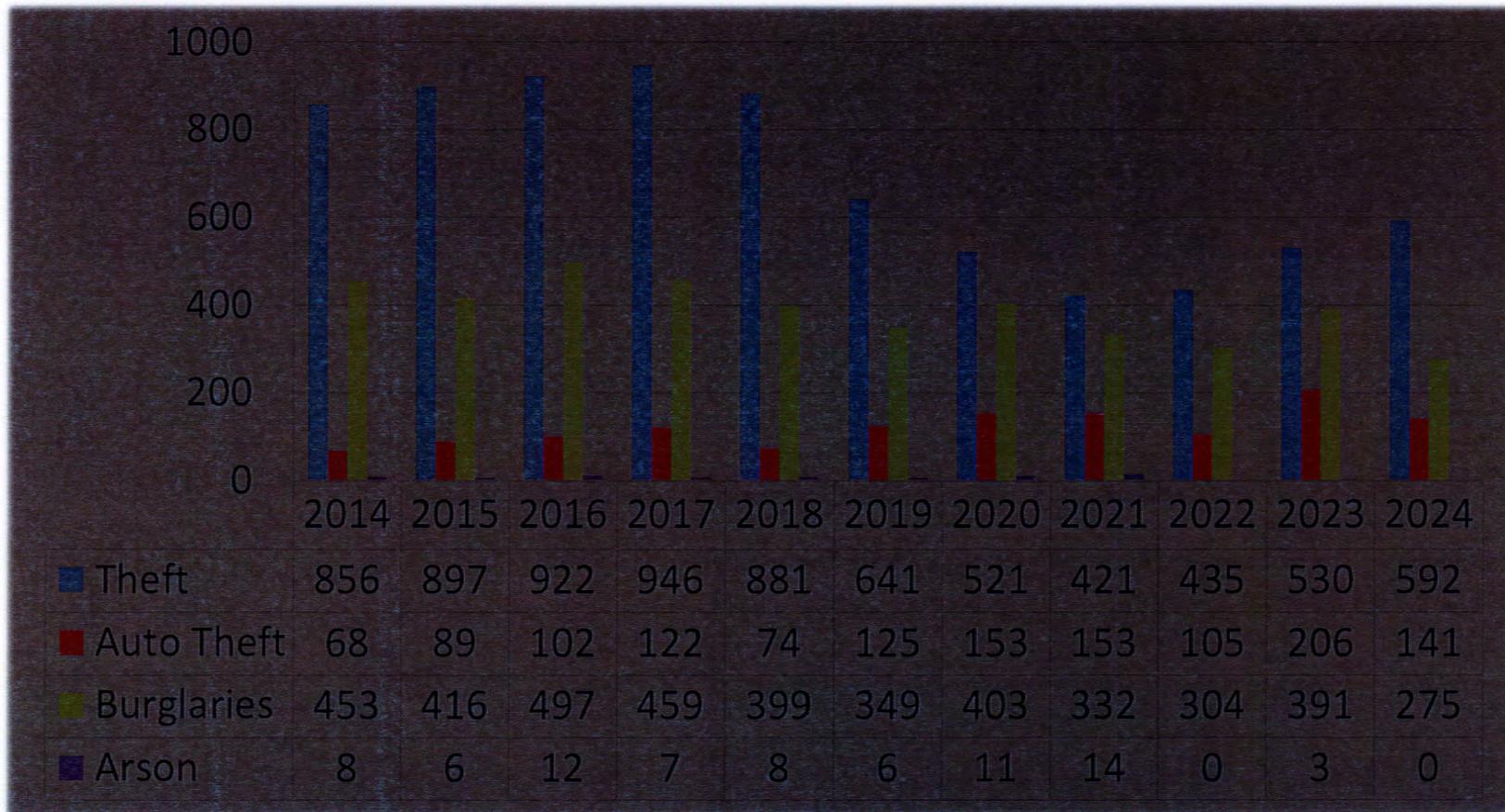


Criminal Activity – Property 2024



Area	Theft	Auto Theft	Burglaries	Arson
1	145	20	72	0
2	149	49	71	0
3	57	22	24	0
4	108	15	31	0
5	133	35	77	0

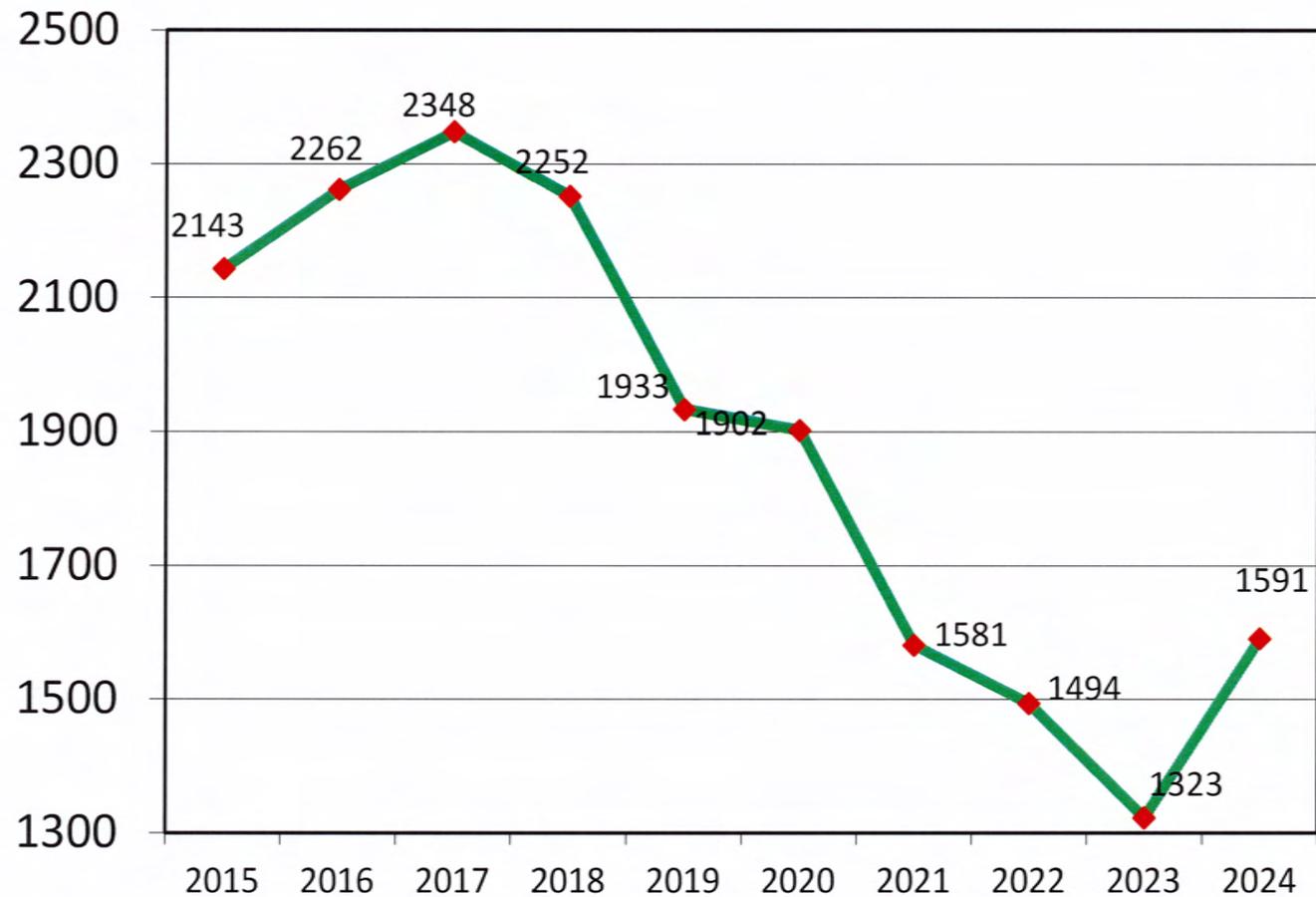
Criminal Activity Property– 10 Year Trend



Part 1 Crimes Reported

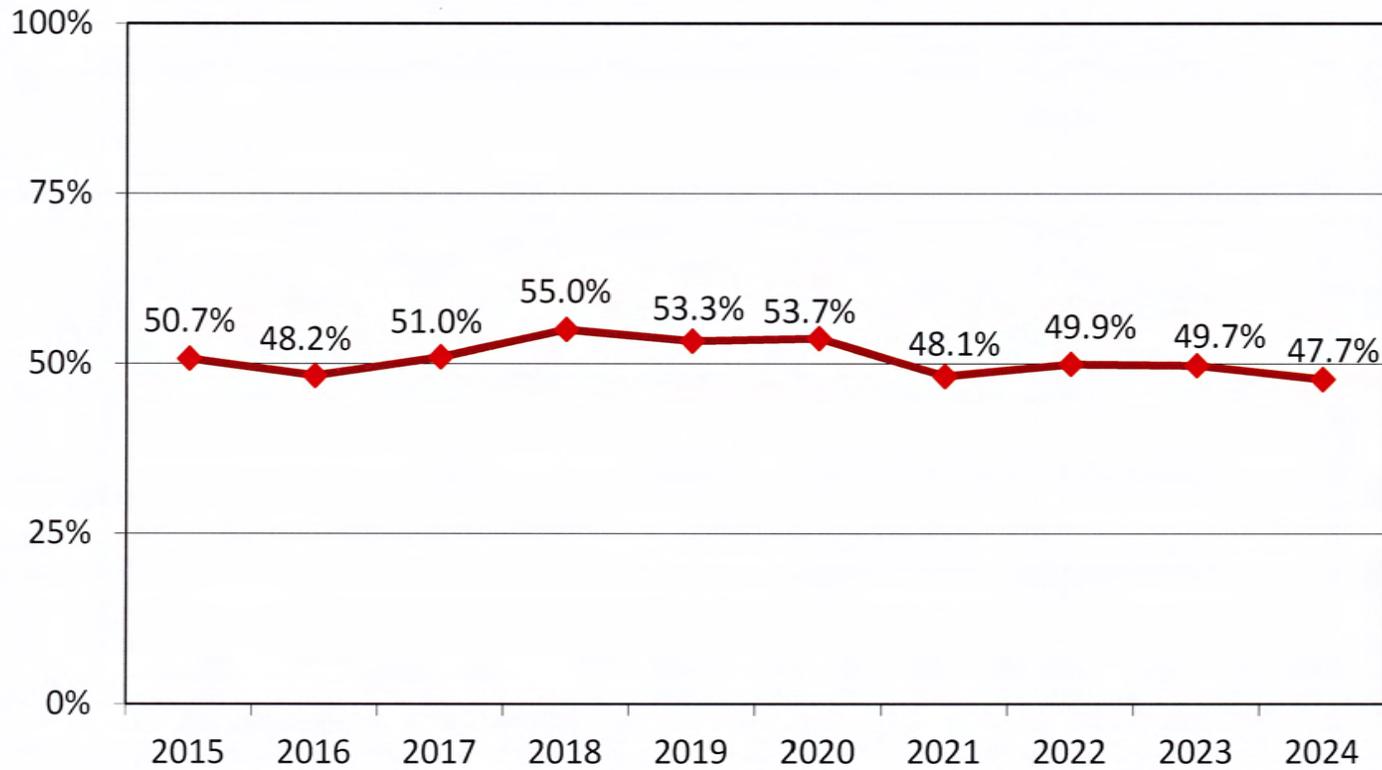
Part 1 crimes include:

- ⇒ Murder
- ⇒ Rape
- ⇒ Robbery
- ⇒ Assault
- ⇒ Burglary
- ⇒ Theft
- ⇒ Auto Theft



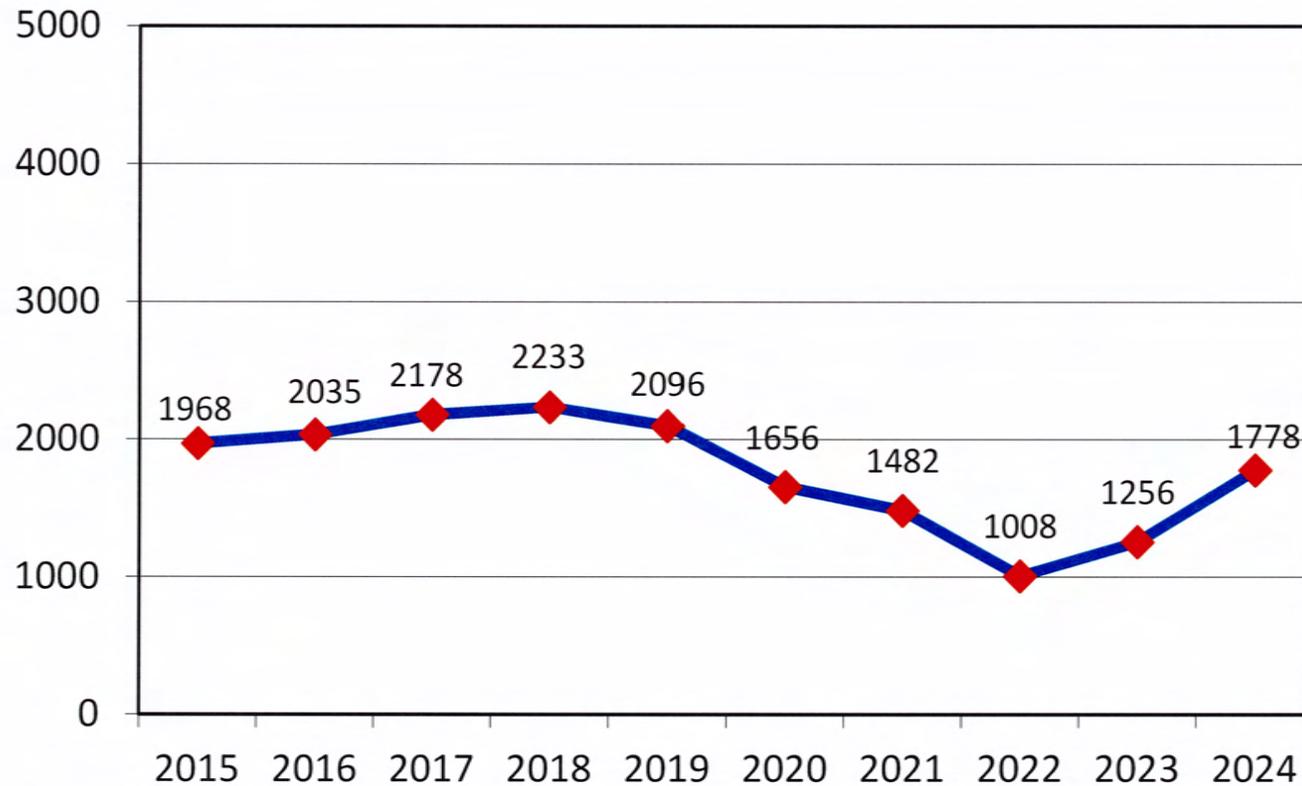
Clearances

Percent of Part 1 Crimes Cleared



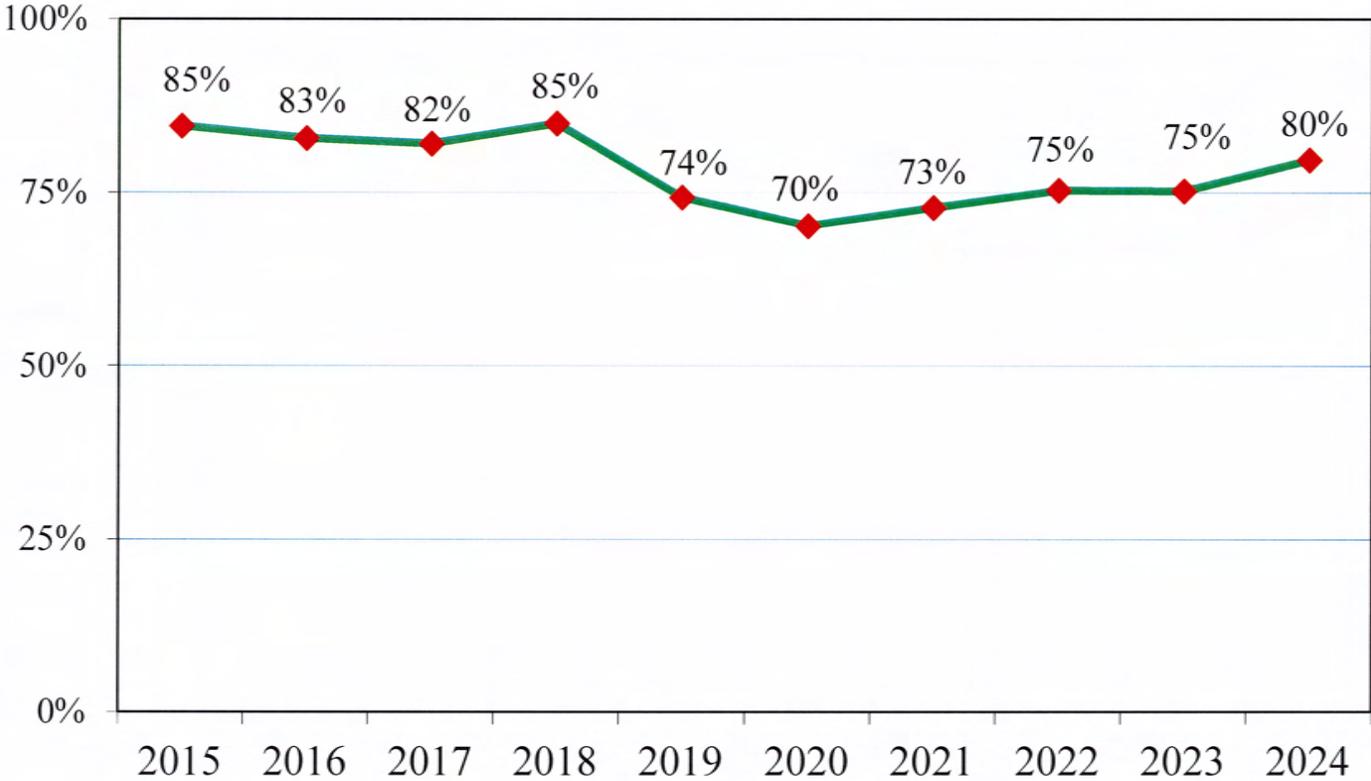
Part 2 Crimes Reported

Part 2 crimes include all criminal events not included in the Part 1 index.



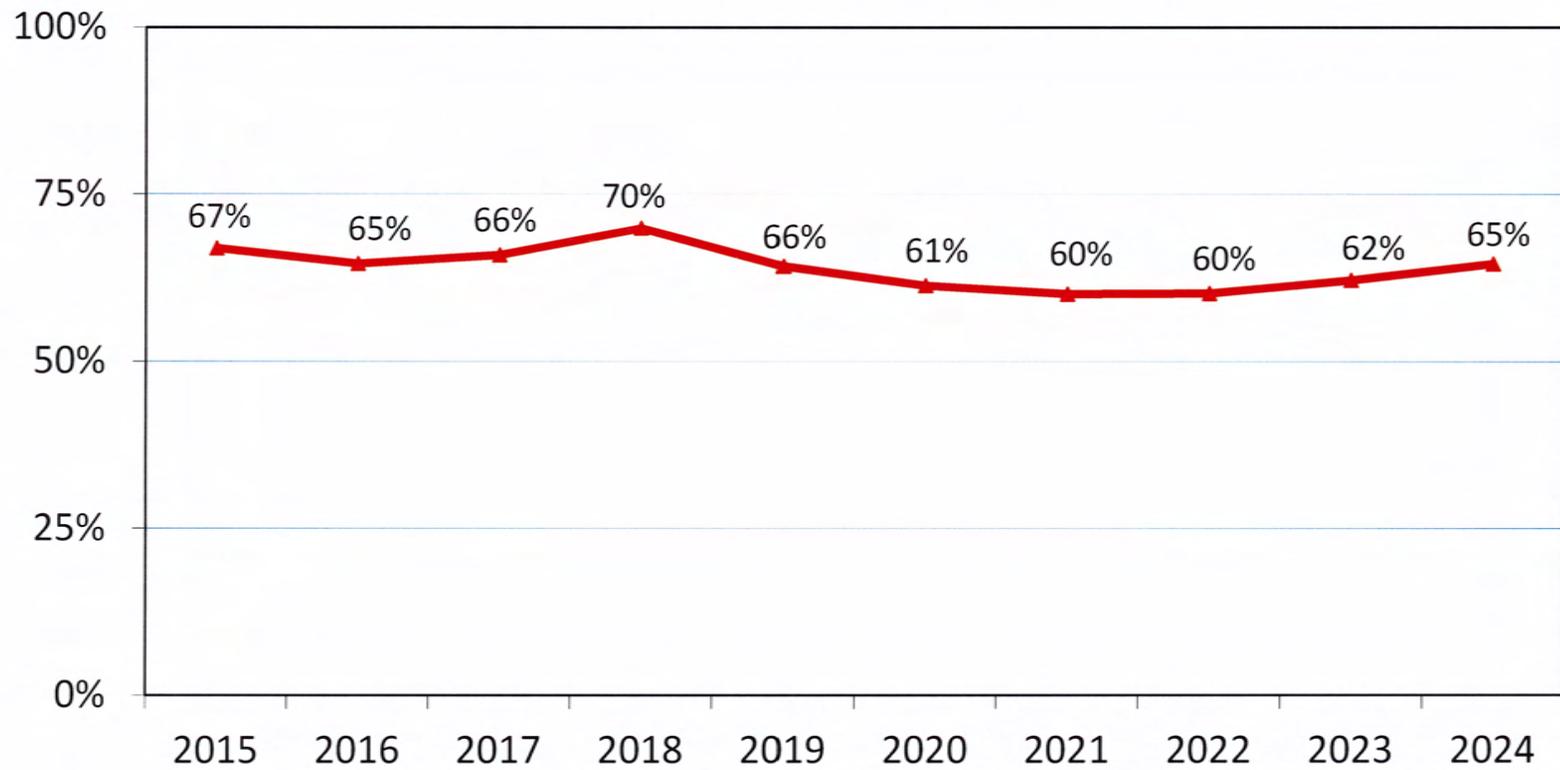
Clearances

Percent of Part 2 Crimes Cleared

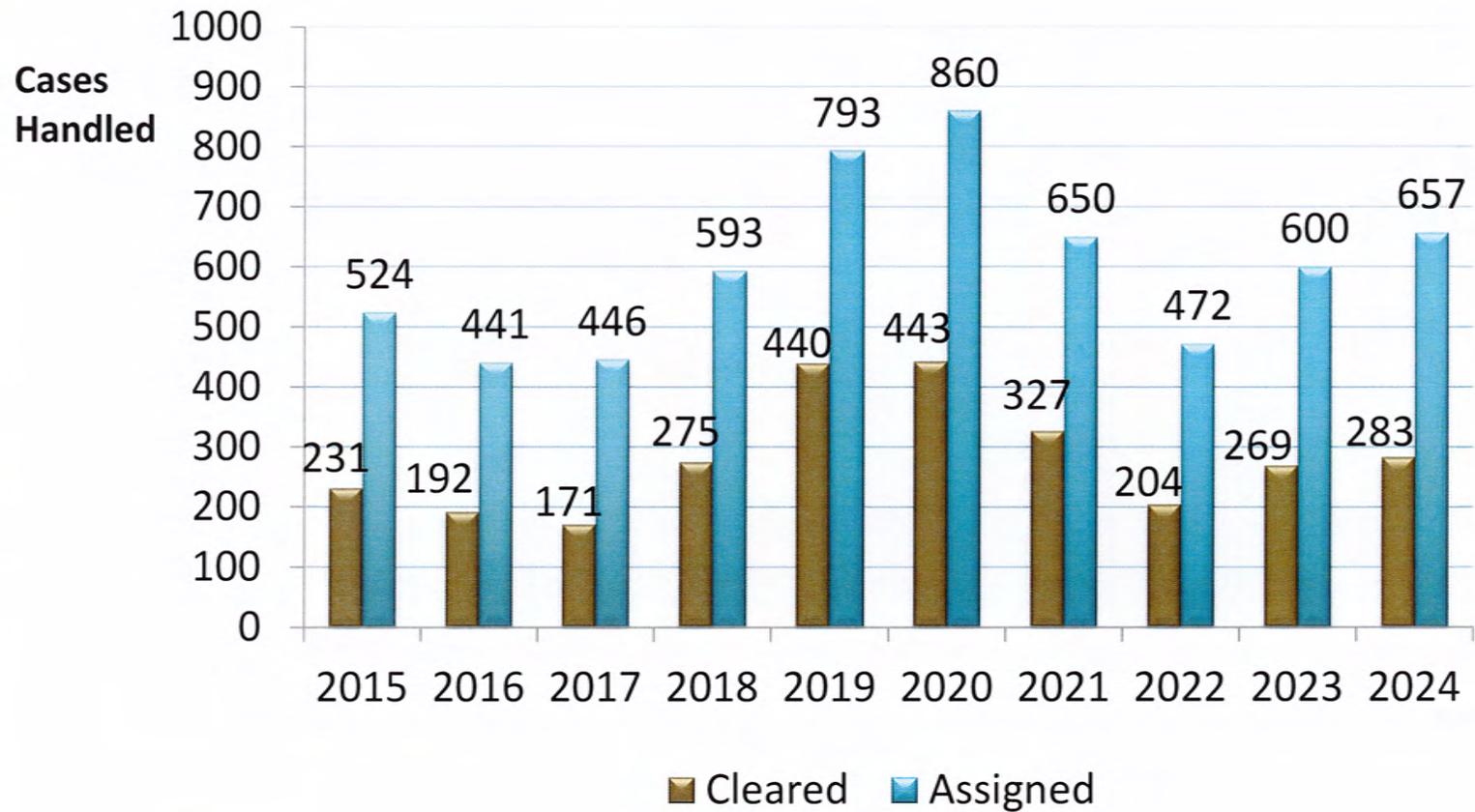


Clearances

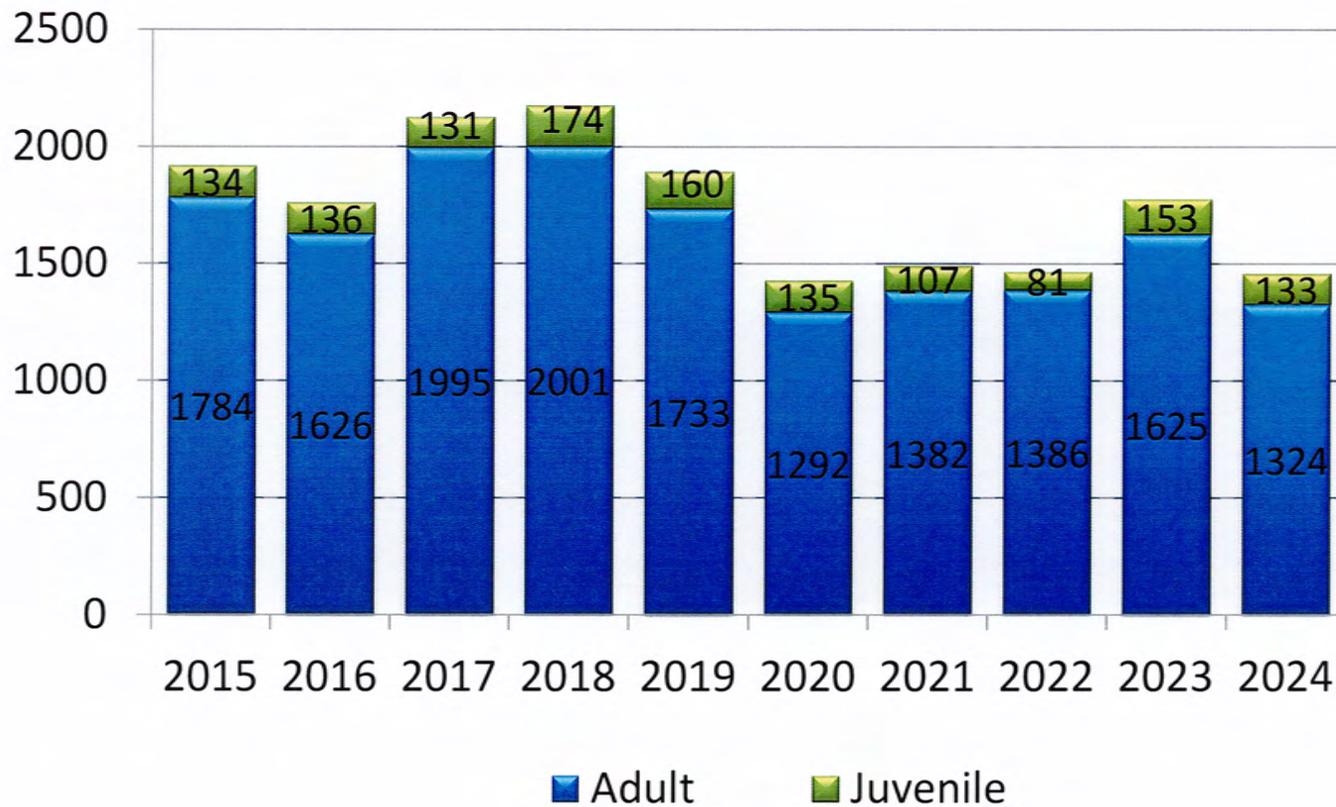
Percent of Part I & II Crimes Cleared



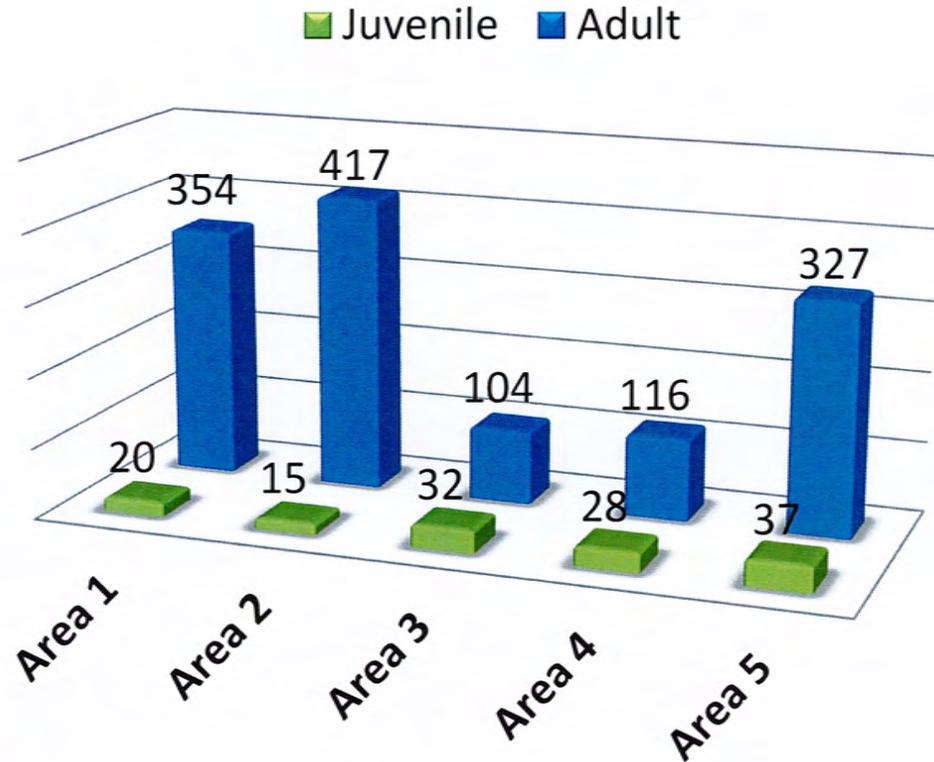
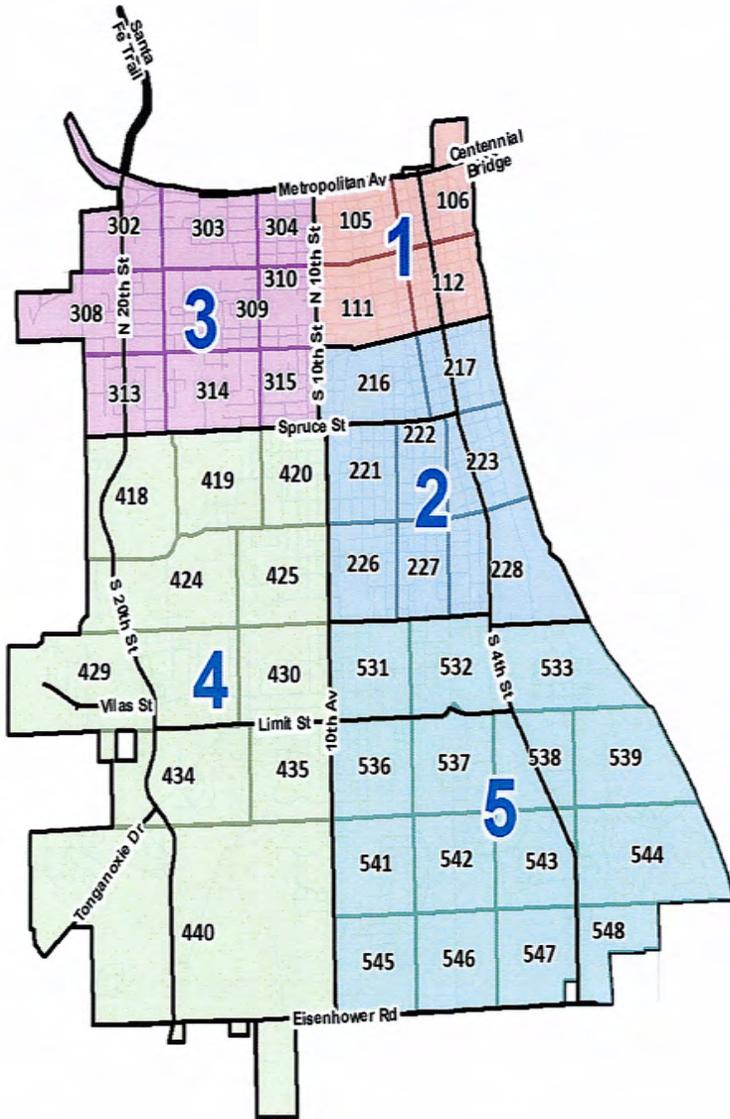
Detective Division



Arrests

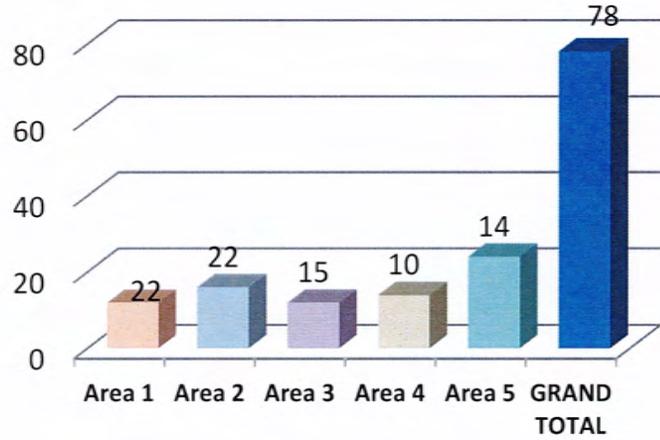


Arrests by Area 2024

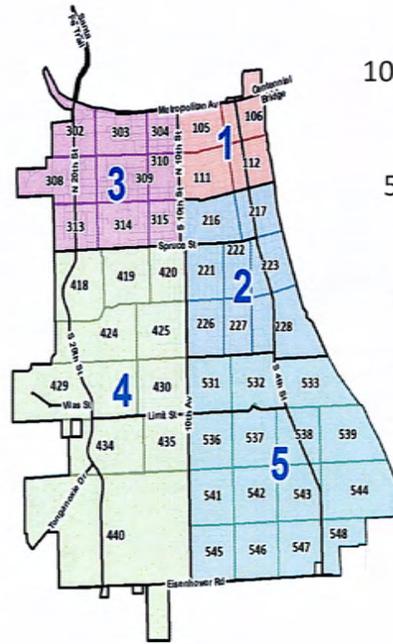
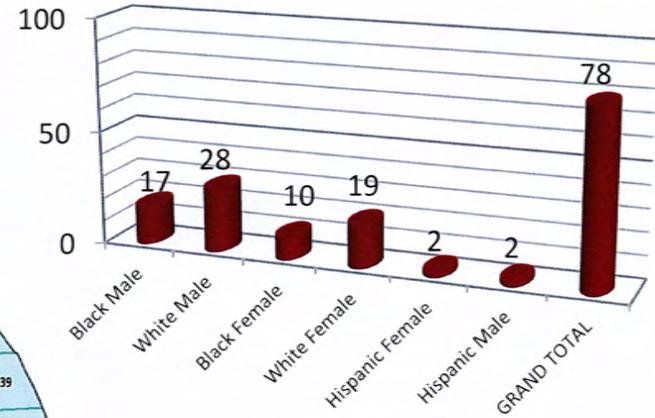


Domestic Arrests 2024

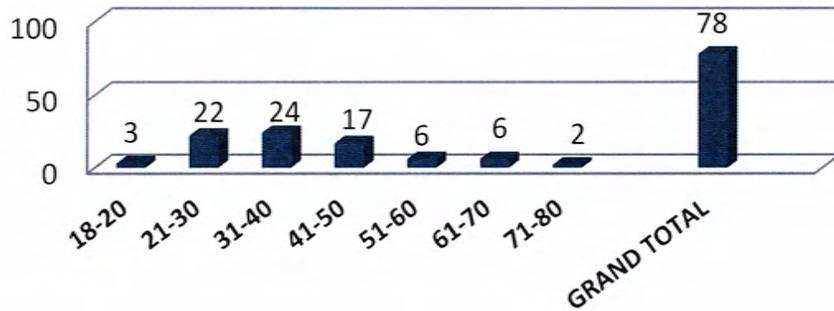
By Area



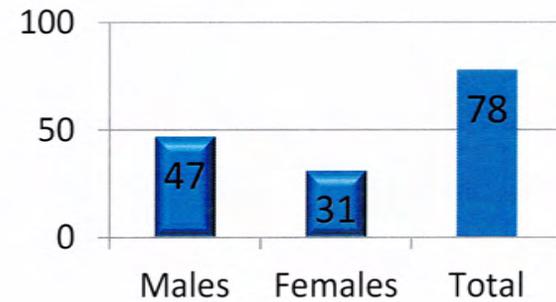
By Race



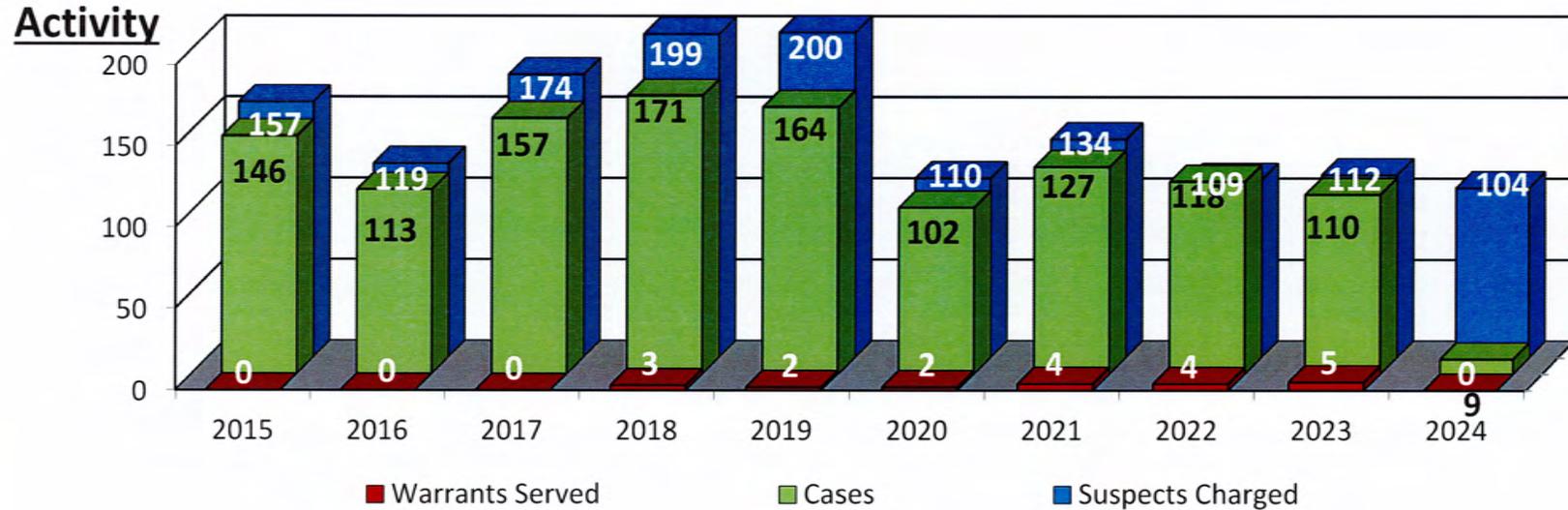
By Age



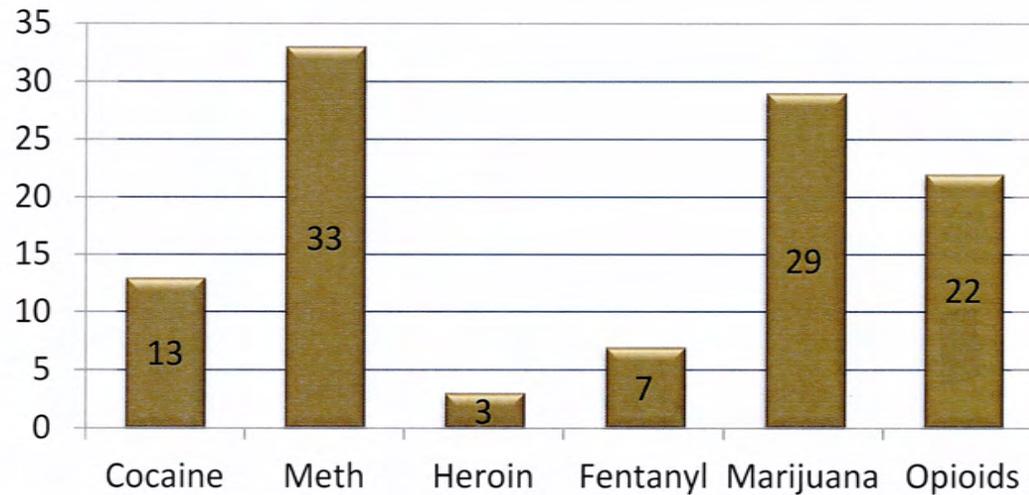
By Gender



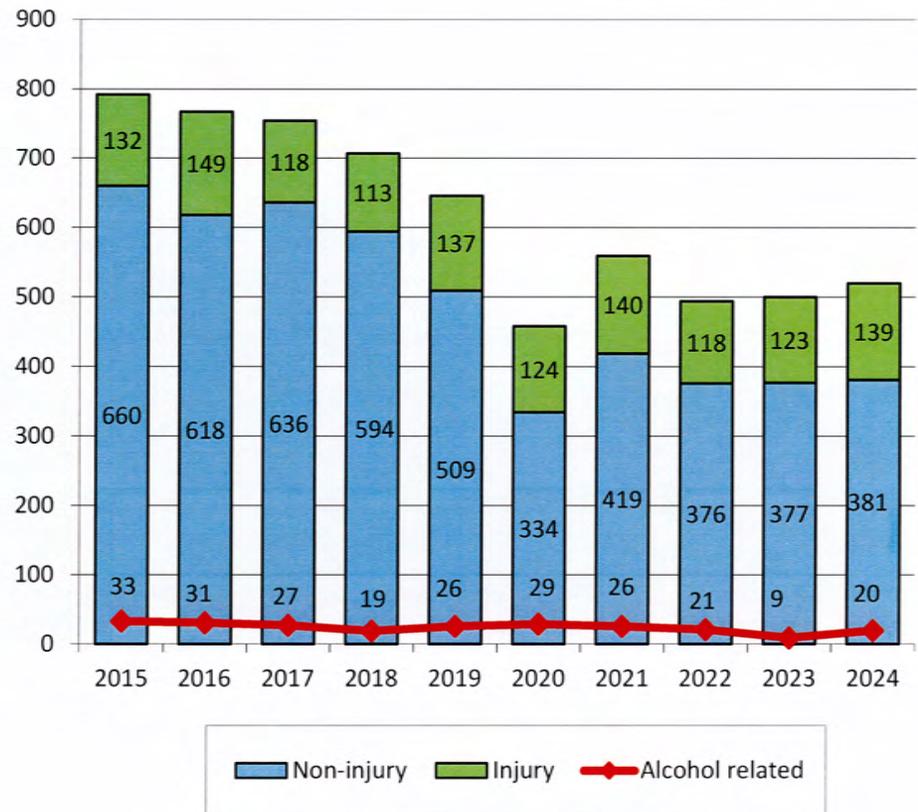
Narcotics Enforcement



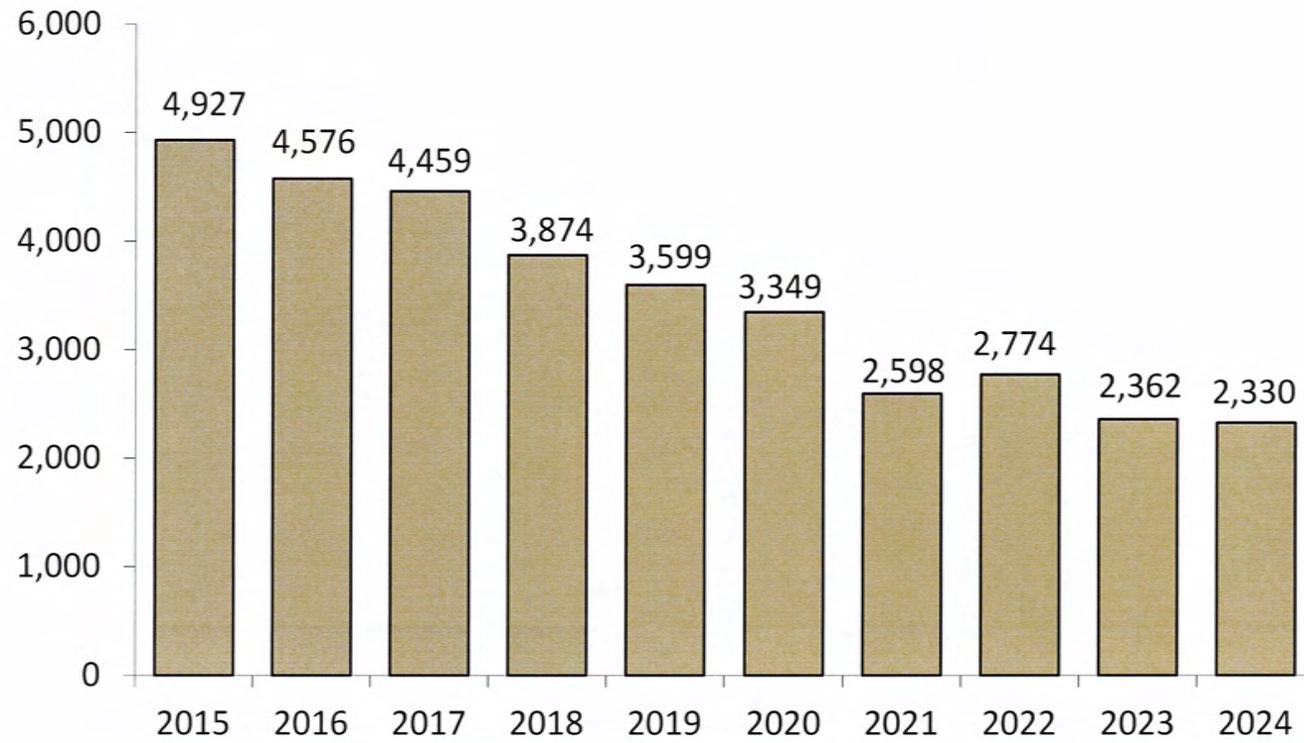
Drug Chart



Traffic Accidents

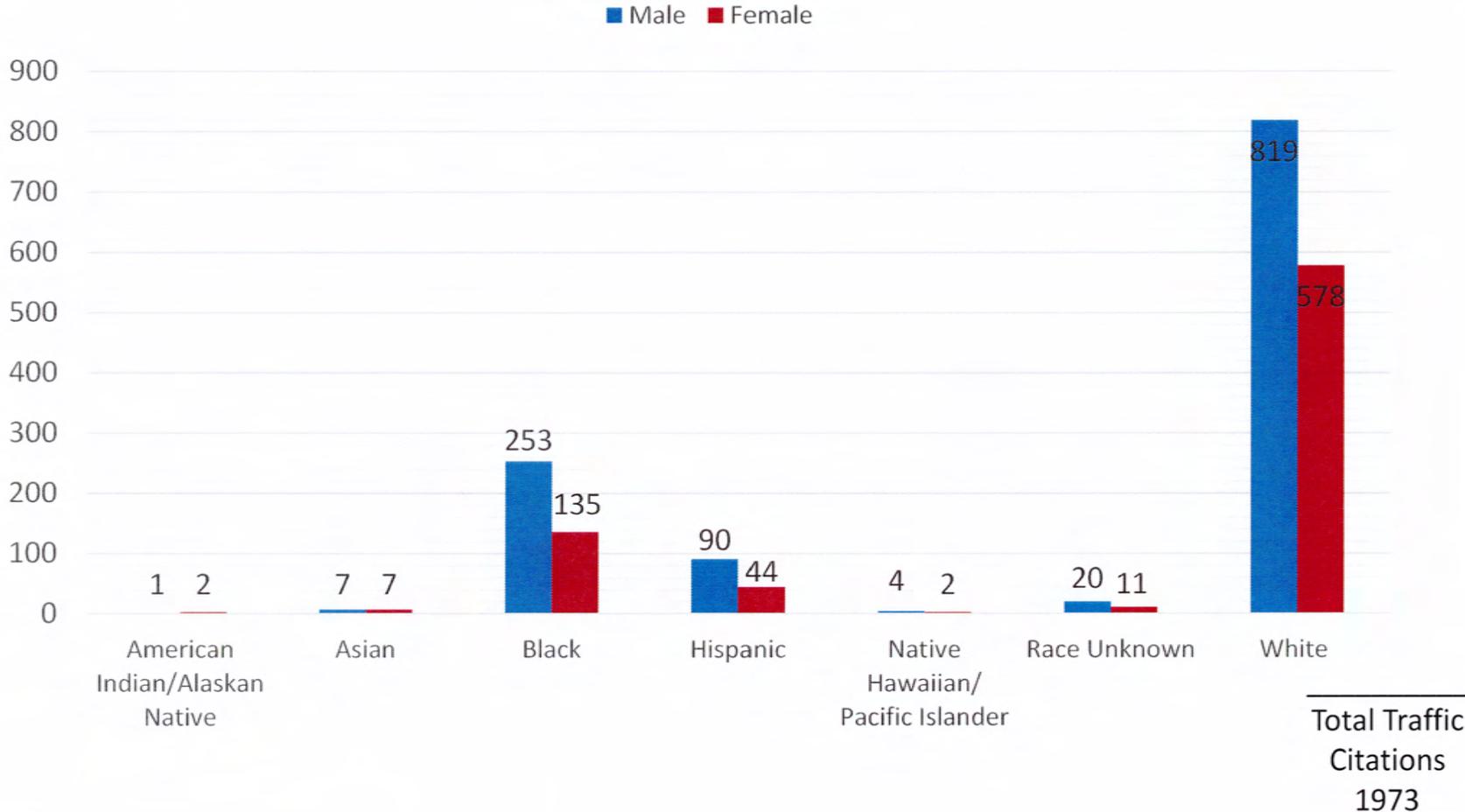


All Citations

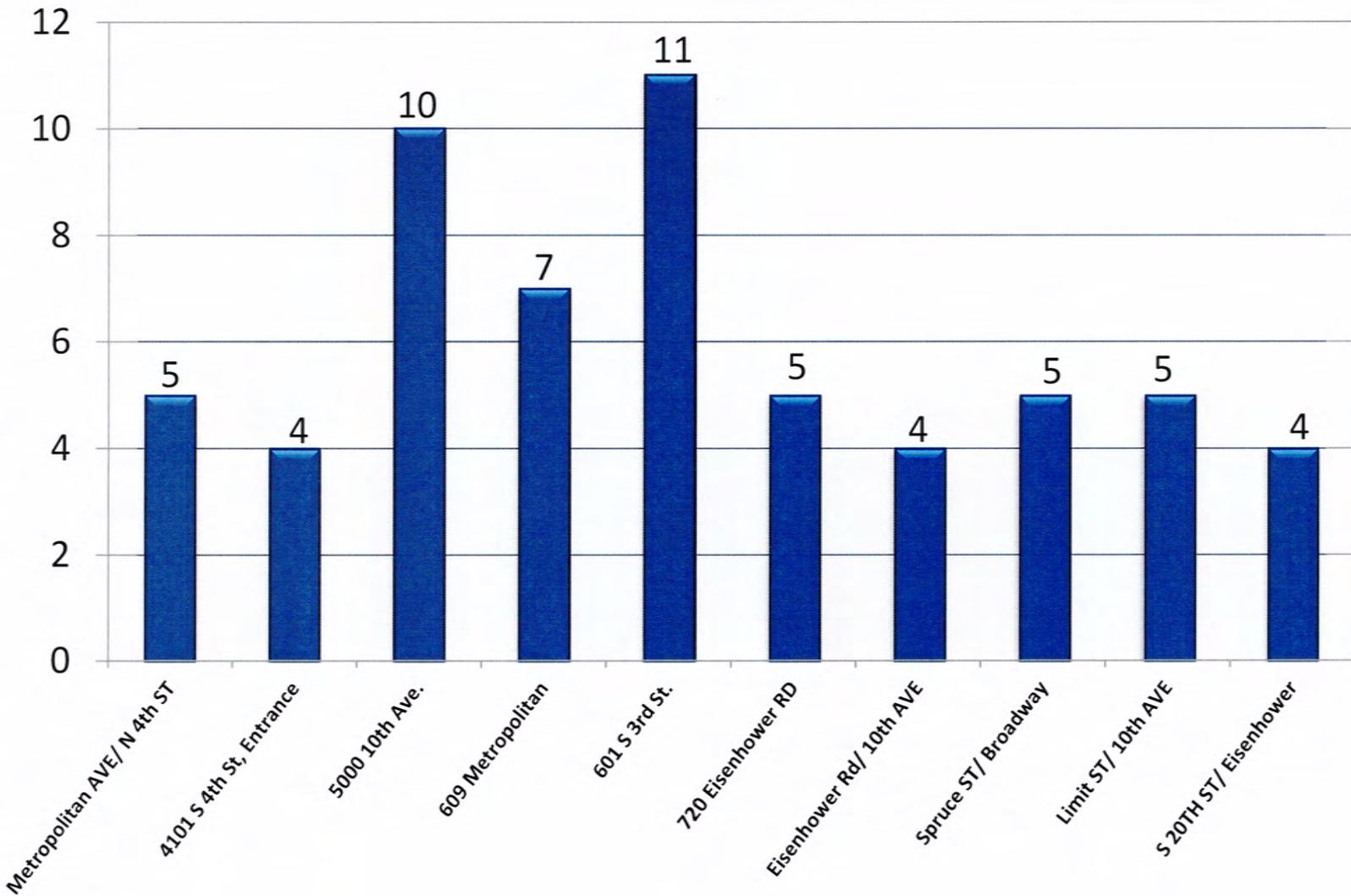


Traffic Citations 2024

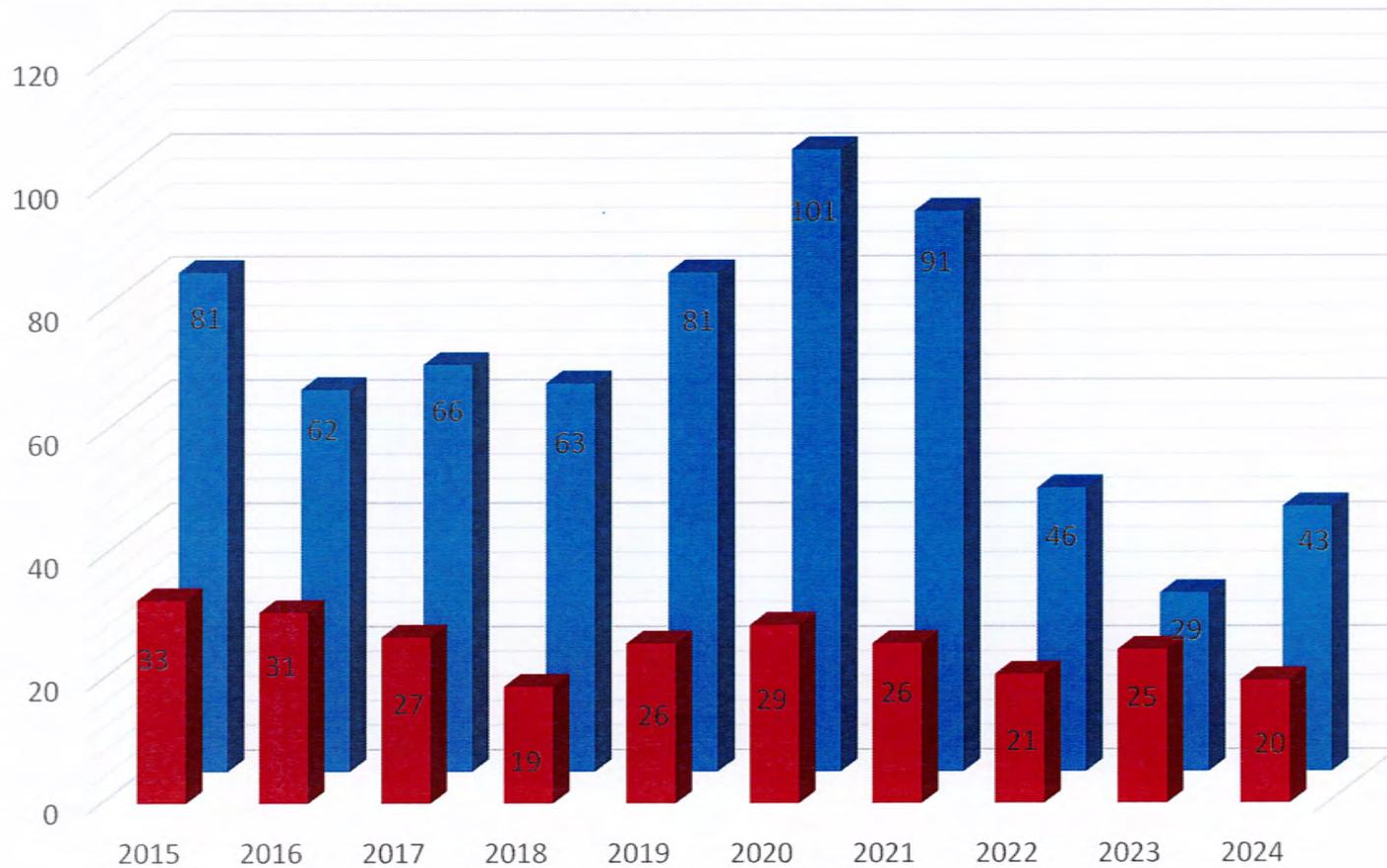
By Race and Gender



Top Traffic Accident Locations 2024



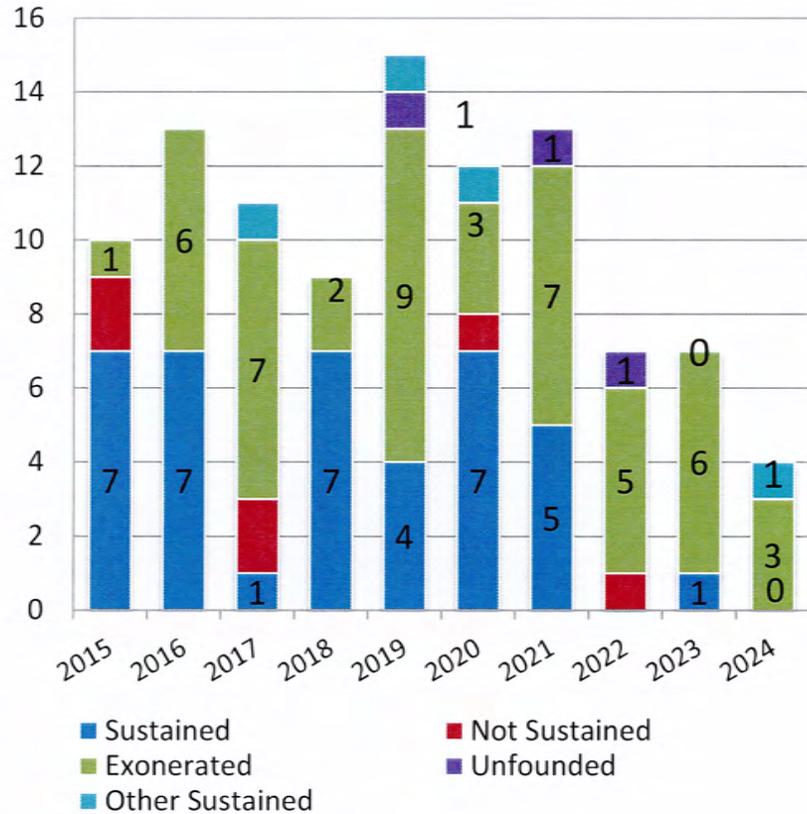
DUI Arrests/Alcohol Related Accidents



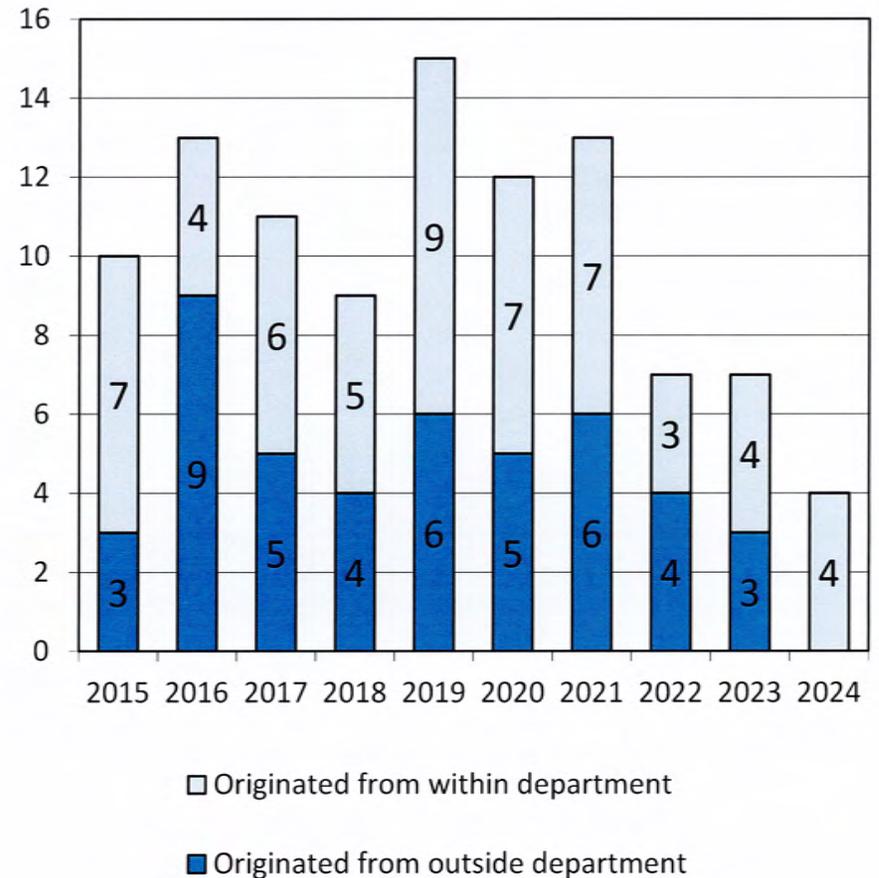
■ Alcohol Related Accidents ■ DUI Arrests

Professional Standards Investigations

A Professional Standards Investigation follows any critical event or complaint about the conduct of an officer. Other officers, supervisors, or citizens may initiate this.

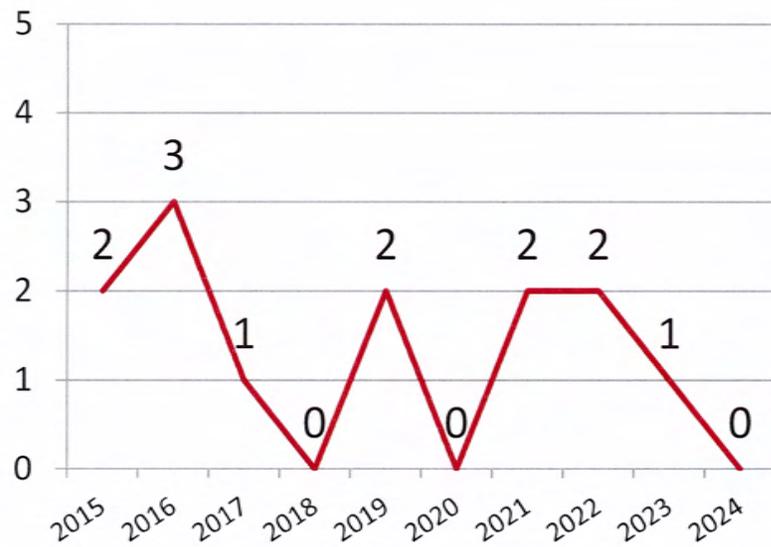


• Totals include all Bias-Based Complaints filed with the department.

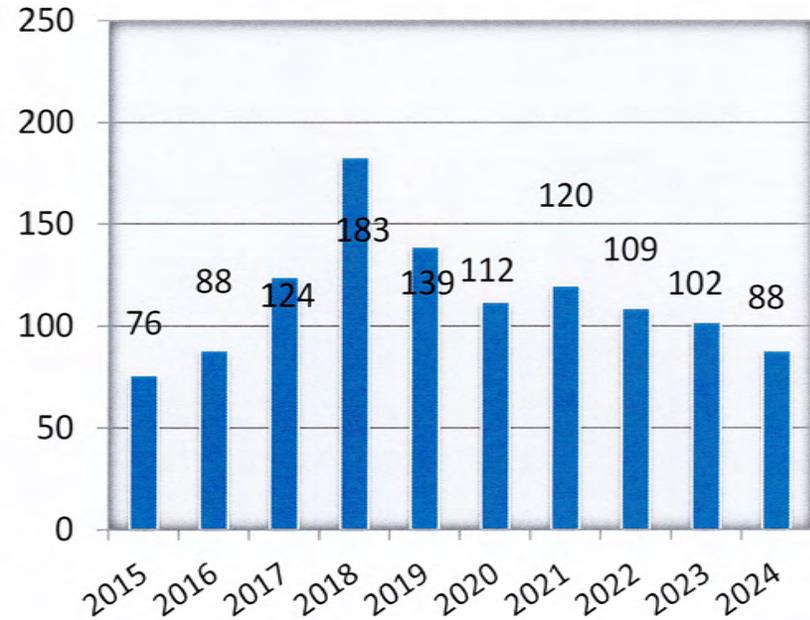


Professional Standards Investigations

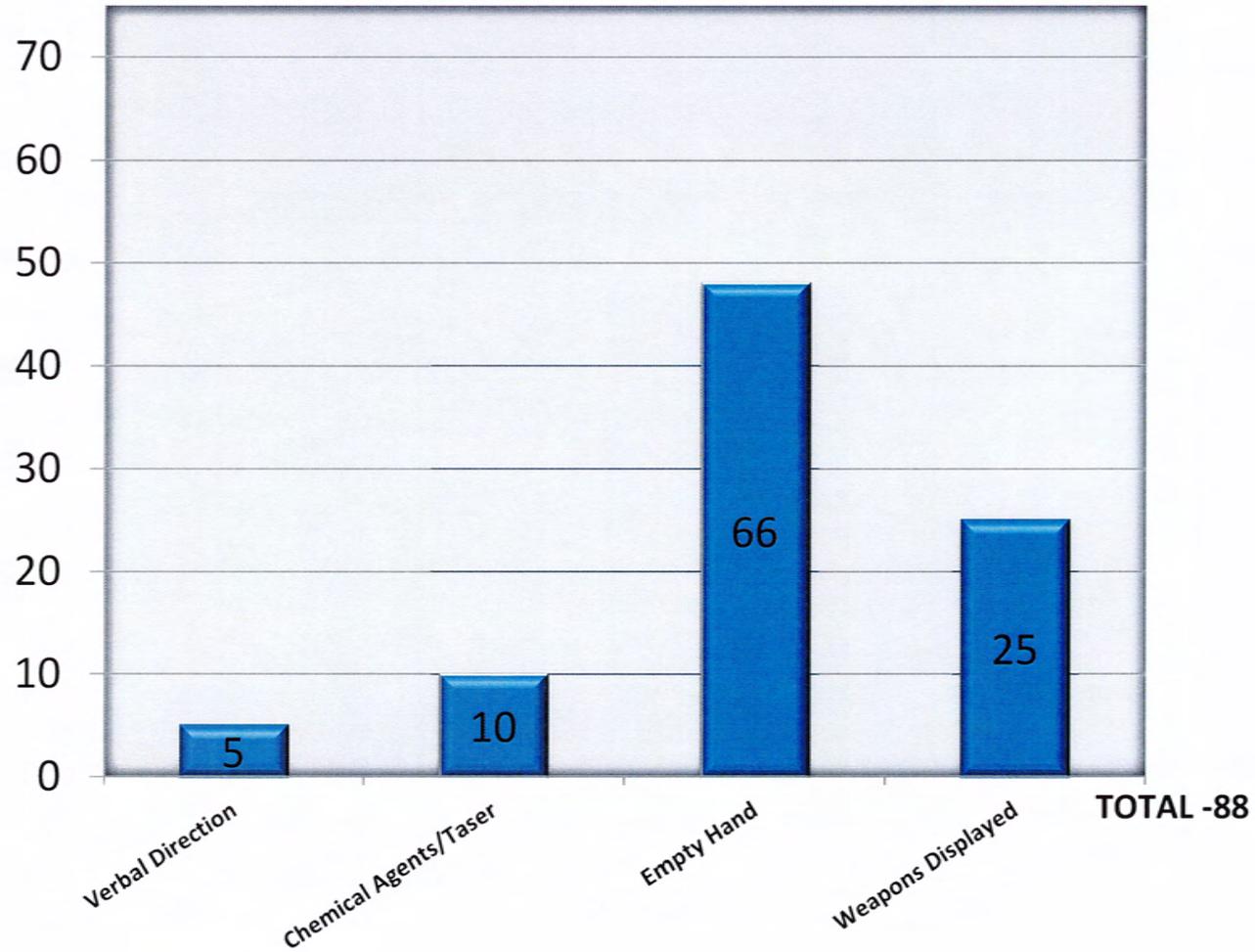
Bias-Based Policing Complaints



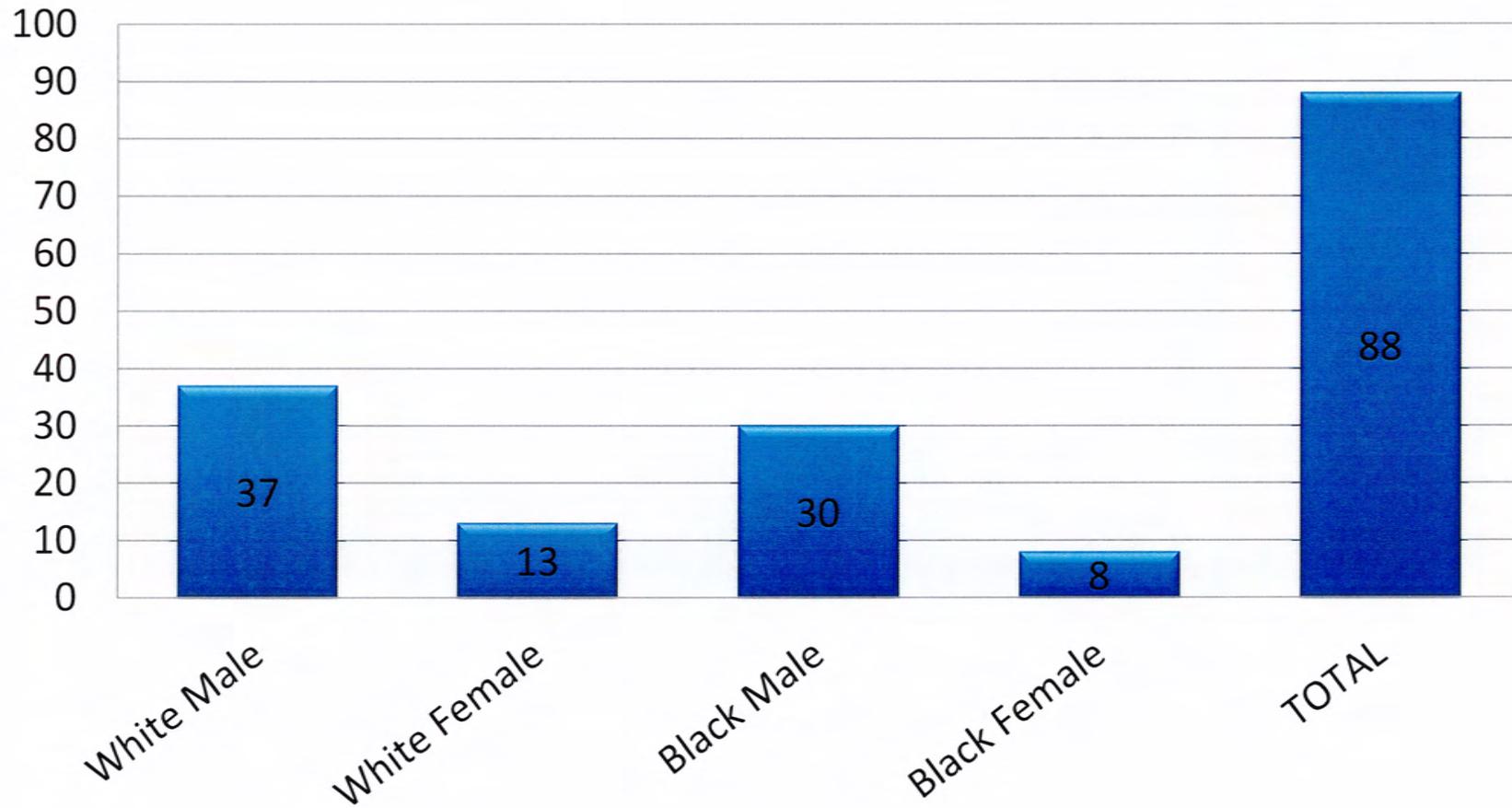
Use of Force Reports Filed by Officers



Use of Force 2024



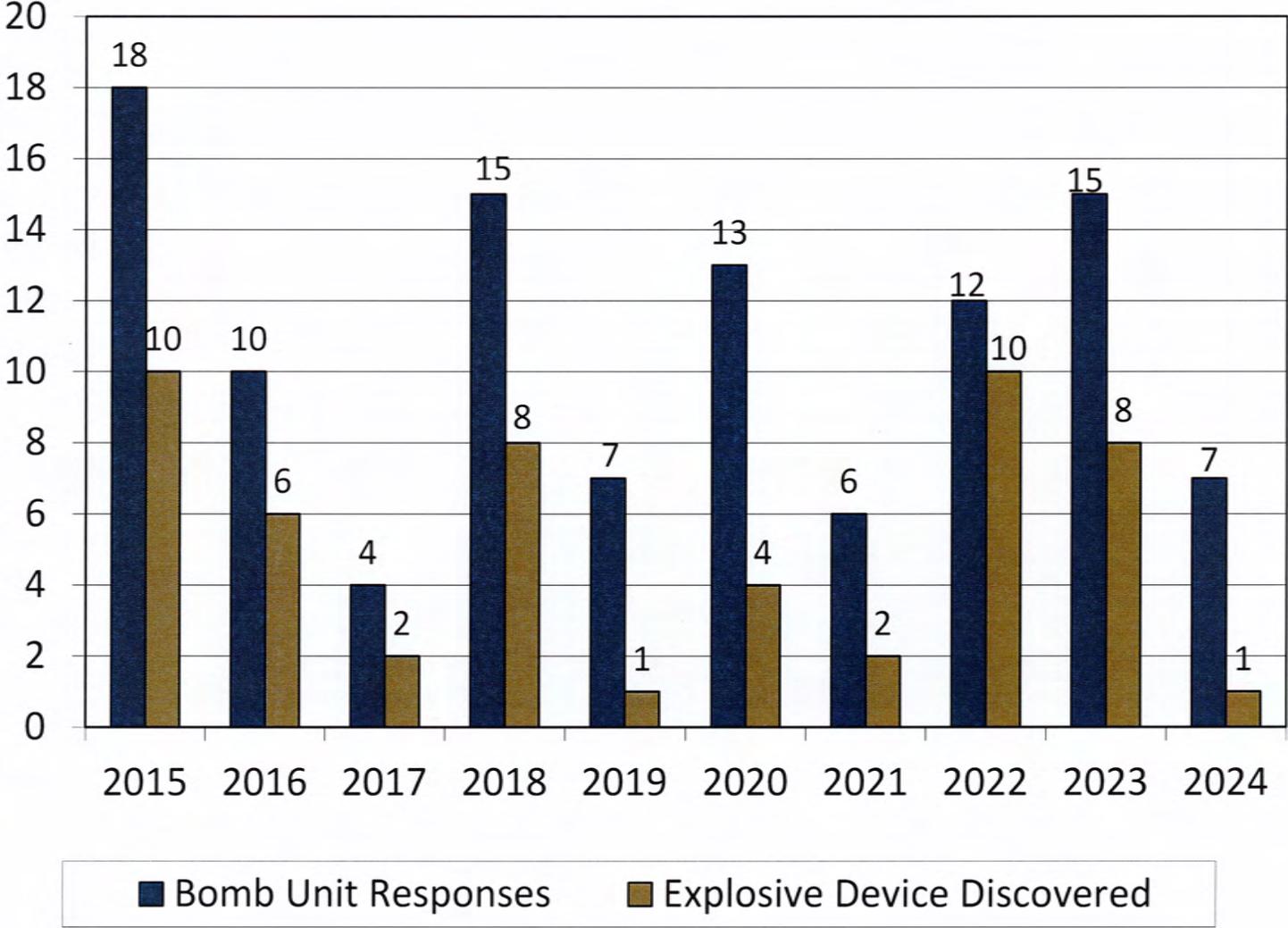
Use of Force by Race & Gender



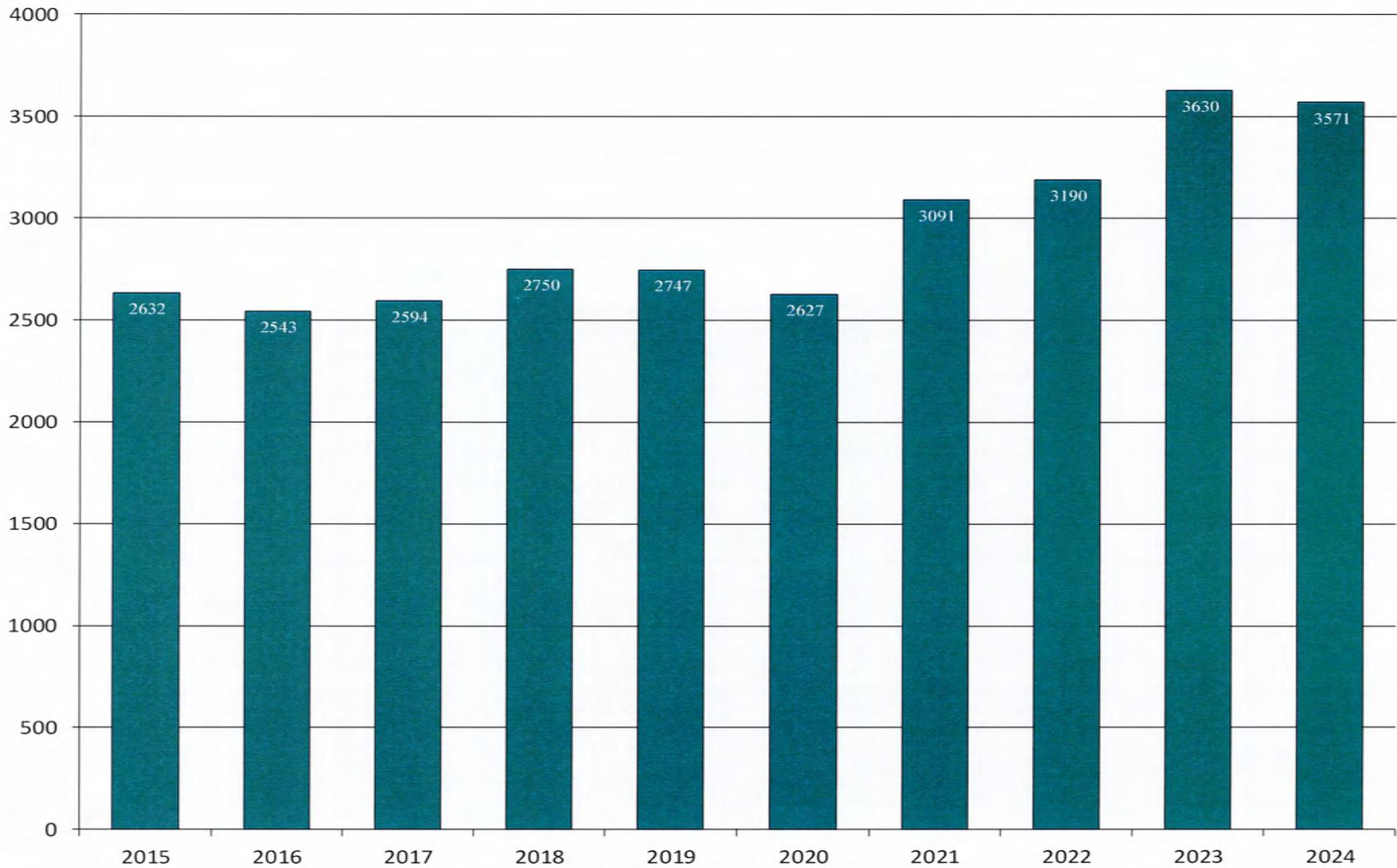
Battery LEO



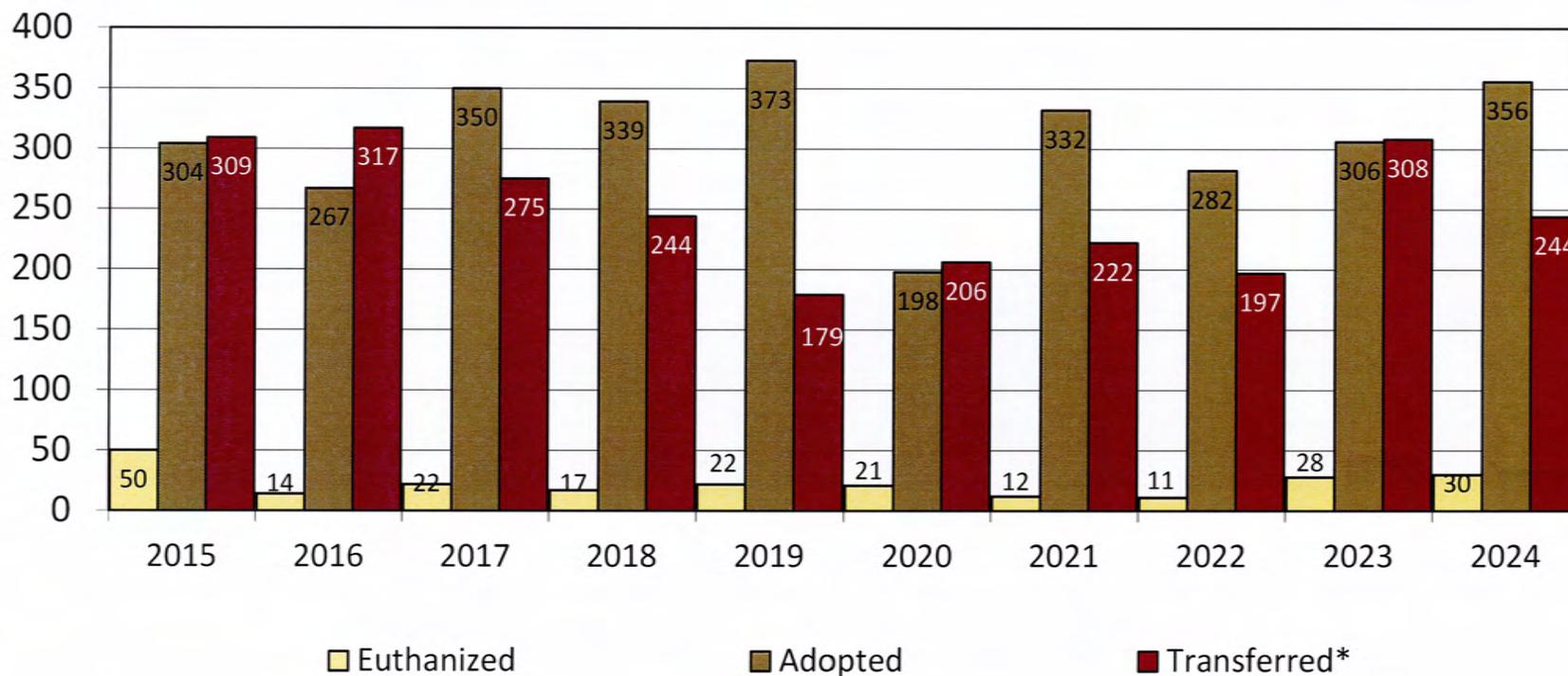
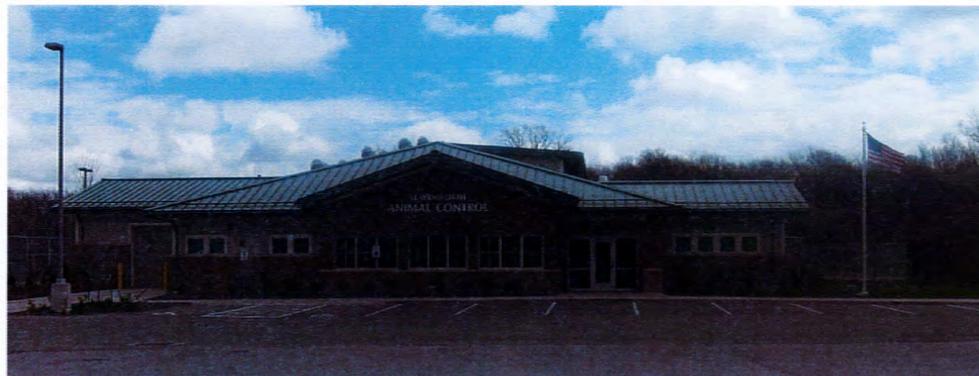
Bomb Unit



Fire Calls Processed by PD Communications

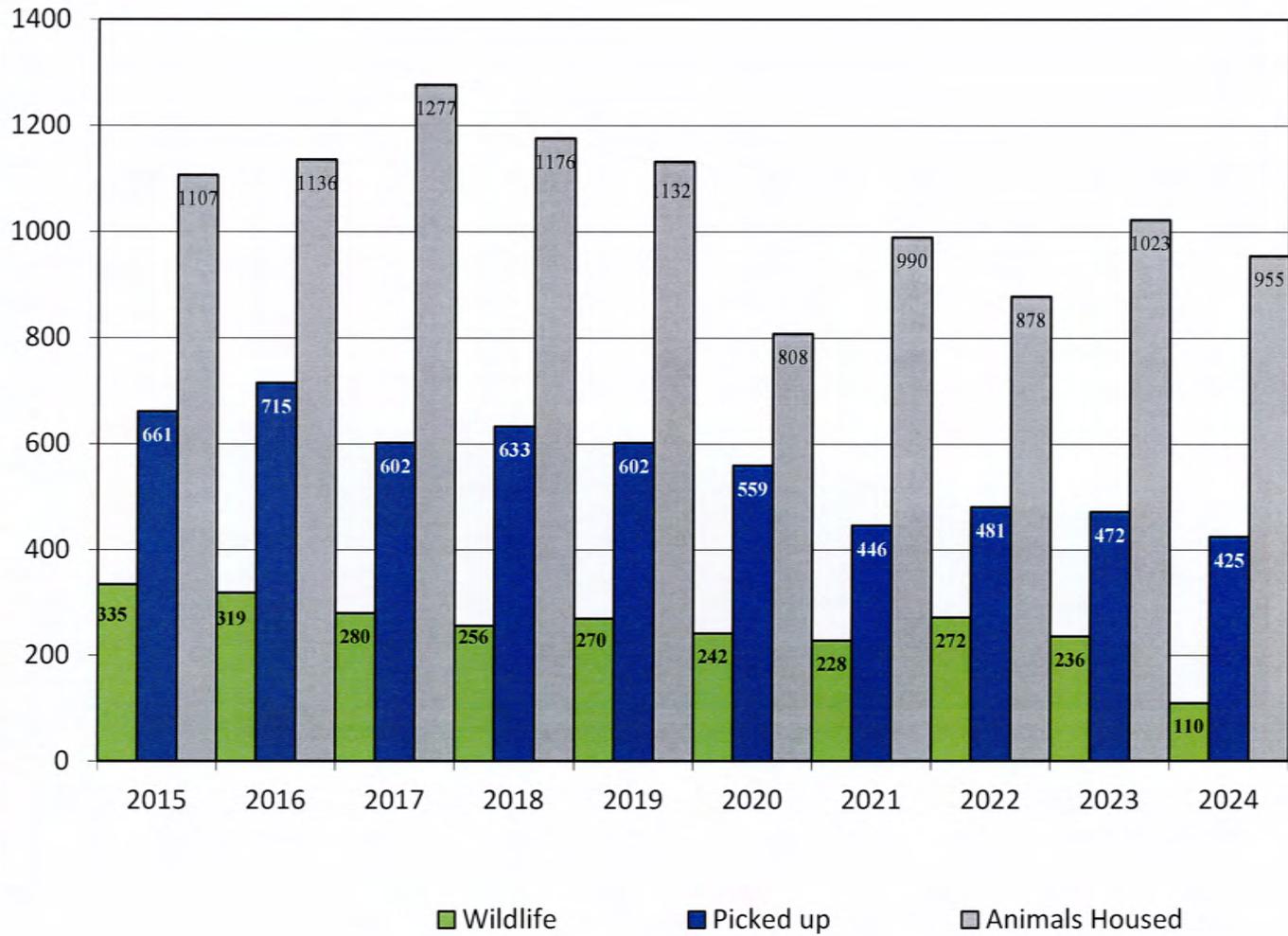


Animal Control

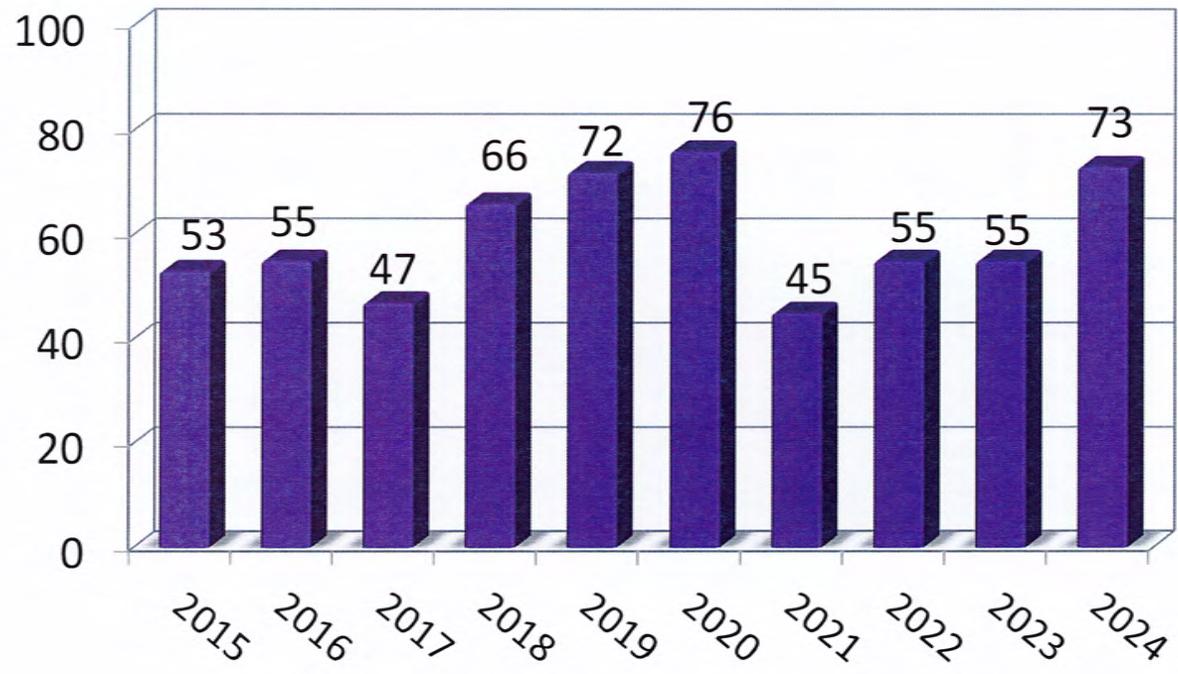


*In 2006 Animal Control began transferring animals to other organizations. These organizations include LAWS, various Humane Societies, and other State Licensed Agencies.

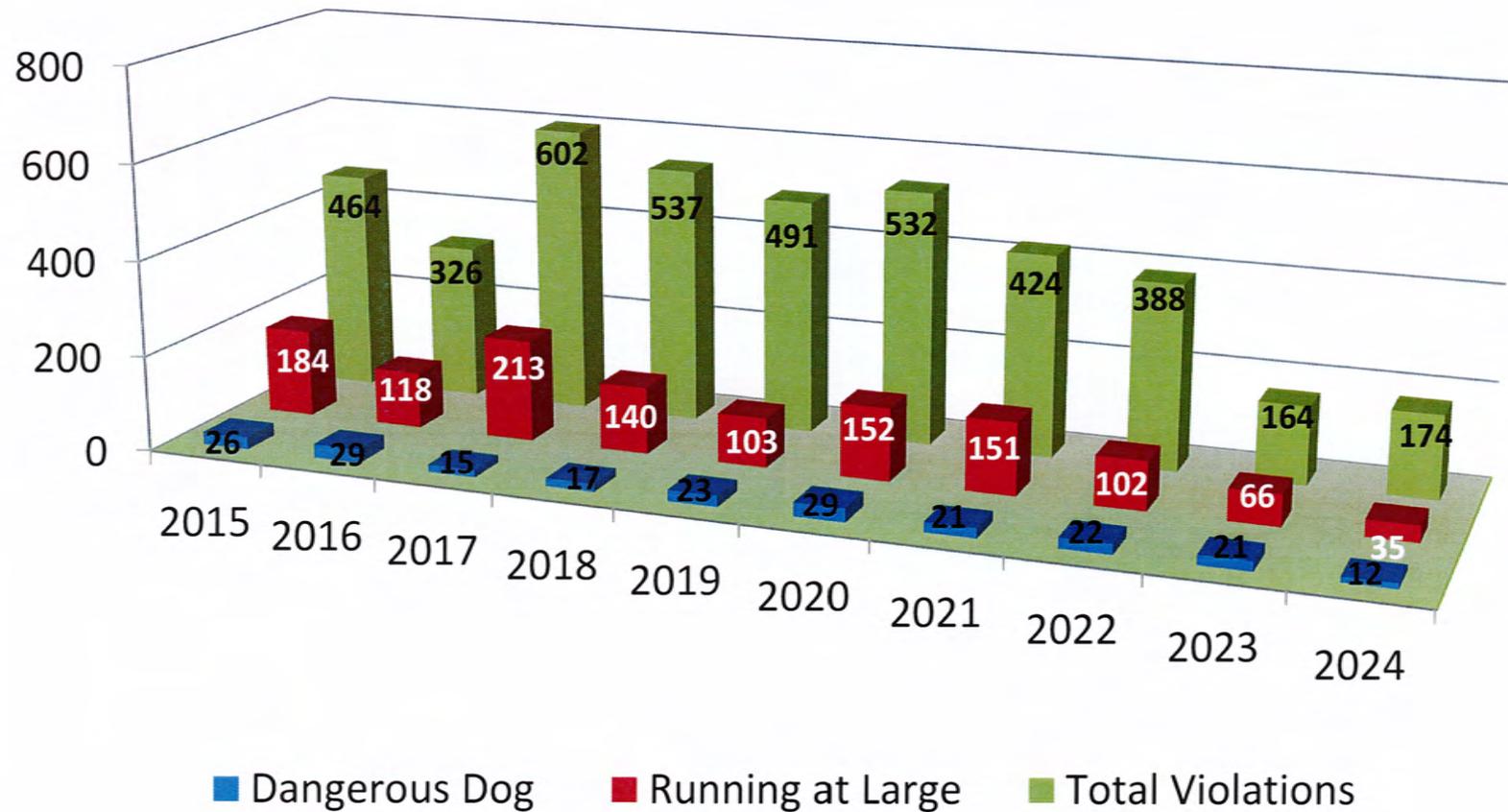
Animals Handled



Bite Cases



Animal Ordinance Enforcement



**EXECUTIVE SESSION
CONSULTATION WITH THE CITY ATTORNEY ON ZONING MATTERS
THAT WOULD BE DEEMED PRIVILEGED IN THE
ATTORNEY-CLIENT RELATIONSHIP**

MAY 27, 2025

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for _____ minutes for the purpose of *discussing zoning matters in consultation with an attorney which would be deemed privileged in the attorney-client relationship, pursuant to K.S.A. 75-4319 (b) 2.* The City Commission, City Manager, and City Attorney will be present. The open meeting will resume in the City Commission Chambers at _____ p.m.