



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Edd Hingula and Griff Martin.

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Finance Director Roberta Beier, Planning and Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**PROCLAMATIONS:**

**Welcome Home Vietnam Veterans Day March 29, 2022** – Mayor Leonhard read the proclamation. The proclamation was accepted by Lynn Rolf.

Mr. Rolf:

- Recognized several Vietnam Veterans in attendance
- Stated the veterans continue to serve all the veterans in our community
- Requested support for a new veterans facility in the area

**Leavenworth Spring Clean Up Day April 2, 2022** – Mayor Leonhard read the proclamation. The proclamation was accepted by Melissa Bower.

Ms. Bower:

- Almost 1000 people have signed up for the event
- Kick off ceremony at 8:30 a.m. on April 2nd at Warren Middle School
- Additional services available that day include, bulk item drop off, recycling center and brush site will be open, Household Hazardous Waste trailer operated by the County, free paper shredding provided by Citizens Federal Savings Bank

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Bauder moved to accept the minutes from the March 08, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8183 Rescind Special Use Permit 539 Nipper Lane** – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the March 8, 2022 meeting.

Mayor Leonhard called the roll and Ordinance 8183 was unanimously approved

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

Louis Klemp 1816 Pine Ridge Dr.:

- Discussed museums and where they should be relocated to
- County valuation numbers
- Discussed the rise in gas prices
- Mentioned the State's share of property tax monies
- Discussed ARPA fund disbursements to local entities
- Requested the City be conservative over the next 2 years

**Public Hearing:**

**Public Hearing for Unsafe or Dangerous Structure 717 Spruce Street:**

**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:**

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damage by fire on November 13, 2021
- City received insurance proceeds
- Building permit has been issued and some work has been done
- Staff recommends giving 90 days for owners to make further repairs

Gary Nelson, Attorney for the property owner:

- Mr. Lis is working on the electrical
- Quite a bit of clean-up has been done
- They are progressing

**Close Public Hearing:**

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

Commissioner Bauder moved to approve Resolution B-2311 giving the owners 90 days to complete repairs. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**General Items:**

**Mayor's Appointment Solid Waste Citizens Task Force** - Mayor Leonhard moved to appoint to the Solid Waste Citizens Task Force Sarah Weygand, Anne Slusher, Gerard Overbey, John Denney Jr., Jeffrey Howards, Christian Howell, and Bryce Miller. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Review Unsafe and Dangerous Structure 767 Charles Street** – Planning and Community Development Director Julie Hurley reviewed the property at 767 Charles Street, it was placed on the demolition list by Resolution B-2292 by the City Commission and granted an extension on November 9, 2021 for the owner to complete needed repairs. At the January 11, 2022 City Commission meeting the City Commission granted another extension. The outstanding item on this property is cleaning up the right-of-way, which is currently on-going. The property owner has installed a new roof, removed old siding and will be installing new siding shortly. Staff recommends the property be removed from the demolition list.

Commissioner Martin moved to remove the listed property from the demolition list. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Street Closure Request – First City History Festival Special Event** – City Clerk Sarah Bodensteiner presented for consideration closure of 6<sup>th</sup> Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022 from Noon to 3:00 p.m. for the First City History Festival outhouse races and other games for participants at the festival.

Ken LaMaster:

- Goal of the group is to bring together all the historian groups and to have a festival to commemorate the areas rich history and promote Leavenworth
- Provided an overview of the event's offerings including vendors and reenactments

Commission Bauder moved to approve the street closure request of closing 6<sup>th</sup> Street, from the alley behind TenPenny to Choctaw Street on Saturday, April 30, 2022 from Noon to 3:00 p.m. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

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

**Rejection of Bids for Storm Drainage Improvements at 741 Pottawatomie** – Public Works Director Brian Faust introduced the item as the area around 741 Pottawatomie experiences significant flooding during moderate and heavy rain events. The current system is not sufficient for the volume of water and as a result, water does pond in the side yards and can get fairly deep. The City hired Wilson & Company to design improvements at this location. The complete bids received were all over the Engineer's estimate. Staff feels that the bids should be rejected and if rejected, staff will redefine the scope and design and rebid the project.

Commissioner Hingula:

- Asked why we have to reject the bids

Mr. Kramer:

- Replied because the City solicited bids, the City has to officially reject them before it can be re-bid

Commissioner Wilson moved to reject all bids for the Storm Drainage Improvements at 741 Pottawatomie and direct staff to re-bid the project. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Design Contract for the Traffic Signal Assessment** – Public Works Director Brian Faust presented for consideration a contract with Olsson, Inc. for a complete assessment of traffic signals. This project is an important component of the City Commission “Roadways and Infrastructure” goal. KDOT recently completed a TEAP (Traffic Engineering Assistance Program) Study which identified a need for a complete evaluation of the City’s traffic signal system. The City has 43 traffic signals in our system ranging from several decades old to brand new. It is critical to assess the signals to determine remaining life, replacement costs and the consequence of failure for components within our system along with planning for the future. The City requested proposals from qualified firms that were interested in helping the City complete the following:

- Non-structural data collection
- Structural assessment
- Prioritization and replacement plan and maintenance schedule
- Traffic signal standards and specifications

The three submittals were evaluated and the top 2 firms were interviewed. After the interview, Olsson was identified as the top firm. City staff worked with Olsson to negotiate a detailed project scope of serves along with an estimated engineering fee for the work.

Mr. Kramer:

- Reviewed the fiscal comments pertaining to utilizing Federal Funds Exchange dollars that the City has reserved for street projects

Commissioner Martin:

- Did you get any idea from KDOT on what funding could be available
- Expand on connectively between signalization and vehicles

Mr. Faust:

- KDOT advised that funding could be available, but it is not a guarantee
- It could be very important for that connectively to improve the efficiency of our signalization with talking with cars

Commission Bauder moved to approve the Traffic Signal Assessment contract with Olsson, Inc. for an amount not to exceed \$93,214.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

### **First Consideration Ordinance:**

**First Consideration Ordinance Rezoning 1830 South Broadway Street** – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance rezoning 1830 South Broadway Street from R1-6, High Density Single Family Residential District to RMX, Residential Mixed Use District. The item was heard by the Planning Commission at their March 7, 2022 meeting and was voted 4-0 to approve the proposed change. Ms. Hurley reviewed the request:

- The property owner requested the rezone
- The property is 9.32 acres in size
- Current tenants in the building is the Council on Aging, who is anticipated to relocate in 2022

- Owner wants to renovate the building to residential and business/office space, 30 multi-family units
- Reviewed Golden Factors when reviewing Rezoning Requests:
  - Character of neighborhood
  - The zoning and use of properties nearby
  - The suitability of the subject property for the uses to which it has been restricted
  - The extent to which removal of the restrictions will detrimentally affect nearby property
  - The length of time the subject property has remained vacant as zoned
  - The relative gain to economic development, public health, safety, and welfare by the reduction of the value of the landowners property as compared to the hardship imposed by such reduction upon the individual landowner
  - The recommendations of permanent or professional staff
  - The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city
  - Such other factors as may be relevant to a particular proposed amendment

Commissioner Bauder:

- Why wasn't corrected zoning done when the Council on Aging moved in

Ms. Hurley:

- The Council on Aging currently operates as a legal non-conforming use

Mr. Baljit Baidwan property owner of 1830 S. Broadway:

- As for number of units, don't have complete plan, but as an estimate could be 30 units
- Wants best use of the building

City Attorney Waters:

- Commissioners aren't approving a specific plan, you are deciding if the land use is the appropriate use for the area
- There are other steps if this moves forward and other reviews this process goes through
- Explained a quasi-judicial process
- Think about the Golden Factors when making this decision

Commissioner Martin:

- Define mixed use zoning and what that entails

Ms. Hurley:

- It's a mix of uses, multi-family, office space, commercial/retail uses (appropriate for neighborhood setting) to serve different needs of the community and residents
- Specific uses are defined in the development regulations

Commissioner Hingula:

- Have you had an open meeting with the neighbors

Mr. Baidwan:

- Had a good discussion with the residents at the planning commission meeting

Kathy Price 1825 S. Broadway:

- Attended Planning Commission meeting
- Doesn't quite understand the process of what the end result is, if the request is rejected or affirmed
- Concerned about condition of streets, where parking would be
- Concerns with Garland Street
- Sewer concerns
- Would like to see a specific plan
- Upkeep of the property

Commissioner Bauder:

- In order for anything to be done it would need to be rezoned, so the plan isn't part of the discussion

Commissioner Martin:

- Asked if the request could be modified to remove the office space/commercial part and just rezone for residential
- Would like to know more about what the neighbors feel about the rezone

Mr. Kramer:

- Rezoning is selected by the applicant
- The requested zoning designation is the best indicator of what uses would be in there

Ms. Hurley:

- Property is currently zoned R1-6 with a special use permit for a nursing home
- Allowed use today is either a nursing home or single family residential

City Attorney Waters:

- Application is to rezone to these types of uses as permitted by the zoning code
- Options tonight are to approve the Planning Commission's recommendation, overrule the Planning Commission's recommendation or send back to the Planning Commission with notes of things to re-review

Mayor Leonhard:

- In support of the rezone

Commissioner Wilson:

- Definitely doesn't want any more abandoned buildings, doesn't want to deter development
- In favor of rezone

Commissioner Hingula:

- Discussed tax benefit if property is developed

Commissioner Bauder:

- Addressed that the plan will still go through other processes and reviews

Commissioner Hingula:

- Asked if other types of zoning options were reviewed

Ms. Hurley:

- The application was for RMX so no other types were reviewed by the Planning Commission
- The Planning Department worked with the applicant in helping review other potential zoning designations

Mr. Price at 1825 S. Broadway:

- Asked for clarification on the current zoning

Ms. Hurley:

- Current zoning allows either a nursing home or single family

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

**First Consideration Ordinance Revising Standard Traffic Ordinance to Regulate and Allow Electric Scooters** – Assistant City Manager Penny Holler presented for first consideration an ordinance to amend the Standard Traffic Ordinance to allow the use of electric-assisted scooters on City streets in response to the Bird Scooter pilot program. Ms. Holler reviewed the proposed amendments:

- Amendment to prohibit electric-assisted scooters on any public sidewalks, paths, or trails; requires electric-assisted scooter use to comply with all other City ordinances
- Defines electric-assisted scooter and shared electric-assisted scooter company
- Adds reference to the Standard Traffic Ordinance (STO)
- Adds prohibition against parking shared electric-assisted scooters on public property including sidewalks, streets, and parking lots in a manner that blocks pedestrian travel, public parking, or creates a traffic hazard
- Requires a written agreement to operate a shared electric-assisted scooter company
- Establishes penalties for offenses associated with electric-assisted scooters

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

**Consent Agenda:**

Commissioner Martin moved to approve claims for March 5, 2022, through March 18, 2022, in the amount of \$907,880.76; Net amount for Payroll #05 effective March 11, 2022 in the amount of \$347,264.49 (No Police and Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Other:**

City Manager Paul Kramer:

- Solid Waste Task Force first meeting will be April 6<sup>th</sup>, they will meet twice a month for first 2 months and re-evaluate meeting schedule after that
- Pothole patching will begin, people can submit potholes online or by calling the Service Center
- KDOT conference call this week, the State will submit 1 project for a RAISE grant, and they have chosen to submit the Centennial Bridge project

Commission Hingula:

- Hoping we are done with snow, but if not, be careful

Commissioner Wilson:

- Mentioned the great job the organizers of the St. Patrick's Day Parade did and the parade had a really good turn-out

Commissioner Bauder:

- Was a bit emotional with the Vietnam Veterans in attendance and stated they are a special group

**Adjournment:**

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

Time Meeting Adjourned 7:24 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC