



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold and Commissioner Mark Preisinger. The following commission members attended via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson.

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Planning and Community Development Director Julie Hurley, Finance Director Ruby Maline and City Clerk Carla K. Williamson.

**Other members participating via teleconference:** City Attorney David E. Waters.

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

**Proclamation:**

**Parks & Recreation Month** - Mayor Griswold read the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the June 23, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance 8130 Special Use Permit 1373 Sherman Avenue** – City Clerk Carla Williamson presented ordinance 8130 for second consideration. The ordinance was presented at the June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8131 Special Use Permit 625 Pawnee Street** – City Clerk Carla Williamson presented ordinance 8131 for second consideration. The ordinance was presented at the June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8132 Development Regulations Text Amendment Changes** – City Clerk Carla Williamson presented ordinance 8132 for second consideration. The ordinance was presented at the

June 23, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

## **NEW BUSINESS:**

### **Public Comment:**

Joseph Smith 513 Elizabeth Street

- Discuss the problem with cats in his neighborhood
- Provided example of ordinance from the City of Lansing
- Cannot use his deck because of the cats living under the deck and the smells
- Has been a problem since new neighbors moved in last fall and let their cats run
- Leavenworth does not have an ordinance to address problems with cats

There was a consensus by the Commission to bring this topic to a future study session.

### **Public Hearing:**

#### **Public Hearing for Unsafe and Dangerous Structures**

- **Open Public Hearing:**

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

- **Staff and Public Comments:**

**109 Allen**— Single family house. No change, no contact from owner.

Wendy Arsonal with Frontier Community Credit Union, 690 Eisenhower Rd

- The credit union has reviewed the property and they are in favor of demolition

Consensus by the Commission to proceed with demolition

**407 N. 20th** – Single-family house. Owner has been in contact with staff, no work completed to date.

Sally Cook property owner 407 N 20<sup>th</sup>

- Has been ill and has been taking care of her son who is also ill
- Has been trying to get help to clean up the property or to find a buyer
- Ms. Cook asked how much it would cost her to have the City demolish the property
- Commissioner Preisinger and Ms. Hurley estimated \$7500 but then there are also additional costs and administrative fees. Ms. Hurley stated that it is sometimes cheaper for the owner to find a company on their own.

Consensus by the Commission to grant a 60-day extension

**1033 Osage** – Detached garage. No change, no contact from owner.

Rebecca Smith 1033 Osage (wife of the owner)

- They are talking about fixing the garage
- Have tried to call code enforcement since April and there have been no answers
- Needs 60-90 days to complete the repairs

Consensus by the Commission to grant a 60-day extension

**1186 Randolph** – Detached shed. The Shed has been demolished by owner.

Removed from the demolition list.

**519 Marshall** – Single-family house. Property changed ownership. New owner has been in contact with staff regarding required repairs. Work is ongoing. Property is located in the Third Avenue Historic District, and proposed demolition required review by the Leavenworth Preservation Commission (LPC). The LPC reviewed the property at their June 3, 2020 meeting and voted unanimously that demolition would “damage or destroy” the historically significant structure, thereby making it ineligible for demolition.

Removed from the demolition list.

**1612 W. 7th** – Single family house. Owner has obtained a permit for demolition but it has not been demolished yet. Staff recommends giving 60-day extension for the owners to complete the demolition on their own.

Consensus by the Commission to grant a 60-day extension

**1914 W. 7th** – Single family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**420 Ottawa** – Single family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**708 Kiowa** – Single-family house. No change, no contact from owner.

Trisha Alton Lansing KS, local investor/realtor

- Property is under contract to purchase, rehab and flip

Consensus by the Commission to grant a 60-day extension

**306 N. 3rd** – Single-family house. No change. Owner indicated to staff on 6/25/20 that she was unaware the property had been identified for potential demolition.

Consensus by the Commission to proceed with demolition

**504 Miami** – Single-family house. Property changed ownership on 5/8/20. New owner has been in frequent contact with staff and has indicated their intent to restore the property. Active building permits for interior and exterior renovations.

Ramon Muhammad, Lawrence KS current owner

- Plans to rehab and sell

Consensus by the Commission to grant a 60-day extension

**513 Lawrence Ave** – Single-family house. Property changed ownership after initial notification and prior to 7/7/20. No contact from new owner. Active building permits for interior and exterior renovations. Owner not present but since there are active permits staff recommends 60-day extension.

Consensus by the Commission to grant a 60-day extension

**515 N. 5th** – Multi-dwelling unit. Owner has been in contact with staff regarding required repairs. Owner initially declined to sign a Remediation Agreement. They were informed that permits for work would not be issued unless they specifically addressed the items on the Remediation Agreement. Per subsequent discussions with the owner, a revised Remediation Agreement was sent on 7/7/20. As of the writing of the policy report, no permits have been obtained and no work has been completed. Commissioner Preisinger stated that the city has had dealings with this property owner for more than 10 years and has a history of being played by the owner. Based on the dangerous state of the structure commissioner in favor of demolishing.

Consensus by the Commission to proceed with demolition

**525 Pawnee** – Single family house and shed. Owner has been in contact with staff and has indicated that they have no objections to the structure being demolished.

Richard Jeffries owner

- Stated he has owned property since March 1994 and has been burglarized multiple times. In favor of the city demolishing the property.

Consensus by the Commission to proceed with demolition

**701 S. 2nd** – Single-family house. Owner has been in contact with staff and indicated that he intends to complete necessary repairs. Work has been ongoing.

Calvin Lockett Property owner

- Stated that repairs are ongoing.

Consensus by the Commission to grant a 60-day extension

**714 Kiowa** – Single-family house. No change, no contact from owner. Structure has sustained fire damage.

Consensus by the Commission to proceed with demolition

**718 Dakota** – Single-family house and detached garage. Staff has received inquiries from a party who has indicated that they are interested in purchasing property. No change in ownership and no work done.

Consensus by the Commission to proceed with demolition

**824 Osage** – Single-family house and detached garage. Owner has been in contact with staff, active building permit for roof.

Darlene and Herbert Derringer, 112 East Kay Lansing, owners

- Property has been in family for years it is run down but they are fixing it up
- Working on rafters before replacing the roof
- Will see a difference after 60 days

Consensus by the Commission to grant a 60-day extension

**836 Pottawatomie** – Single-family house. Owner has been in contact with staff and has active building permits for work including a roof and front porch. Significant progress has been made; staff recommends removal from demolition list.

Frances Hays 1719 Shawnee Street owner

- Stated that she has windows that are still to be installed along with the work already completed

Removed from the demolition list

**934 Ottawa** – Single-family house. No change, no contact from owner.

Moricj Merer Las Vegas NV family member of the owner was present and stated that he can have the house painted and needed 60-days

City Manager Kramer stated that the City has no proof that the people present have authority to speak on behalf of the property owner and we would need some legal documents stating as such.

Justina Budd addressed the commission and stated that she has authority but does not have a notarized document stating such. Owner lives in Las Vegas and she lives here in Leavenworth and is the property manager for the property.

City Attorney weighed in: A power of attorney is appropriate for proof that the people speaking on behalf of the owner are acting on the authority of the owner.

City Manager Kramer wanted to make sure everyone is aware that there is more needed than paint to bring the property into compliance.

There was a consensus by the commission that the property owner will have 2 weeks to get a power of attorney or other legal documents authorizing others to act on his behalf. If the documentation is not provided in 2 weeks, the property will be set for demolition. If the proper documents are provided the property will be on the same schedule of review as the properties given 60-day extensions.

**719 N. 9th** – Detached garage. Owner is deceased. The daughter of the owner has been in contact with staff. No change. Daughter is trying to get the property transfer to her name so she can demolish the structure. There is a hearing on July 24 to have the property transferred.

There was a consensus by the commission to give the daughter 2 weeks to get the property changed over to the daughter. If the documentation is not provided in 2 weeks, the property will be set for demolition. If the proper documents are provided the property will be on the same schedule of review as the properties given 60-day extensions.

- **Close Public Hearing:**

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

- **Consider Resolution B-2257 Demolish or Repair Structures**

Commissioner Preisinger moved to adopt Resolution B-2257 to demolish structures as discussed and agreed to by the commission and as annotated by the City Clerk. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

### **General Items:**

#### **Mayor's Appointments:**

Mayor Griswold moved to appoint to the City Planning Commission Shannon Wayne Williams to an unexpired term ending May 1, 2023; appoint to the Community Development Advisory Board Ellen Bogdan to an unexpired term ending August 31, 2022; and to appoint to the Convention and Tourism Committee Lisa Weakley to an unexpired term ending January 31, 2021. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

#### **First Consideration Ordinances:**

**First Consideration Ordinance Amending Sec. 44-87** - Police Chief Pat Kitchens presented for a consensus to place on first consideration an ordinance to amend Sec. 44-87 No Parking Anytime. On June 3, 2020 the City Manager's Office received a formal request from the Leavenworth Board of County Commissioners requesting a change to parking at the County Courthouse. Due to safety concerns, they are requesting no parking on 4<sup>th</sup> Street between Walnut Street and Custer Street. The matter was reviewed by the City of Leavenworth's Traffic Safety Committee and was approved.

There was a consensus to place on first consideration.

**First Consideration Ordinance to Rescind Special Use Permit – 1922 5<sup>th</sup> Avenue** – Planning and Community Development Director Julie Hurley presented for a consensus to place on first consideration

an ordinance to rescind the special use permit allowing a Child Care Center at 1922 5<sup>th</sup> Avenue. The Special Use Permit allowing a Child Care Center at 1922 5<sup>th</sup> Avenue was approved on April 10, 2018 by passage of Ordinance 8073. On June 15, 2020, the property sustained damaged from a structure fire. The property owner is requesting the special use permit be rescinded since she is no longer operating Savanna Smile Daycare at that location.

There was a consensus to place on first consideration.

**CONSENT AGENDA:**

Commissioner Leonhard moved to approve claims for June 20, 2020, through July 10, 2020, in the amount of \$1,821,823.59; Net amount for Payroll #14 effective July 3, 2020, in the amount of \$369,168.65 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Other:**

**Commissioner Bauder:**

- Discussed the Governor's order requiring facemasks
- The County opted out of the requirement and asked if the rest of the commission might consider a city requirement

There was a consensus by the Commission to place this on next week's study session to discuss further.

**Adjournment:**

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

Time Meeting Adjourned 8:56 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC