



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, Mayor Pro-Tem Nancy Bauder, and Commissioners Mark Preisinger and Camalla Leonhard; Not present: Commissioner Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Parks & Recreation Director Steve Grant and Deputy City Clerk Cary L. Collins.

Other members participating via teleconference: City Attorney David Waters, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, City Planner Jacqueline Porter, and City Attorney David E. Waters.

Mayor Griswold read the following statement from the agenda index:

The Leavenworth City Commission meeting will be open to the public with limited seating capacity. To reserve a seat, email cwilliamson@firstcity.org no later than 4:00 pm on July 28. Seats will be available on a first come first service basis. To mitigate the spread of COVID-19 face coverings and social distancing are REQUIRED to attend the meeting. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to continue to view the meeting via Facebook Live or Channel 2 and to submit public comments to be read during Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on July 28. For call in options related to commenting on agenda items, submit your inquiry to cwilliamson@firstcity.org

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

Proclamation:

National Farmers Market Week August 2-8 - Mayor Griswold read the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the July 14, 2020 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8133; Amending Sec. 44-87 No Parking Anytime – Chief Kitchens presented ordinance 8133 for second consideration. The ordinance was presented at the July 14, 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 4-0.

Second Consideration Ordinance 8134; Rescind Special Use Permit 1922 5th Avenue – City Manager Paul Kramer presented ordinance 8134 for second consideration. The ordinance was presented at the July 14, 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 4-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None received. No public comment from the attendees.

Public Hearing:

Public Hearing – Consideration of TIF Redevelopment District (Price Chopper Redevelopment)

- **Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Staff Comments:

City Manager Paul Kramer reviewed the following:

(a) That the notice of the public hearing was conducted on this date and made in accordance with the Act.

FACTS:

- On June 23, 2020 the City Commission adopted Resolution B-2256 setting the public hearing for July 28, 2020.
- On July 1, 2020 Notices and a copy of Resolution B-2256 were mailed via certified mail to owner and occupant of the land within the Redevelopment District, the Leavenworth Board of County Commissioners and the Board of Education USD 453.
- On July 16, 2020 Resolution B-2256 was published in the Leavenworth Times.

FACTS/FINDINGS: Copy of Blight Analysis prepared by Development Initiatives dated July 18, 2020

(b) Based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:

- (i) a substantial number of deteriorated or deteriorating structures;
- (ii) deterioration of site improvements;
- (iii) improper subdivision or obsolete platting or land uses;

- (iv) the existence of conditions which endanger life or property by fire or other causes; and
- (v) conditions which create economic obsolescence.

- (c) Based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;
- (d) The proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and
- (e) The conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

Developers Comments:

Mr. Kramer introduced Jim Potter, blight consultant for the developer. Mr. Potter attended via teleconference and provided a PowerPoint Presentation "Price Chopper TIF Blight Analysis July 2020" that included the following:

- Existing Conditions of the property
- Customer Viability
- TIF Blight Analysis
- Finding Study
- Blight Summary

Commissioner Bauder commented on the amount of toxic compounds found.

Mayor Griswold asked about mitigating the contaminated areas.

Paul Kramer stated that the areas that Mr. Potter referred to is city property. The property is adjacent to Price Chopper and is the site of the former City Garage. Mr. Potter mentioned that the party entered into a voluntary cleanup agreement. The city is that party and has entered into that agreement with KDHE (Kansas Department of Health and Environment) on some remediation and it will not affect this project at all.

Commissioner Leonhard confirmed with City Manager Kramer that the area is behind Price Chopper.

Pete Heaven attended via teleconference lead counsel with Super Market Developers, 6201 College Blvd Overland Park, KS. Their plan is to have project completed by the end of this year. Equipment is arriving in August 2020 and store will remain open during renovations.

Commissioner Preisinger asked Mr. Heaven to confirm that the project was estimated to be completed by the end of the year.

City Attorney David Waters stated that the action required on the policy report should read consensus to place on first consideration to create a redevelopment district as presented, not redevelopment project plan.

The Commissioners were all in favor of the project and no other questions were asked.

Citizen Comments: None

- **Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

- **First Consideration Ordinance**

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

General Items:

Consider 2020 Edward Byrne Memorial Justice Assistance Grant Application – Police Chief Patrick Kitchens presented for consideration the annual Edward Byrne Memorial Justice Assistance Grant application and funds available to the City of Leavenworth in the amount of \$24,384.00. The application requires the city to share the allocation of the funds with Leavenworth County. The funds will be split with the city receiving \$14,384.00 and the county receiving \$10,000.00. The Leavenworth Police Department and the Leavenworth County Sheriff’s Office both plan to use the funds to purchase law enforcement equipment. The application requires the Mayor to sign an additional document entitled “Certifications and Assurances by the Chief Executive of the Applicant Government” and the City Manager and City Attorney to sign an Inter-local Agreement with Leavenworth County.

Commissioner Bauder moved to authorize the Police Department to apply for the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,384.00 of which \$10,000.00 will be given to Leavenworth County Sheriff’s Office. This action requires the City Manager and City Attorney to sign an inter-local agreement with Leavenworth County. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolutions:

Resolution B-2258 Notice of Public Hearing Creation of Community Improvement District – Assistant City Manager Taylour Tedder presented for consideration and adoption Resolution B-2258. The resolution will set the public hearing as August 25, 2020 to consider the creation of a Community Improvement District (CID) for Luxury & Imports located at 5239 S 4th Street. A petition for the CID was submitted by Ted A. Rea, Rea Holdings, LLC and requesting the city levy a .45% CID sales tax imposed on the selling of tangible personal property at retain or rendering or furnishing services within the Improvement District.

Commissioner Leonhard moved to adopt Resolution B-2258 to set the public hearing for August 25, 2020 for the creation of a community improvement district. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Request from Leavenworth Soccer Association to Adjust 2020 Fees – Parks & Recreation Director Steve Grant presented for consideration a request from the Leavenworth Soccer Association (LSA) to adjust the fees owed for rental of the city owned property for the 2020 soccer season. Per the agreement, approved by the City Commission on July 11, 2017, the rental fee for the 2020 season is \$8,250.00. Due to the COVID-19 pandemic, LSA cancelled their spring season. As of this time, they plan to move forward with the fall season. As such, they are requesting a 50% reduction in the 2020 fee paid to the city or \$4,125.00. Staff recommends approval and asks the commission to approve city staff to make a similar adjustment to the fall season if needed due to the pandemic.

Mr. Riley Anderson, President of Leavenworth Soccer Association was in attendance and stated that they have not started the season yet or charged anyone. Association will make decision on August 20 whether or not to proceed based on number of reservations received.

Commissioner Preisinger invited the other two Leavenworth Soccer Association members in attendance; Margaret Howards, Adult Coordinator and Laura Stermer, Competitive Director to come to the podium and introduce themselves.

Commissioner Bauder moved to reduce the fees owed to the city by LSA in the amount of \$4,125.00. In addition, moved to approve city staff to make a similar adjustment later this year should cancellation of the fall season be required due to the pandemic. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider New Leavenworth Soccer Association Agreement – The current three-year agreement with the Leavenworth Soccer Association (LSA) expires on July 31, 2020. A new operating agreement is before the commission for approval and if approved would be effective August 1, 2020. The fees proposed in the new agreement are \$8,000.00 per year with \$4,000.00 paid at the end of each season.

Commissioner Bauder moved to approve the agreement with the Leavenworth Soccer Association as written and authorized the City Manager to sign the agreement. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider a Memorandum of Understanding (MOU) with the City of Lansing for K-7/Eisenhower Road Improvements Cost Share – City Manager Paul Kramer presented for consideration an MOU between the City of Leavenworth and the City of Lansing for the Eisenhower and K-7 Highway intersection. The two cities have been awarded a \$1,680,000.00 grant from Kansas Department of Transportation (KDOT) for safety and traffic flow improvements to the intersection. The MOU has already been presented and approved by the Lansing City Council.

Commissioner Bauder moved to approve the MOU between the City of Leavenworth and City of Lansing for the K-7/Eisenhower intersection improvements. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for 2020 Stormwater Project 2019-921 – Public Works Director Mike McDonald presented for consideration the bids for the 2020 Stormwater Project 2019-921. Staff recommends awarding the

contract to the low bidder, Pruett Construction in the amount not to exceed \$146,033.20. Bids were opened on July 15, 2020 and were as follows:

<u>Company</u>	<u>City</u>	<u>Total Bid</u>
Pruett Construction	Lancaster KS	\$146,033.20
Blue Nile Construction	Birmingham MO	\$161,129.80
Linaweaver Construction	Lansing KS	\$182,005.00
Westland Construction	Basehor KS	\$192,364.25
Engineer's Estimate:		\$176,655.00

Commissioner Bauder moved to accept the low bid received from Pruett Construction in the amount of \$146,033.20 for the 2020 Stormwater Project. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for 2020 Pavement Management Program - Public Works Director Mike McDonald presented for consideration the bids for the 2020 Pavement Management Program. Staff recommends that the City Commission approve the Base Bid and Alternate # 5 by Little Joe’s Asphalt, Inc. for the 2020 Pavement Management Program, in the amount of \$1,804,693.90. Bids were opened on July 24, 2020. Three bids were received; two submitted all the required documents and were read. The bids and were as follows:

<u>Company</u>	<u>City</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Alt 5</u>
Little Joe's Asphalt	Bonner Springs KS	\$1,674,039.45	\$36,425.85	\$183,062.45	\$343,468.55	\$42,701.30	\$130,654.45
Fahey Construction	Grandview MO	\$1,725,596.30	\$38,465.85	\$186,044.75	\$355,503.30	\$39,791.20	\$122,432.50
Superior Bowen	Kansas City MO				Not Read		
Engineer's Base Estimate		\$2,051,176.00					

Commissioner Preisinger moved to approve the Base Bid and Alternate # 5 by Little Joe’s Asphalt, Inc. for the 2020 Pavement Management Program, in the amount of \$1,804,693.90. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit 1019 Ottawa Street; Two-Family Dwelling in R1-6 District - City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 1019 Ottawa Street for a two-family dwelling in an R1-6 zoning district. The City Planning Commission considered the request at their July 13, 2020 and voted to recommend approval.

David Anaya, 312 W. Gilman Rd., Lansing, KS was in attendance and addressed the commission in regards to his building plans for the two-family dwelling at 1019 Ottawa St. He stated that there will be off street parking available in the back.

Commissioner Bauder stated that she has concerns, since this is a single-family neighborhood. She asked if neighbors were notified and do they have input. City Manager Kramer stated that by State statute notifications were mailed out to property owners within a 200' radius of the property and staff received no comments as a result of that mailing. Commissioner Bauder stated that she has a problem with it and will vote no, just her own issue.

Mayor Griswold asked Mr. Anaya if he had built homes before. Mr. Anaya stated that he has built several homes in Lansing.

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

First Consideration Ordinance Special Use Permit 1906 Cleveland Terrace; Two-Family Dwelling in R1-6 District - City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 1906 Cleveland Terrace for a two-family dwelling in an R1-6 zoning district. The City Planning Commission considered the request at their July 13, 2020 meeting and voted to recommend approval.

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

First Consideration Ordinance Special Use Permit 4320 Hughes Road; Communication Tower- City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 4320 Hughes Road to allow a 196 foot tall monopole type communication tower and related ground equipment in a R1-9 zoning district. The City Planning Commission considered the request at their July 13, 2020 meeting, there was one objection; however, they voted to recommend approval.

Glen Klocke on behalf of Network Real Estate commissioned by AT & T Wireless Communications, was in attendance and addressed the commission. He stated that this location is a much needed improvement as it affects service to the area surrounding the Veteran's Administration and Saint John's Hospital.

Commissioner Leonhard asked how long the installation will take. Mr. Klocke stated it would take approximately 6 to 8 weeks.

Mayor Griswold asked Ms. Porter, City Planner if she remembered what the City Planning Commission member's objection was. Ms. Porter stated that the board member did not comment why she objected.

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

First Consideration Ordinance Coronavirus Relief Fund – City Manager Paul Kramer presented for first consideration an ordinance to allow the City to accept the allocated share of Coronavirus Relief Funds from Leavenworth County.

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

First Consideration Ordinance Special Assessment of Unpaid 2018 Stormwater Fees – Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid 2018 manual stormwater service fees. The City provided a list of properties and fees to the Leavenworth County Clerk for collection of stormwater fees to the county ad valorem property tax statements in 2018. After the fees were submitted and after the deadline to make any corrections, it was determined that 201 properties were inadvertently omitted from the list. The city did a direct billing to those property owners that were omitted. The City has continued to accept payments however; some are still unpaid. Staff recommends levying the unpaid balance on the properties as special assessments.

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

First Consideration Ordinance Special Assessments Demolition Fees - Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid demolition costs.

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

First Consideration Ordinance Special Assessments Nuisance Fees - Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid nuisance abatement costs. The list represents consolidated fees from July 2019 through July 13, 2020.

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

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for July 11, 2020, through July 24, 2020, in the amount of \$498,738.87; Net amount for Payroll #15 effective July 17, 2020, in the amount of \$353,994.98 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Other:

Commissioner Preisinger:

- First Judicial Branch Judge Gibbons retired. Spent majority of day with First Judicial District Nominating Commission reviewing applicants; six applied, and three applications will be hand delivered to the Governor on Wed., July 29: Ms. Joan Loyden, County Attorney’s Office; Kita Kelly, Private Practice; and Mike Jones Private Practice.
- What we accomplished tonight was a lot and is what we were elected to do, to make our city a better place to live, work, invest, and raise a family in. A couple of things we did:
 - started the process to keep a major grocery store in the community and to improve it
 - started process to help major tax producing entity, Luxury & Imports improve their property so they can become a bigger tax producer for this town
 - Adjustments to youth soccer program, biggest youth participatory sport in town
 - Approving Pavement Management and Stormwater Projects
 - MOU with City of Lansing to include improvements to intersection at 4th and Eisenhower, a huge intersection that needs a lot of work
 - Approving participation in Grant process for PD & Sheriff’s Office

- This is what your government is charged to do and we did it well tonight.
- In favor of bringing Mask Ordinance to a vote.
- Encourages everyone to wear a mask, it's the patriotic and Christian thing to do.

Commissioner Bauder

- Rises of COVID-19 cases in our County.
- Disappointed that when County Health Officer strongly supports a mask ordinance and county commissioners does not support it despite increase in numbers.
- Currently 440 cases in county and 202 in the city.
- Other cities have adopted mask ordinances.
- City of Leavenworth has a draft ordinance and thinks commission should be vote on it.
- Asking for consensus to move forward with ordinance.
- Governor's orders meant for Western, less populated counties to be exempt and not Leavenworth County that has significant COVID-19 numbers.

Mayor Griswold

- Appreciates what Commissioner Bauder has presented.
- Commission decided at last meeting to place draft ordinance on the shelf.
- Last week Commission supported status quo and to leave it to Leavenworth County Commissioners.
- Not sure that it is that much worse a week later than it was when commission decided to keep it on the shelf.
- Not supportive of bringing the draft ordinance in front of the commission for a vote at this time.
- County will meet again tomorrow.
- We do not have a consensus tonight to move forward, but perhaps could re-evaluate at each meeting.

Commissioner Leonhard

- Discussed mask ordinance at last meeting and agreed to shelf it unanimously at that time.
- Want more time to evaluate new data.
- There is more than one component to the mask; there is social distancing, hand washing and hand sanitizing is vital as well.

Adjournment:

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

Time Meeting Adjourned 8:52 p.m.

Minutes taken by Deputy City Clerk Cary L. Collins, CMC