



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

City Commission Regular Meeting
Commission Chambers
Tuesday, December 14, 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, Mayor Pro-Tem Camalla Leonhard, Commissioners Edd Hingula, Griff Martin and Jermaine Wilson.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Police Chief Patrick Kitchens, Finance Director Ruby Maline, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Human Resources Director Lona Lanter, Human Resources Specialist Michelle Meinert, Leavenworth Housing Authority Housing Manager Andrea Cheatom, Attorney David E. Waters, Deputy City Clerk Cary Collins and City Clerk Carla Williamson.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to accept the minutes from the November 23, 2021 regular meeting and December 7, 2021 Special Meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8181 Acquisition of Land by Condemnation for K-7 & Eisenhower Intersection Improvement Project - City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since first introduced on November 23, 2021.

Mayor Bauder called the roll and the ordinance passed 5-0.

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

None

General Items:

Commission Nominations for Terms December 14, 2021 to December 13, 2022

Mayor

Commissioner Wilson moved to nominate Camalla Leonhard for Mayor December 14, 2021 to December 13, 2022. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Mayor Pro-Tem

Commissioner Bauder moved to nominate Jermaine Wilson for Mayor Pro-Tem December 14, 2021 to December 13, 2022. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Financial Claims Reviewer

Commissioner Wilson moved to nominate Griff Martin for Financial Claims Reviewer December 14, 2021 to December 13, 2022. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Abatement of Administrative Fees on Nuisance Special Assessments 911 Cherokee Street – City Clerk Carla Williamson presented the items for consideration and reviewed the details as follows:

- Mr. Richter purchased the property at the April 28, 2021 county tax sale. At that time there was a lien placed against the property for nuisance abatements totaling \$1,617.21. At the beginning of the tax sale it is always announced to potential buyers that the City may have liens against the property or mowing invoices that would be levied against the property as special assessment to the current year's tax statement. The breakdown of fees are attached.
- In the past, the City Commission has reduced the fees for similar requests, to the actual cost of the mowing incurred by the city and a \$100.00 administration fee per assessment period. This would reduce the 2021 Special Assessments from \$1,617.21 to \$217.21.
- The property is adjacent to properties and the house that is owned and lived in by Mr. Richter. He plans to keep the property mowed and groomed.

Commissioner Martin moved to reduce the 2021 Special Assessments on the property at 911 Cherokee from \$1,617.21 to \$217.21. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Abatement of Administrative Fees on Nuisance Special Assessments 1517 9th Avenue – City Clerk Carla Williamson presented the items for consideration and reviewed the details as follows:

- Mr. Graves purchased the property at the April 28, 2021 county tax sale. At that time there was a lien placed against the property for nuisance abatements totaling \$1,769.85. Before the sale on April 28, 2021 and filing of the deeds on May 25/26, 2021 to transfer the property, the city mowed the property (2) two times. At the beginning of the tax sale it is always announced to potential buyers that the City may have liens against the property or mowing invoices that would be levied against the property as a special assessment to the current year's tax statement. The breakdown of fees are attached which includes the mowing of the property in 2021 totaling \$2,166.41.
- In the past, the City Commission has reduced the fees for similar requests, to the actual cost of the mowing incurred by the city and a \$100.00 administration fee per assessment period. This would reduce the 2021 Special Assessments from \$2,166.41 to \$316.41.
- The property is adjacent to the property and house that is owned and lived in by the Graves family. The property is vacant. It is being maintained and is currently being used as a garden.

Commissioner Wilson moved to reduce the 2021 Special Assessments on the property at 1517 9th Avenue from \$2,166.41 to \$316.41. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Abatement of Administrative Fees on Nuisance Special Assessments 617 Middle Street – City Clerk Carla Williamson presented the items for consideration and reviewed the details as follows:

- Mr. and Mrs. Headrick purchased the property at the April 28, 2021 county tax sale. In April 2021, before the sale of the property was finalized, the city mowed the property one time and removed a large tree that had fallen. At the beginning of the tax sale it is always announced to potential buyers that the City may have liens against the property or mowing invoices that would be levied against the property as a special assessment to the current year's tax statement. The breakdown of fees are attached which includes the mowing of the property and removal of the tree in April before the sale totaling \$739.98.
- In the past, the City Commission has reduced the fees for similar requests, to the actual cost of the mowing incurred by the city and a \$100.00 administration fee. This would reduce the 2021 Special Assessments to \$639.98.
- The property is adjacent to the property and house that is owned and lived in by the Headrick family. They plan to build a fence and extend their backyard for their children to play. The lot is vacant.

Commissioner Hingula moved to reduce the 2021 Special Assessments on the property at 617 Middle to \$639.98. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Abatement of Administrative Fees on Nuisance Special Assessments 51 Logan Street – City Clerk Carla Williamson presented the items for consideration and reviewed the details as follows:

- Ms. Gepner purchased the property at the April 28, 2021 county tax sale. At that time there was a lien placed against the property for nuisance abatements totaling \$1,647.12. Before the sale on April 28, 2021 and filing of the deeds on May 25/26, 2021 to transfer the property, the city mowed the property (1) one additional time. At the beginning of the tax sale it is always announced to potential buyers that the City may have liens against the property or mowing invoices that would be levied against the property as a special assessment to the current year's tax statement. The breakdown of fees are attached which includes the mowing of the property in 2021 totaling \$1,796.16.
- In the past, the City Commission has reduced the fees for similar requests, to the actual cost of the mowing incurred by the city and a \$100.00 administration fee. This would reduce the 2021 Special Assessments from \$1,796.16 to \$296.16.
- The property was purchased to revitalize however, they are unable to complete due to costs. The plan is to sell the property to a developer.

Commissioner Wilson moved to reduce the 2021 Special Assessments on the property at 51 Logan Street from \$1,796.16 to \$296.16. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Recommendation for Revisions to the Personnel Policy Manual – Human Resources Director Lona Lanter reviewed proposed recommendations to the Personnel Policy Manual. Changes have been reviewed by Staff, Employee Council and the City Manager. Many of the changes are housekeeping items however changes include the recognition of Juneteenth as a federal holiday to be recognized as an additional city holiday, identifying the eligibility criteria for the City Manager Holiday, and increasing tuition reimbursement from \$2,000 to \$2,500.

Commissioner Bauder moved to approve changes as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

2022 Cereal Malt Beverage Licenses – City Clerk Carla Williamson presented for approval 22 establishments that have applied for a 2022 Cereal Malt Beverage License. These include both off-premise and on-premise consumption licenses. They are as follows:

OFF PREMISE CONSUMPTION:

7-Eleven	609 Metropolitan Ave
Casey's General Store #1261	2004 Spruce St
Casey's General Store #2609	950 Eisenhower Rd
Casey's General Store #2826	2100 S 4 th St
CVS Pharmacy #5268	390 Limit St
Dillons #40	720 Eisenhower Rd
Home Town	111 N Broadway St
Leavenworth Operations (K-7 Stop)	300 N 4 th St
Minit Mart #576	3122 S 4 th St
Murphy USA #7486	1050 Eisenhower Rd
Price Chopper #20	2107 S 4 th St
Sam's Food Mart LLC	1031 Metropolitan Ave
Shop Smart #2	700 Eisenhower Rd
Star Gas	788 Spruce St
Walgreens #12923	2900 S 4 th St
Walmart #26	5000 10 th Ave

ON-PREMISE CONSUMPTION:

Abe's Place	5101 10 th Ave
Ava's Island Café	732 Shawnee St
Eddie's Grocery	1101 Spruce St
Little Bar	1431 10 th Ave
Nu Way	510 Shawnee
The Towne Pub Restaurant	1001 Ottawa St

Commissioner Wilson moved to approve the 2022 Cereal Malt Beverage Licenses for 2022 as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Cancellation of the December 28, 2021 Regular Meeting – City Manager Paul Kramer presented a request to cancel the December 28, 2021 City Commission Regular meeting. Regular meeting dates and times are set by the City Code of Ordinances and allows for cancellation by the City Commission.

Commissioner Hingula moved to cancel the December 28, 2021 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Public Hearing:

Public Hearing for Amending the 2021 Budget

Open Public Hearing:

Commissioner Wilson moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Staff and Public Comments:

Finance Director Ruby Maline presented the proposed amendments to the 2021 Budget as follows:

- Add \$109,580 spending authority to the 911 Fund
- Provide spending authority of \$421,173 to the Business and Technology Park
- Increase the Debt Services Fund by \$3,063,145 to cover transactions related to bond refunding in June 2021
- Provide spending authority of \$2,074,462 for the CIP Sales Tax Fund for the purchase of the 100' aerial ladder fire truck and capital projects
- Increase the Retail TIF Fund spending authority by \$62,203 to payout increase revenues received

Close Public Hearing:

Commissioner Wilson moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Commissioner Bauder moved to approve the amendments to the 2021 Budget as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolutions:

Resolution B-2301 Planters II Tenant Write-Off Accounts – Housing Manager Andrea Cheatom presented Resolution B-2301 removing three tenant accounts from the rent registration at Planters II.

Commissioner Wilson moved to adopt Resolution B-2301 deleting uncollectable tenant accounts. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolution B-2302 Opioid Settlement Fund – City Manager Paul Kramer presented for consideration a resolution approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500.00.

Commissioner Hingula moved to adopt the resolution related to opioid settlements as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Transfer of City Owned Lots to Geiger Ready-Mix Co., Inc. Real Estate Contract – Public Works Director Brian Faust presented for consideration the transfer of two city owned lots at the intersection of 3rd and Maple Street to Geiger Ready-Mix Co., Inc. to construct additional parking lots to provide overflow parking for their employees, space for their trucks and trailers and to provide additional parking for Stubby Park users. The two lots were acquired by the City at the 2009 Sheriff's sale for \$150.00 per lot. The reason

for the purchase was a possible extension of the parking lot at Stubby Park. The cost for the city to improve the lots for parking would be in excess of \$100,000. Transferring the property to Geiger will eliminate the expense of constructing the lots, eliminate maintenance responsibilities and put the property back on the tax role and provide parking for both Geiger employees as well as the general public.

Commissioner Martin moved to authorize the Mayor to sign the Quit-Claim Deed and the Real Estate Sales Contract to transfer ownership of Lots 9 and 10 of Fackler's Addition in the City of Leavenworth to Geiger Ready-Mix Co. Inc. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Commercial Insurance Package for 2022 – City Clerk Carla Williamson presented for consideration the insurance renewal for 2022 with Traveler's Insurance in the amount of \$438,934.00. The City's insurance broker, Mike Reilly reviewed the quote and answered questions.

Commissioner Bauder moved to approve the 2022 commercial insurance package with Travelers in the amount not to exceed \$438,934.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consent Agenda:

Commissioner Wilson moved to approve claims for November 20, 2021, through December 10, 2021, in the amount of \$962,144.06; Net amount for Longevity Pay effective November 26, 2021 in the amount of \$41,029.67; and ARPA Premium Pay effective November 26, 2021 in the amount of \$149,717.46; and Payroll #24 effective December 3, 2021 in the amount of \$351,745.93 (No Police & Fire Pension). Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Adjournment:

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

Time Meeting Adjourned 8:22 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC