



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, November 24, 2020 7:00 p.m.**

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**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 Camalla Leonhard, Mark Preisinger. The following member was present virtually via teleconference: Commissioner Jermaine Wilson.

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Human Resources Director Lona Lanter, City Attorney David E. Waters and City Clerk Carla K. Williamson. **Members participating via teleconference:** Finance Director Ruby Maline.

Mayor Griswold read the following statement from the agenda index:

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 view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is REQUIRED to attend the meeting. To attend the meeting in person, email [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 4:00 pm on November 24 to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit public comments to be read during the Public Comments portion of the meeting, or submit questions on an agenda items to be read during discussion on that topic, email your comments or questions to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on November 24.

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

#### **Presentations and Awards:**

##### **Mayor's Award:**

Mayor Griswold Presented the Mayor's Award to Norm Dawson for dedicated service and exceptional contributions to Leavenworth City and the surrounding community since his arrival in 1962. Mr. Dawson was active in countless community groups and causes, including the Leavenworth-Lansing Chamber of Commerce, Leavenworth Board of Education, United Way, and the Water Board, to name a few. One of Norm's most notable contributions was as a founding member of the Community Center Committee. This group was the driving force in transforming a dilapidated train depot into the Riverfront Community Center.

##### **Employee Service Awards:**

###### **10 Year Awards**

- Leslie Cline, Animal Control Supervisor
- Arlanda Hughes, Court Clerk
- Isaiah Maher, Fire Captain

- Darren Trinkle, Firefighter

### **25 Year Awards**

- Rebecca Beaver, Street Foreman
- Sherman Harvey, Fire Captain
- Ralph Sorrell, Police Sergeant III

### **Other Milestone Achievements:**

#### **15 Years of Service**

- Delta Anderson, Telecommunications Specialist
- James Beardsley, Streets Equipment Operator I
- Andrew Brinker, Police Sergeant I
- Larry Huninghake, Fire Captain
- Steve King, Solid Waste Foreman
- Clinton Marsh, Firefighter
- Michael Minard, Fire Captain
- Matthew Nickel, Police Sergeant
- Christopher Simpson, Fire Driver/Operator
- Roy Simpson, Streets Equipment Operator I
- Andrew Yunghans, Fire Driver/Operator

#### **20 Years of Service**

- Shawn Kell, Safety Officer/Health Inspector
- William McKeel, Fire Battalion Chief
- Justin Stewart, Engineer Tech II
- Karen Wilk, Telecommunications Specialist

#### **30 Years of Service**

- Pat Kitchens, Police Chief

#### **35 Years of Service**

- Karen Parker, Senior Accountant

### **OLD BUSINESS:**

#### **Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the November 10, 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 8155 to Amend Sec. 44-189 Emergency Snow Routes**– City Manager Paul Kramer presented the ordinance for second consideration. The following changes have been made since placed on first consideration at the November 10, 2020 meeting.

- East-west streets:

- Added: Michals Road, Tonganoxie Road to Richmond Drive.
- North-South streets:
  - Change: Second Avenue, ~~Congress~~ **Spruce** Street to Limit Street.
  - Change: Fourth Street, Metropolitan Avenue to ~~Eisenhower Road~~ **Limit Street**.
  - Change: Fifth Street, Metropolitan Avenue to ~~Congress~~ **Spruce** Street.

Mayor Griswold called the roll on Ordinance 8155 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.*

Wendy Scheidt Director of Main Street 416 Cherokee

- Reminded everyone about Shop Small this Saturday
- Rockin’ Around the Christmas Tree Event started November 9<sup>th</sup> and will last through the holiday season

Sarah George – Lives in Leavenworth County but prefers not to give address

- Discuss the meeting called last week regarding the mask ordinance with 22 hour notice prior to the meeting time
- Contacted all the Commissioners about the meeting and has not received responses
- Does not feel the meeting was an emergency
- If such an emergency, shouldn’t the mask mandate have taken effect sooner
- Mayor is of the Democratic party, a party which supports my body my choice but chose to pass a mask ordinance
- Father was a police officer for 30 years in Denver and this ordinance is pitting citizen against the police officers
- Ask for a motion to reconsider the mask mandate approved on November 19 and consider it at a regular meeting and find a room that allows more citizens to participate

**General Item:**

**Cancel Outstanding Checks Prior to 2019** – City Manager Paul Kramer presented for consideration 18 checks that remain outstanding after a period of two years from their issuance. After cancellation of the checks, if a check is presented for payment the Finance Department will honor the obligation and issue a new check. The funds revert to the original fund upon which the funds were drawn. The outstanding checks are as follows:

**City of Leavenworth  
Cancellation of  
Outstanding AP and PR Checks**

<b>Issue Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>
12/01/17	290019793	Corrine Mayo	\$170.00
12/08/17	290019890	Donna Bradford	\$20.00
01/05/18	290020213	Roger Swearingin	\$54.00
02/02/18	290020548	Reve Montour	\$89.00
02/23/18	290020764	Brandi Bennett	\$5.00
04/13/18	290021396	Ryan Davis	\$4.00
04/20/18	290021457	George Vega	\$15.00
04/27/18	290021571	Gerald Wisthoff II	\$9.80
05/04/18	290021690	Eryn Tucker	\$5.00
05/11/18	290021828	Robert Gilbert	\$14.77
05/25/18	290021925	Tamara Da Silva	\$300.00
07/02/18	290022428	Samuel Hennemann	\$35.00
07/02/18	290022445	Tracey Herold	\$105.00
08/02/18	290022790	Samuel Hennemann	\$35.00
08/17/18	290023004	Lizabeth Ritter	\$10.00
08/24/18	290023067	Richard R Dado	\$22.66
08/24/20	290023070	Russell Archer	\$6.00
11/02/18	290023863	Frederick Thompson Jr.	\$54.00
Total checks to be cancelled			<u>\$954.23</u>

Commissioner Preisinger moved to cancel the outstanding checks prior to 2019 as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Mayor’s Appointments**

Mayor Griswold moved to appoint to the Convention and Tourism Committee, Sherry Brown to an unexpired term ending January 31, 2021; and appoint to the Community Corrections Advisory Board, Jonathan Pheral to an unexpired term ending October 16, 2021. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**COVID-19 Relief Small Business Grant Program Review** – Assistant City Manager Taylour Tedder presented a review of the COVID-19 Relief Small Business Grant Program. Staff is proposing to launch the grant program to provide support to businesses that need assistance paying their employees, purchasing additional inventory, paying mortgage/rent and utilities. The one-time grant offers up to \$5,000.00. Applicants will be reviewed weekly and awarded based on need. If the Commission provides a consensus, the program will be launched November 25, 2020.

Public Comments:

Wendy Scheidt, Director of Main Street

- Many businesses are newer than 2 years old and would eliminate many who may need the grant
- Could the City consider grants for businesses in operation less than 24 months
- Previous grants from COVID or SPARKS funds went very quickly

- Some businesses do not have employees and are a sole proprietorship

Mr. Tedder stated that the 24 months is not a hard fast rule, but chose this based on previous grants and found that those who were in business less than 24 months had difficulty providing financial information. Mr. Kramer also stated that this was modeled after other programs and wanted to help those long time businesses, but want to look at new businesses as well.

There was a consensus by the City Commission for Staff to move forward with the program as presented with 24 months in business. Will look at the program in 30-60 days to see if there are funds available for businesses with less than 24 months in business.

### **Resolutions:**

**Resolution B-2272-Resolution of Intent to Issue Industrial Revenue Bonds (Luxury & Imports)** – Assistant City Manager Taylour Tedder reviewed the Resolution expressing the intent of the City to issue its federally taxable industrial revenue bonds for improvements benefitting Rea Holding, LLC and Ted A. Rea, Inc. d/b/a Luxury & Imports. The resolution is a non-binding declaration of the official intent of the City to issue such Bonds and it is not bound or otherwise obligated to the Applicants to issue the Bonds if in its sole discretion it determines for whatever reason not to issue such Bonds. The bonds will be issued in the maximum principle amount of \$2,750,000. The City will not be liable or otherwise responsible for the payment of any costs or expense incurred or in connection with the issuance of the bonds.

Commissioner Bauder moved to approve Resolution B-2272 a resolution of intent to issue Industrial Revenue Bonds for Luxury & Imports. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

### **Bids, Contracts and Agreements:**

**Consider Amendment to 1994 Lease with Super Market Developers LLC (Price Chopper)** – City Manager Paul Kramer presented for consideration the second amendment to the 1994 Parking Area/Lease Agreement with Price Chopper. The amendment includes the following changes:

1. The original lease (November 14, 1994) states that the agreement would expire at the earlier of the date (i) they are not operating a grocery store, or (ii) fifty-years (November 2044). The request is to extend that another 25 years. Considering the TIF and CID will not expire before the end of the initial term, it is not necessary. At the same time, the language saying the lease ends if they stop operating a grocery store is still in place, so this language is acceptable.
2. Request language will be added to confirm that the improvements required to be made back in 1994 have been completed. This change does not mean the City could not enforce code issues.
3. Removal of the requirement of constructing a fence with the City providing a gate.

Commissioner Preisinger moved to approve the amendment to the 1994 Lease agreement with Super Market Developers LLC (Price Chopper). Commissioner Leonhard 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. 18-94 Fees (Land Disturbance Surety Bonds and Fines)** – City Clerk Carla Williamson presented for first consideration an ordinance to amend Sec 18-94 of the City Code of Ordinance to list the surety bonds and fines associated with Land Disturbance Permits. During the recodification of the City Code of Ordinances and restructuring of the City Fee Schedule, any references to bond requirements were removed from the fee schedule and placed into the code and any fees listed in the code were placed in the fee schedule. Prior to the recodification, the surety bond requirement and fines for land disturbance permits were one of those listed in the fee schedule and removed. It was recently discovered by staff that the section of the code that addressed surety bonds and fines was not amended to add in the information. This amendment will correct the error by placing the surety bond requirements, amounts and fines for failure to obtain the required land disturbance permits into the code. There are no changes to the surety bond requirements, amounts and fines for failure to obtain the required land disturbance permits that were previously listed.

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

**CONSENT AGENDA:**

Commissioner Leonhard moved to approve Claims for November 7, 2020, through November 20, 2020, in the amount of \$752,334.59; Net amount for Payroll #24 effective November 20, 2020 in the amount of \$353,526.03 (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:**

**Commissioner Preisinger**

- Proud that Lansing passed an ordinance for a mask requirement in a Special Meeting this evening
- Fort Leavenworth, Leavenworth and now Lansing within the County have passed an requirement for wearing a mask; that is over half of the county population
- Commissioner Preisinger is on the First Judicial nominating committee in Kansas and in the process of filling a position vacant by a judge that is retiring; taking applications and will be reviewing in the upcoming months

**Commissioner Bauder**

- Overwhelming number of people emailing and supporting the decision to pass the mask ordinance last week

**Executive Session:**

Mayor Griswold moved to recess into executive session to discuss the contract of the City Manager pursuant to the nonelected personnel matters exception K.S.A. 75-4319 (b) 1. The open meeting to resume in the City Commission Chambers at 8:25 by the clock in the City Commission Chambers. Human Resources Director Lona Lanter and City Attorney David Waters are requested to attend. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:25 p.m.

Mayor Griswold moved to authorize the mayor to sign and execute an amendment to the City Manager contract in final form approved by the City Attorney, and upon acceptance of the amendment by the City Manager, reflecting such salary increase as previously approved by the city commission and extending the term until and through December 31, 2022 with provisions for annual extensions. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Adjournment:**

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

Time Meeting Adjourned 8:28 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC