



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

City Commission Regular Meeting
Commission Chambers
Tuesday, June 22, 2021 7:00 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 Nancy D. Bauder, Commissioners Myron J. (Mike) Griswold, Mark Preisinger and Jermaine Wilson. Not Present: Mayor Pro-Tem Camalla Leonhard

Staff members present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Finance Director Ruby Maline, City Attorney David E. Waters and City Clerk Carla K. Williamson.

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

Proclamation-Kiwanis Club Leavenworth – Cindy Henry was present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Preisinger moved to approve the minutes from the June 8, 2021 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8167 Adopt the 2030 Comprehensive Plan – City Manager Paul Kramer presented the ordinance for approval. The ordinance was introduced at the June 8, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on June 8, 2021.

Mayor Bauder called the roll and Ordinance 8167 passed 4-0.

Second Consideration Ordinance 8168 Creating Leavenworth Land Bank – City Manager Paul Kramer presented the ordinance for approval and reviewed how a land bank works and what cities can and cannot do. Mr. Kramer stated that the city does not demolish occupied houses and would not look at occupied houses as land bank properties. The ordinance was introduced at the June 8, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on June 8, 2021.

Mayor Bauder called the roll and Ordinance 8168 passed 4-0.

NEW BUSINESS:

Public Comment: *(emails received by the public for public comment on non-agenda items will be read at this time limited to 2-3 minutes)* -- No emails were received or in person comments.

Public Hearing:

Public Hearing to Consider Petition to Vacate a Part of Maple Street

Open Public Hearing:

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

Comments from Staff and Public:

Staff Comments:

Public Works Director Brian Faust reviewed the petition submitted by Geiger Ready Mix requesting the vacation of a portion of Maple Street.

- Notification sent to all utility companies
- Kansas Gas objects unless a new gas line is installed on 3rd that will supply service to the property at 215 Maple
- Staff contacted Geiger and Geiger and Kansas Gas are working to come to an agreement
- At this time no final agreement has been agreed to by Geiger and Kansas Gas

City Manager Paul Kramer noted that this is first consideration and this would not come back for second consideration until the agreement with KSG and Geiger have been resolved. The City and Geiger have been working on this to get cars that are parked on the street into a dedicated parking lot.

City Attorney Waters stated that Section 3 of the draft ordinance does address the utility easements and could be adjusted depending on the agreement worked out between Geiger and Kansas Gas before it comes back to the Commission for second consideration.

Public Comments:

Billy Daniels with Geiger Ready Mix addressed the city commission

- The request is an effort to clean things up and give employees better parking and get cars off the street
- Locates did not show gas lines in the area when they did their research
- Have been in contact with Kansas Gas and thinks they will have an answer tomorrow regarding an agreement

Close Public Hearing:

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

There was a consensus to place the ordinance on first consideration

General Items:

Consider Approval of the 2021 Edward Byrne Memorial Justice Assistance Grant – Police Chief Patrick Kitchens presented for approval the 2021 Edward Byrne Memorial Justice Assistance Grant. This is an

annual grant made available to law enforcement agencies in the United States. The City is eligible for \$30,016.00 and requires that the City share the funds with Leavenworth County. The City will receive \$18,000 and Leavenworth County will receive \$12,016.00. Both the Leavenworth Police Department and Leavenworth County Sheriff's Office intend to use the funds to purchase law enforcement equipment. The action by the commission requires authorization for the City Manager and City Attorney to sign an Interlocal Agreement with Leavenworth County and further requires the Mayor to sign an additional document entitled Certification and Assurances by the Chief Executive of the Applicant Government.

Commissioner Griswold moved to authorize the Police Department to apply for the 2021 Edward Byrne Memorial Justice Assistance Grant in the amount of \$30,016.00 of which \$12,016.00 will be given to Leavenworth County Sheriff's Office. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

City Clerk Williamson asked that Commission Griswold amend his motion to include additional authorizations.

Commissioner Griswold amended his motion to add authorize the City Manager and City Attorney to sign an Interlocal Agreement with Leavenworth County and further requires the Mayor to sign an additional document entitled Certification and Assurances by the Chief Executive of the Applicant Government. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Acceptance of Dedicated Land for Public Use-The Branches Addition No. 3 Final Plat – City Manager Paul Kramer presented for acceptance the dedicated land for public use on the final plat of The Branches Addition No. 3 owned by Reilly Development LLC located between South 20th Street and Tonganoxie, to the north of the existing Branches subdivision. The Planning Commission considered the Plat at their June 7, 2021 meeting and voted unanimously to approve the plat. The plat is before the City Commission for the purpose of accepting the dedication of land for public purposes in the form of public utility easements and right-of-way that are associated with the plat.

Commissioner Griswold moved to accept the dedication of land for public purposes as part of the final plat for the Branches Addition No. 3. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Consider Cost Share with USD 453 for Drive Improvements – Henry Leavenworth Elementary School – City Manager Paul Kramer introduced the item and explained to the Commission that this is a known problem and the City has discussed and offered to assist with a cost share to help eliminate the problem. Public Works Director Brian Faust presented for consideration a 50/50 cost share with United School District 453 for a new bus lane at Henry Leavenworth Elementary School that will help reduce the volume of traffic that stacks on Vilas Street. USD 453 received bids for the construction of the new entrance. The low bid in the amount of \$53,337.00 was submitted by Baker Construction. The City's share of the project would be \$26,668.50.

Commissioner Wilson moved to participate in the 50/50 cost share with USD 453 to construct a new bus entrance to Henry Leavenworth Elementary School, the city cost should be a not-to-exceed amount of

\$26,668.50. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

600 Cherokee Renovation Plan Review – City Manager Paul Kramer reviewed various types of economic development incentives that cities can issue and that the City of Leavenworth has used in previous developments. Mr. Kramer’s presentation included a PowerPoint that included the following:

- Incentives Tool Box
 - Industrial Revenue Bonds (IRB)
 - Transportation Development District Financing (TDD)
 - Community Improvement District (CID)
 - Tax Incremental Financing (TIF)
 - STAR (Sales Tax) Bonds
 - Neighborhood Revitalization Property Tax Rebae Plan
 - City Small Business Grant Program
 - NetWork KS E-Community Loans
 - Waiver of City Permits/Fees
 - Reduced sales price on City-owned property
 - LCDC Micro-grants
 - State Incentive
 - Economic Development dedicated funding – 15% of the City’s portion of the Countywide Sales Tax
- Incentive Process
 - Identify the goal of the project
 - Work with developer to identify resource gaps
 - Work with developer and city commission to determine the correct tool(s) to meet resource gap in a mutually beneficial manner
 - Create a contractual framework to set expectations, benchmarks and responsibilities of all parties
- Reviewed Recent Economic Development Projects with Incentives and/or Development Agreements
 - Northeast Leavenworth TIF
 - Downtown Hotel TIF
 - Zeck Ford
 - Luxury and Imports
 - Ben Day Lofts, North Broadway Lofts, Abernathy Lofts
 - Leavenworth Local (formerly IMAC)
 - Price Chopper
 - Carnegie Arts loft project
 - Hampton Inn
 - Karma Cakes, First City Cheese Market, Young Sign Company, Z&M Twisted Vines, Str8 Edge Barbershop (NetWork KS E-Community Loans)
 - MAPS Inc
 - 27 Small Business Improvement Grants 2019-2020 (10 Year to date 2021)
- Incentives Overview of various projects, incentives and returns to consider
- 600 Cherokee

- Blight elimination
- Downtown business community requests to address the issue
- Vibrancy of the historic downtown
- Sales Tax creation, jobs, density
- Building has been vacant for more than 12 years, sitting vacant and deteriorating
- Owner would not budge on \$205K asking price
- Property had access to incentive and grants get now enough to balance the investment
- Rehabilitation of the building estimated at \$300-600K
- Estimated that within 12-24 months the city would have to consider court action related to the possible demolition, leaving a vacant city lot in the historic downtown
- Potential Return on Investment
 - Blight removal and downtown revitalization
 - Brewery occupying the building would generate approximately \$700K per year - \$14K per year (city sales tax 2%)
 - Other Commercial space \$300 year sales - \$9K per year (city sales tax 2%)
 - Property tax 5% increment
 - New tax \$10,710
 - Purchase price of the property would be paid by just the sales tax in just over 6 years

The action for the Commission is not to approve the plan or agree on any purchase price of the property but to allow Staff to work with the Mann's to come up with a development agreement that would come back to the Commission for review and approval.

Public Comments:

Michael Bunch 1324 5th Avenue

- Is against the agreement
- What do the developers have to gain from this
- What are actual costs
- Would like a lot more information before any agreements
- What assurances to tax dollars and beneficial to tax payers
- Thinks this is a shady deal
- Would the tax payers get to vote on the deal

Wendy Scheidt Director Main Street

- Property has been vacant ever since she took over as director
- Has met with various realtors over the years trying to get interest
- Some investors want to just do a little paint but would not be acceptable or pass inspections
- Is very familiar with the Mann's and the rehabilitation of other buildings in the downtown; they have successfully renovated several properties in the downtown and done a wonderful job
- Property is eligible for state and federal tax credits

Commissioner Griswold moved to authorize Staff to develop and negotiate a development agreement for acquisition, presentation and redevelopment of 600 Cherokee. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Contract with Alfred Benesch & Company for 2021 Biennial Bridge Inspection Services - Public Works Director Brian Faust presented for consideration and approval a contract with Alfred Benesch & Company for inspection services for city owned bridges not on state roads that must be inspected every two (2) years. A Request for Qualifications (RFQ) was sent out to engineering firms and two RFQ's were received. After review, staff recommends approval of a contract with Alfred Benesch & Company in an amount not to exceed \$37,680.00.

Commissioner Griswold moved to approve the contract submitted by Alfred Benesch & Company for the 2021 Biennial Bridge Inspection Services in an amount not to exceed \$37,680.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

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

Consent Agenda:

Commissioner Wilson moved to approve claims for June 5, 2021, through June 18, 2021, in the amount of \$1,127,816.30; Net amount for Payroll #12 effective June 18, 2021 in the amount of \$356,872.71 (Includes Police & Fire Pension in the amount of \$8,804.19). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Update on reconstruction of K7 though downtown- six design proposals have been received and now must be sent to KDOT for approval
 - Late summer the contracts will be presented for approval
 - Construction will start next year
- Chief Kitchens will be at the study session July 6th to discuss homeless in Dougherty park
- Apology about the shut-down of the pool this past weekend due to clear glass in the pool; as safety for everyone, the pool was drained, cleaned and re-filled.

Adjournment:

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

Time Meeting Adjourned 8:11 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC