



**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, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold and Mark Preisinger. Not present: Commissioner Jermaine Wilson.

**Staff members present:** Assistant City Manager Penny Holler, Police Chief Patrick Kitchens, Planning and Community Development Director Julie Hurley, Public Works Director Brian Faust, 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. Members of Boy Scout Troop 167 were in attendance and led the pledge of allegiance.

### **PROCLAMATIONS AND AWARDS:**

#### **Proclamations:**

**National American Indian Heritage Month** – Pamela Sarles from the Captain Jesse Leavenworth Chapter, National Society of the Daughters of the American Revolution was present to accept the proclamation.

**Small Business Saturday** – Wendy Scheidt Main Street Director was present to accept the proclamation.

#### **Awards:**

**Employee Service Awards** – Eleven employees reached milestones in their career with the City of Leavenworth reaching ten (10) and twenty-five (25) years of service with the City. The Mayor read the names of the following employees:

##### 10 Years

- Charity Frey – Executive Administrative Assistant
- Christopher Hendrickson- Fire
- Shawn Holland - Fire
- Richard Markovich - Fire
- Brandon Masur - Fire
- Shane Milburn – Streets

##### 25 Years

- Deborah Gillespie – Courts
- Daniel Nicodemus – Police
- Michael Shore – Fire
- Eric Sundblom- Fire
- Christopher Wolters – Fire

##### Other milestones:

##### 15 Years

- Eric Heim – Fire
- Jeffery Porter – Fire

- Nicholas Verbenec – Fire

20 Years

- Hal Burdette – Inspections
- Lee Burlison – Zoning and Code
- Tammy Metzgar – Community Center
- Neil Vogel – Police

## **OLD BUSINESS:**

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

Commissioner Leonhard moved to accept the minutes from the October 26, 2021 regular meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

### **Second Consideration Ordinance:**

**Second Consideration Ordinance 8178 Rezoning 520 N 7<sup>th</sup> Street from Office Business District (OBD) to Neighborhood Business District (NBD)** – Assistant City Manager Penny Holler presented the ordinance for second consideration. There have been no changes since first introduced on October 26, 2021.

Mayor Bauder called the roll and the ordinance passed 4-0.

**Second Consideration Ordinance 8179 Amending Sec. 2-52 Changing Start Time of City Commission Meetings** - Assistant City Manager Penny Holler presented the ordinance for second consideration. There have been no changes since first introduced on October 26, 2021.

Mayor Bauder called the roll and the ordinance passed 4-0.

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

Chandler Skahan – Member of Troop 167

- Working on Citizenship in the Community and Citizenship in the Nation merit badge
- Going to the State Capital later this month with Representative Pittman
- Present the Commission and some staff with their troop token

### **General Items:**

**Review Properties Given Time at the September 14, 2021 Meeting to Repair or Remove Structures –** Planning and Community Development Director Julie Hurley reviewed the following properties:

- **620 Osage** – Single family house and accessory structure, active water service. Active building permit for repairs after fire issued on 10/7/2020. Owner spoke with staff on 6/18/2021 and stated he was going to repair the property. No progress since last review, fresh lumber delivered to front yard as of 11/2/2021.

- Clint Randolph-Owner addressed the Commission
  - Cleaned out inside

- Ceiling Joists in and rafters are being worked on
- Takes time and need time to let things settle
- Took a couple weeks after last time to get funding
- Only him working on the property

Commissioner Preisinger stated that he does not see noticeable progress as was promised at the meeting 2 months ago.

City Attorney Waters reminded the Commission that they have already given direction to demolish the property if sufficient repairs have not been made during the time provided. If the Commission's direction is to proceed with demolition no further action is required or they can give an additional extension.

No action was taken by the Commission on this property.

- **869 Sherman** – Single family house and accessory structure, last water service 4/3/2019. Active building permit for renovations issued on 8/2/2021. Previously approved Special Use Permit to allow a two-family dwelling in a single-family district approved in 2019. Significant progress since last review. Recommend removal from demolition list.

Consensus to remove from demolition list.

- **918 Pottawatomie** – Single family house, last water service 8/25/2014. Owner indicated his intent to repair the property. Progress enclosing rear addition since last review.

Consensus to remove from the demolition list.

- **919 Pottawatomie** – Single family house and accessory structure, last water service 10/15/2020. No change, no contact from owner since last review.
  - Richard Beehler counsel for MidFirst Bank was present to discuss the property
  - Bank has only been in possession of the property for 2 months
  - Work is to begin 11/12 based on the contract that has been signed to repair the property
  - They have an offer to buy the property and buyer is aware of the municipal issues
  - Would request 30 day extension and if not impressed with the progress understands the need to proceed with demolition
  - If bank sells it would become the buyers responsibility to complete the work on their own

Commissioner Preisinger stated that he is not willing to give an extension.

No further action taken by the Commission.

- **706 Garfield** – Single family house, last water service 12/19/2014. Owner signed remediation agreement and has indicated intent to repair and provided written plan for repair and cost estimates. Owner of Swann's Painting has indicated that they are under contract to paint home with completion scheduled for 11/12/21. Recommend removal from demolition list.

Consensus by the Commission to remove this from the demolition list.

- **767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Owner indicated his intent to self-demo property. Siding has been partially removed from primary structure. Staff has been contacted by another individual indicating that he has reached a verbal agreement to purchase property from the current owner, pending ability to vacate a portion of unused ROW adjacent to property, as a portion of the detached garage is on the ROW.

Clayton Bollin - Owner addressed the commission

- Has a signed contract to sell the house and would close soon maybe this week
- New buyers intention is to rehab the property

Ms. Hurley recommended giving an extension for new owner.

There was a consensus to give a 60 day extension to review at the January 11, 2022 meeting.

- **1921 5th Ave** – Single family house, last water service 3/16/2011. No change, no contact from owner since last review. This property was previously considered for demolition in 2017.

No further action taken by the Commission.

- **204 N. 17th** – Single family house, last water service 6/9/2015. Building permit for interior renovations issues on 9/2/2021. Owner signed remediation agreement and indicated intent to complete repairs. No contact from owner since last review. Contractor hired by owner contacted staff and indicated his intent to remove himself from the project due the condition of the property.

Gary Nelson owner present

- Windows replaced by prior contractor and should not have been because the wall was rotten
- Decided to take out additional area of the wall to repair properly
- All windows have now been replaced
- House is structurally sound and safe

Ms. Hurley stated it no longer fits the criteria as dangerous and unsafe.

There was a consensus by Commission to remove from the demolition list.

Ms. Hurley recapped the actions by the Commission:

620 Osage – no action

869 Sherman –remove

918 Pottawatomie – remove

919 Pottawatomie – no action

706 Garfield – remove

767 Charles – 60 day extension

1921 5<sup>th</sup> Ave – no action

204 N 17<sup>th</sup> – remove

Commissioner Griswold moved to accept the time line and actions that have been summarized by Ms. Hurley. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Mayor's Appointment:**

Mayor Bauder moved to appoint to the Grow Leavenworth County Development Board, Ted Davis to an unexpired term ending May 31, 2022. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Consider Waiver to Allow Bow Hunting on Private Property Less than 3 Acres Under the Urban Deer Management Program (UDMP) and Authorize Hunting on City Owned Property** – Chief Kitchens presented for consideration a waiver to hunt on property under 3 acres pursuant to Sec 8-302 of the Municipal Code of Ordinances. The Police Department received a requested to allow hunting on three privately owned parcels of land that equals 2.48 acres. Those properties are 401, 403 and 501 S 14<sup>th</sup> Street owned by Bart Julian. In addition the property adjacent to these properties at 351 S 14<sup>th</sup> Street is owned by the City of Leavenworth which is 1.5 acres. Staff conducted an on-site inspection of all 4 properties and found it to be acceptable to hunt under the UDMP. Staff recommends that the City Commission grant a waiver to allow hunting on all 4 properties (3 privately owned and 1 city owned).

Commissioner Preisinger moved to grant a waiver to allow bow hunting under the Urban Deer Management Program on the private and city properties as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Resolutions:**

**Resolution B-2299 Authorizing Serving Complimentary Alcoholic Liquor at Main Street Alive After Five Events in 2022** – City Clerk Carla Williamson presented for approval and adoption Resolution B-2299. The resolution allows unlicensed businesses to serve complimentary alcoholic liquor or cereal malt beverage to members of the general public during Main Street Alive after Five events in 2022.

Commissioner Leonhard moved to approve Resolution B-2299 as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Resolution B-2300 Declaring the Necessity to Appropriate Private Property Connected with the K-7 and Eisenhower Intersection Improvement Project** – Public Works Director Brian Faust presented for approval and adoption Resolution B-2300 to start the appropriation of private property owned by Home Depot of the needed temporary construction easement, a permanent drainage easement and additional right-of-way for the K-7 and Eisenhower Intersection Improvement Project to move forward. The City has been working with Home Depot but the efforts have been unsuccessful. KDOT requires that all easements are obtained or condemnation be initiated prior to bidding of the work. The approval of the resolution is simply the first step of a larger process of eminent domain.

Commissioner Preisinger moved to approve Resolution B-2300 regarding appropriation of private property for public purposes connected with the K-7 and Eisenhower Intersection Improvement Project.

Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Bids, Contracts and Agreements:**

**Consider 3-Party Agreement with Kansas Department of Transportation (KDOT) and BHC for the 4<sup>th</sup> Street Project between Choctaw Street and Seneca Street** - Public Works Director Brian Faust presented authorization for the Mayor to sign the contract for preliminary engineering design services with Brungardt Honomichl & Company (BHC) and KDOT for the 4<sup>th</sup> Street Improvements (US-73 from Choctaw to Seneca). This project is part of the Connecting Link Improvement Program (CCLIP). At the September 21, 2021 City Commission meeting, the Commission authorized staff to work with KDOT and BHC to create the agreement that is before the Commission this evening. The cost of the design services is estimated at \$325,331.54 with KDOT covering up to \$276,531.81 (85%).

Commissioner Leonhard moved to authorize the Mayor to sign the contract for preliminary engineering design services. This is the three-part agreement between the City, BHC and KDOT for a total design services cost of \$325,331.54. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Consider Bids for Lakeview Court Sanitary Sewer Repair Project** - Public Works Director Brian Faust presented for approval the low bid from Utility Solutions LLC for the base bid only in the amount of \$42,805.25. Bids received were as follows:

<u>Company</u>	<u>City</u>	<u>Bid</u>
Utility Solutions LLC	Basehor KS	\$42,805.25
Linaweaver Construction	Lansing KS	\$55,300.00
Westland Construction Inc	Basehor KS	\$74,350.00
LEXECO	Leavenworth KS	\$95,210.00
FIT Excavating	Topeka KS	\$113,350.00
Engineer's Estimate		\$76,720.00

Commissioner Preisinger moved to award the Lakeview Court Sanitary Sewer Repair contract to Utility Solutions LLC in the amount of \$42,805.25. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

**Consider Design Services Contract with Alfred Benesch & Company for the 2022 Pavement Management Plan** - Public Works Director Brian Faust presented for approval the contract with Benesch & Company for development of the 2022 Pavement Management Plan (PMP) and to build the programmatic approach to long-term pavement management for the City. Staff recommends approval of the contract in an amount not to exceed \$123,518.00. GIS Tech Mitch Braget gave a presentation of the GIS dashboard he set up to track streets programs/repairs over the years.

Commissioner Griswold moved to approve the design services contract with Alfred Benesch & Company for developing a comprehensive pavement management program in an amount not to exceed \$123,518.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

## **First Consideration Ordinances:**

**First Consideration Ordinance to Allow Additional Businesses to Sell City Dog Tags** – City Clerk Carla Williamson presented for first consideration an ordinance that would allow animal boarding facilities within the City to issue City animal license.

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

## **Consent Agenda:**

Commissioner Preisinger moved to approve claims for October 23, 2021, through November 5, 2021, in the amount of \$1,402,238.84; Net amount for Payroll #22 effective November 5, 2021 in the amount of \$342,434.58 (No Police & Fire Pension). Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

## **Other:**

Assistant City Manager Penny Holler:

- City offices closed for Veteran's Day
- No trash service on Thursday and delayed the remainder of the week

Commissioner Preisinger:

- Other roads will need to be looked at in future for repairs
- Questions on Alliance Against Family Violence-rumors are that they have no money and are closed; Disappointed if that happens they are very helpful to the Police Department

Commissioner Leonard

- JROTC became National Champions

## **Executive Session:**

Executive Session-Personnel Matters of Non-Elected Personnel

Commissioner Preisinger moved to recess into executive session to discuss the annual evaluation 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 8:57 by the clock in the City Commission Chambers. Human Resources Director Lona Lanter is requested to attend. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

The Commission returned to open session at 8:57.

Commissioner Griswold moved to approve a 2% merit increase for City Manager Paul Kramer effective with the first check of the 2022 payroll. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

## **Adjournment:**

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

Time Meeting Adjourned **8:58** p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC