



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 members were present virtually via teleconference: Mayor Pro-Tem Nancy Bauder and Commissioners Camalla Leonhard and Jermaine Wilson

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Community Development Director Julie Hurley, Parks & Recreation Director Steve Grant, Parks Superintendent Brian Bailey, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Other members participating via teleconference: Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper and Finance Director Ruby Maline.

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 October 27. Seats will be available on a first come first serve 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 the 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 October 27.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Preisinger moved to approve the minutes from the October 13, 2020 regular meeting as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8147 Special Use Permit 220 Spruce; Child Care Center – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting.

Mayor Griswold called the roll on ordinance 8147 and the ordinance passed unanimously 5-0.

Second Consideration Ordinance 8148 Rezoning 619 S 4th Street from Office Business District to General Business District – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting.

Mayor Griswold called the roll on ordinance 8148 and the ordinance passed unanimously 5-0.

Second Consideration Ordinance 8149 to Vacate 6th Street from Metropolitan Avenue to Cheyenne Street – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting. The ordinance is subject to acceptance of the proposed utility easements that will be presented to the commission as the next agenda item.

Mayor Griswold called the roll on ordinance 8149 and the ordinance passed unanimously 5-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time. No emails were received and no one was present in person for comment.*

General Item:

Consider Utility Easement Agreement – Fort Gate Marketplace - City Manager Paul Kramer presented for approval the general utility easement agreement in connection with the 6th Street vacation from Metropolitan Avenue to Cheyenne Street. All utility companies were notified of the vacation and after negotiations between the property owner and the utility companies the attached agreement was agreed to by all parties, and will become an attachment to Ordinance 8149.

Commissioner Preisinger moved to approve the general utility easement agreement with Fort Gate Properties LLC as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Acceptance of Dedicated Land for Public Use-Fort Gate Marketplace First Plat – Community Development Director Julie Hurley presented for acceptance the dedication of necessary utility easements as well as the street right-of-ways associated with the plat.

Commissioner Preisinger moved to accept the dedication of land for public purposes as part of the final plat for Fort Gate Marketplace. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Request to Name City Owned Property (Soccer Complex) – Parks and Recreation Director Steve Grant along with Ms. Shelly Cannon of the Parks and Community Activities Advisory Board presented a request to name the soccer complex located at New Lawrence Road and 14th Street after the late Frank Mazeitis. Mr. Mazeitis was a member of the Parks and Community Activities Advisory Board for over 10 years but more notably, he contributed to the soccer community in Leavenworth for over 40 years as a coach. The policy for naming or renaming of city-owned property is set out in Resolution B-1562 established in 1998. The request was submitted to the Parks and Community Activities Advisory Board and they unanimously

voted to name the city-owned soccer complex the Frank Mazeitis Soccer Complex. The request is now presented to the City Commission for approval.

Commissioner Preisinger moved to approve the naming of the soccer game complex Frank Mazeitis Soccer Complex. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review Unsafe and Dangerous Structures Given 30-Day Extensions on September 22 - Community Development Director Julie Hurley reviewed the 6 properties that were given 30 day extensions by the Commission at the September 22, 2020 meeting.

1033 Osage-Detached garage – Dumpster on the property at this time but no change.

No one was present to comment on the property

- Commissioner Preisinger from Sept 22 were told property was sold and we have heard nothing so far, would suggest to move forward with demolition.

Consensus by the Commission to Proceed with Demolition

1914 W. 7th-Single family house – Building permit issued on 10/8/2020 for installation of new siding, roof, foundation repair, and interior renovations. Work ongoing.

No one was present regarding the property

- Commissioner Preisinger stated that there were promises that rehab would begin the week of Sept 22 and nothing other than tearing off siding has been done. Feels that the Commission should proceed with demolition. Mayor Griswold agreed with Commissioner Preisinger and stated that the owner did not even show up to the meeting this evening to discuss. Commission Leonhard agreed to proceed with demolition.
- Commissioners Bauder and Wilson are in favor of giving an extension. Commissioner Wilson stated he had spoken to Trisha Alton. Commissioner Leonhard stated that she was in favor to give an extension if Commissioner Wilson has been in contact with Ms. Alton.
- Julie stated that Ms. Alton pulled a permit on October 8, 2020 but no definite proof that she is the owner at this time.

Consensus by the Commission to review again at the December 8, 2020 meeting.

504 Miami-Single family house – Building permit issued on 5/11/2020 for exterior and interior renovations. Minimal visible change.

Owner Ramon Muhammad (1208 W 21 Street Lawrence KS) was present

- Will hire a roofing company and still planning on using Christian Brothers to do the work
- Would need 60 days to complete
- Will be working on the back of the house
- Started tearing down porch 2 days ago and new porch will be done this weekend
- Stated he has been busy with other jobs in Lawrence and trying to keep everyone happy
- Has heaters and will be able to work in the cold weather

- Commissioner Preisinger stated that the commission was told at the last meeting that roof would begin. This has been going too long and neighbors said has been going on for 11 years without repairs. He is in favor or proceeding with demolition.
- Commissioner Bauder asked how long it will take to get the rest of the items done. Mr. Muhammad said that the porch will be built this weekend and then will start on roof and needs 60 days to complete. Commissioners Wilson and Leonhard are also in favor of a 60-day extension.
- After discussion among the Commissioners, it was agreed to review again at the December 8th meeting.

Consensus by the Commission to review again at the December 8, 2020 meeting.

513 Lawrence Ave-Single family house – Building permit issued on 6/23/2020 for interior and exterior renovations. Work ongoing. Substantial progress and staff recommends removal from the demolition list.

Consensus by the Commission to remove from the demolition list.

701 S 2nd –Single-family house – No active building permits, work ongoing
Calvin Locket, Owner 800 S. Esplanade

- About a week left on some concrete work
- Some siding left to install
- Still has a door to install
- Had some health issues that slowed him down
- Need about 1 week to complete

Consensus by the Commission to remove from demolition list.

City Attorney Waters stated that even though properties are off the demolition list they are still subject to Municipal Code and code enforcement issues.

824 Osage-Single family house and detached garage – Building permit issued on 5/22/2020 for roof. Work ongoing. Removed part of the roof and added some stairs.

Darlene Derringer (112 East Kay, Lansing) Owner was present

- Husband is not well
- Doing the best with the money they have
- Has renewed the roof permit
- The goal is to move back into the home
- Had to fix soffits before they can do the roof
- Inspector came and said the roof was sound but does not know who it was that came out (claims they were city inspectors)
- Cannot say when it will be complete
- Have been working on it every day except when it snowed
- Does not know how long it has been vacant maybe a couple years at least
- Went to Home Depot and got an estimate on the roof materials but cannot remember how much the amount of the estimate

Manda Woodward (112 East Kay Lansing) Daughter of Owner Darlene Derringer was also present

- Extension needed and priority is the roof
- Is on a fixed income and doing step to get the roof done
- With the cost of the roof it will be nearly impossible to have it done by December

- Commissioner Preisinger asked about volunteer who came to look at the roof and reminded Ms. Derringer that the work on the roof must be done by a licensed roofer. Asked about estimates on how much it would cost to complete the repairs and would like to see a cost estimate on how much it would cost to do the needed repairs.

- Commissioner Wilson, Bauder and Leonhard agreed that the focus should be on the roof and agreeable to extend to the December 8 meeting.

- There was a discussion about what would be needed to occupy the home. A certificate of occupancy would be needed. The home would need electrical service and an inspection.

- City Manager Kramer discussed the inspection that was performed by the City of the electrical panel on August 21, 2020 and stated that the inspection concluded:
 - Breaker box needed to be replaced - rusted out beyond being able to be used
 - Is out of code since it has been disconnected for over a year and would need to be brought up to code (substantial electric works is needed)

- City Manager Kramer stated there are clearly numerous code enforcement issues that have not been cited because it is on the demolition list so those things are not being addressed.

- City Attorney Waters stated that if the Commission makes other request you are modifying the remediation plan; which can be done if the Commission wants staff do that. Concern is that if you are letting the owner leave with the expectation that no work is expected to be done, but just to get expense estimates.

- After discussion among the commissioners, it was agreed that the expectation at the December 8, 2020 meeting is that the roof will be complete and then the commission would consider an additional extension.

Consensus by the Commission to review again at the December 8, 2020 meeting with expectation to see a new roof and consider giving an extension on other repairs needed to meet code.

Commissioner Preisinger moved to take action on the following properties: 1033 Osage garage, proceed with demolition; 1914 W 7th, review at the December 8, 2020 meeting; 504 Miami, review at the December 8, 2020 meeting; 513 Lawrence Ave, remove from the demolition list; 701 S 2nd remove from the demolition list; 824 Osage, maintain on the demo list with a review on December 8 with expectation that if a roof is completed by December 8 we will consider giving an extension on other things. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Individuals in the audience asked to address the Commission regarding 937 Ottawa Street. It was determined that his property was ordered demolished at the September 22, 2020 meeting by the Commission and the item is not on the agenda. City Attorney Waters explained that the Citizen Participation portion of the meeting would have been to time to address the commission and that time had passed. Mr. Waters went on to explain that the Mayor could allow them to speak at this time but it is not an agenda item and the Commission could not take any action without it being placed on the agenda. He advised that without staff work to provide information to the Commission it would be best to allow a brief statement by the individuals or to not allow comment. The Mayor granted 1-2 minute to make awareness of the issue but there would be no action taken.

Michael McKinley (Las Vegas)

- Business partner with the owner Billy Carlyle (actually business partner with his cousin)
- Contractor in Las Vegas
- Got papers about tearing down the house and assessed the house
- Needs \$8,000 of roofing and has the money to do so
- Can pay for electric and gas reconnection

Merer Moricj (Las Vegas) owners brother – here to work on the property for the owner

- Could not turn on power because property not in his name
- Has paint and paint sprayer
- Was supposed to stay in that house and relocated from Las Vegas
- Does not know why power of attorney was not put in his name
- Will give a daily or weekly report on progress

Justina Budd

- Claims no notification of the action
(It was clarified that the notification was made at the July 14th meeting that the property would be reviewed at the September 22 meeting and that is the proper notification).

Mr. McKinley and Ms. Budd left the meeting

There was discussion among the Commissioner about if this item could or should be brought back for review. Commissioner Preisinger stated that the property was looked at and a decision made and at no time has the owner addressed the Commission. Commissioners Preisinger, Leonhard, Bauder and Mayor Griswold all agreed that they stand by the decision they already made on September 22nd. Commissioner Wilson was willing to look at the property at a future meeting. There was no consensus to re-address the property.

Mr. Moricj continued to remain at the podium and address the Commission. He was escorted out of the commission chambers by Officer Cook from the Leavenworth Police Department.

8:45 - Mayor Griswold called for a 5-minute break.

8:50 – Commission meeting resumed

Public Hearings:

Public Hearing Consideration to Adopt a Redevelopment Project Plan (Price Chopper TIF)

- **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 5-0.
- **Staff and Public Comments:**

Staff Comment: City Manager Paul Kramer reviewed the Redevelopment Project Plan for a Redevelopment Project within an established Redevelopment District, which includes a feasibility study, description and map of the redevelopment project and the estimated costs. Resolution B-2262 was adopted giving notice and setting the time for the public hearing as required by statute. Notices were mailed and published as required and the City Planning Commission met on September 14, 2020 and adopted Resolution 2020-1 finding that the redevelopment plan was consistent with the City's Comprehensive Plan. Mr. Kramer reviewed the Feasibility Study and stated that all payouts are governed by the development agreement.

Public Comment: Pete Heaven with Spencer Fane Law Firm was present in the commission chambers to represent the developer and Joel Riggs with Super Market Developers Inc attended virtually via GoToMeeting.

Pete Heaven Spencer Fane Law Firm

- When done with will be a flag-ship store and the most modern
- The store will remain open during renovation

Joel Riggs

- Complete interior renovation
- Exterior and parking lot
- Full renovation within the 4 walls with a new look
- New shelving, floors, all lighting interior and exterior
- Work is expected to begin at the latest the end of December

- **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 5-0.
- **First Consideration Ordinance:** There was a consensus to place the ordinance on first consideration.

Public Hearing to Consider Creation of a Community Improvement District (Price Chopper)

- **Open Public Hearing:** Commissioner Preisinger moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.
- **Staff and Public Comments:**

Staff Comment: City Manager Paul Kramer reviewed the request for a Community Improvement District (CID) submitted by Super Market Developers LLC (Price Chopper). The estimated cost of the project is \$12,340,296.00 plus interest accrued and borrowed money. The CID will be at .40% for

not more than 22 years. The maximum length of the CID will be spelled out in the development agreement.

- **Public Comment:** Pete Heaven with Spencer Fane Law Firm was present in the commission chambers to represent the developer and Joel Riggs with Super Market Developers Inc attended virtually via GoToMeeting. No Comments.
- **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 5-0.
- **First Consideration Ordinance:** There was a consensus to place the ordinance on first consideration.

City Manager Preisinger suggested that the Commission hear items 14 and 15 next since these also relate to the Price Chopper project.

Commissioner Preisinger moved to move items 14 and 15 on the agenda to the next item in front of item 11. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Amendment to 1994 City & Price Chopper Lease Agreement – City Manager Paul Kramer reviewed the amendment to the 1994 lease agreement between the City and Price Chopper (referred to as Four B Corp on the lease agreement). To reflect the change in control of the development by Super Market Developers LLC, Four B Corp and Super Market Developers are requesting the lease be assigned to Super Market Developers LLC. The 1994 agreement provides that assignment of the lease to a new party must be granted by the City. Mr. Waters stated that this does not change the terms of the lease in any way. Pete Heaven was present in the commission chambers to represent the developer and Joel Riggs attended virtually via GoToMeeting.

Commissioner Preisinger moved to provide consent for the assignment of the 1994 property lease from Four B Corp to Super Market Developers LLC. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0. (The Mayor stated for the record Commission Wilson gave a “thumbs up” as his audio was not working)

Consider Super Market Developers Development Agreement (Price Chopper) - City Manager Paul Kramer reviewed the Development Agreement which outlines the terms and conditions of the complete renovation of the Price Chopper located at 2107 S 4th Street. The developers have requested an economic development incentive package from the city include Industrial Revenue Bonds (IRBs), a Community Improvement District (CID), and Tax Incremental Financing District (TIF) for the project costing \$12 million. The agreement includes a funding cap on the CID of \$1,559,000 or 22 years whichever occurs first and a cap on the TIF of \$2,559,000 or 20 years whichever occurs first. Both are based on Super Market Developers/Associated Wholesale Grocers (AWG) project cost projections submitted prior to negotiation of the development agreement. All incentives are pay-as-you go. All collected funds will be remitted quarterly and require paid invoices for “Eligible Project Costs”. Mr. Kramer discussed the benchmarks as

they are stated in the agreement. Pete Heaven was present in the commission chambers to represent the developer and Joel Riggs attended virtually via GoToMeeting.

Commissioner Preisinger moved to approve the development agreement between the City and Super Market Developers as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0. (The Mayor stated for the record Commission Wilson gave a “thumbs up” as his audio was not working.)

Resolutions:

Resolution B-2267-Adopt the 2020 Stormwater Management Program – Public Works Director Mike McDonald presented the 2020 Stormwater Management Program for adoption through Resolution B-2267.

Commissioner Preisinger moved to approve Resolution B-2267 adopting the 2020 Stormwater Management Program. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2268-Adopt the Manual of Infrastructure Standards – City Manager Paul Kramer presented the City of Leavenworth Manual of Infrastructure Standards for adoption through Resolution B-2268. The manual was reviewed by the Commission at the October 20, 2020 Study Session.

Commissioner Preisinger moved to adopt Resolution B-2268 the City of Leavenworth Manual of Infrastructure Standards. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2269-Adopt the Revised Investment Policy – City Manager Paul Kramer presented the Revised Investment Policy for adoption through Resolution B-2269. The revised policy was reviewed by the Commission at the October 20, 2020 Study Session.

Commissioner Preisinger moved to adopt Resolution B-2269 the Revised Investment Policy. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Purchase of Remote Control Mower for Parks & Recreation - Parks Superintendent Brian Bailey presented for consideration the purchase of a TK-60XP Track 60” Rotary Mower (remote control mower) through the HGACBuy Cooperative Purchase Program in the amount of \$58,989.00. Key Equipment & Supply in Kansas City KS is the local dealer. The purchase will allow staff to mow areas that are extremely dangerous or extremely hard to mow due to natural conditions. These areas are on steep hillsides where the potential for mowers to slide or roll over is likely or the areas are too wet year round for equipment to access. Funding will come from the CIP Sales Tax and the Sewer Fund.

Commissioner Preisinger moved to approve the purchase of the TK-60XP mower in the amount of \$58,989.00 from HGACBuy Contract No GR20AAF1 Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit-611 Miami Two Family Dwelling in a R1-6 Single Family Residential Zone - Community Development Director Julie Hurley reviewed the request submitted by Joseph McKee. Mr. McKee is renovating the inside of the single family dwelling to create a two-family dwelling. The Planning Commission reviewed the request at their October 5, 2020 meeting and voted unanimously to recommend approval of the special use permit.

Commissioner Bauder asked if there are other multi-family properties in this neighborhood. Ms. Hurley stated she did not think there were any on this block but maybe others in the area.

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

First Consideration Ordinance Industrial Revenue Bonds (Price Chopper) – City Manager Paul Kramer presented for first consideration an ordinance authorizing the issuance of taxable industrial revenue bonds series 2000 for the Super Market Developers Inc. project. The issuance of the bonds shall not exceed \$12,000,000 to provide funds for the project.

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

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for October 10, 2020 through October 23, 2020 in the amount of \$542,991.35; Net amount for Payroll #22 effective October 23, 2020 in the amount of \$350,090.87 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

City Manager Kramer

- No study session next week on November 3rd

Commissioner Leonhard

- Asked about the street maintenance for the year and if it is still on target
 - Mike McDonald said it is still on target with the snow over the weekend; Thornton street paving should be done by the end of next week
- Prayer to the Jackson family
- Commented on the City Trunk or Treat event on Saturday

Commissioner Wilson (and his daughter)

- Go and vote!

Commissioner Preisinger

- Congratulations to Commissioner Bauder for the award on the downtown artwork
- Asked if there will there be a grand opening of Thornton Street

Mayor Griswold

- Commented on the Trunk or Treat event well done
- Condolences to the Jackson family for the tragedy
- Congrats to Commissioner Bauder on the art project
- Received \$85,000 grant for rent assistance to the citizens

Adjournment:

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

Time Meeting Adjourned 9:55 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC