



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

City Commission Regular Meeting
Commission Chambers
Tuesday, April 26, 2022 6:00 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 Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson and Commissioners Nancy Bauder, Edd Hingula and Griff Martin.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning and Community Development Director Julie Hurley, Parks and Recreation Superintendent Brian Bailey, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, 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.

PRESENTATIONS AND PROCLAMATIONS:

Mayor's Award – Mayor Leonhard presented the Mayor's Award for Community Service to the Leavenworth High School National Honor Society for their assistance during the City of Leavenworth Easter Egg Hunt.

National Drinking Water Week – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022, as National Drinking Water Week. The proclamation was accepted by Joel Mahnken.

National Small Business Week – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022 as Small Business Week. The proclamation was accepted by Wendy Scheidt.

National Travel and Tourism Week – Mayor Leonhard read the proclamation proclaiming May 1-7, 2022 as National Travel and Tourism Week. The proclamation was accepted by CVB Director Kristi Lee.

Arbor Day – Mayor Leonhard read the proclamation proclaiming April 29, 2022 as Arbor Day. The proclamation was accepted by Parks and Recreation Superintendent Brian Bailey.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the April 12, 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 No. 8185 Ordinance to Vacate a Portion of Right-of-Way at 1507 Shawnee Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 12, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8185 was unanimously approved.

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

Samuel Moore 420 S. Esplanade Leavenworth:

- Local Toastmaster Empowered to Speak club presented a Certificate of Appreciation to Nancy Bauder for presenting to, and supporting their organization

General Items:

Mayor's Appointments:

Mayor Leonhard moved to appoint to the Building Code Board of Appeals Patrick Peterson to a term ending May 1, 2027; reappoint to the Electrical Board of Appeals Lance Laven to a term ending May 1, 2027; reappoint to the Library Board Pauline Graeber to a term ending April 30, 2026; Reappoint to the Mechanical Board of Appeals Joseph Brightwell to a term ending May 1, 2027; appoint to the Plumbing Board of Appeals Steve Morris to a term ending May 1, 2027. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Street Closure Request – Juneteenth Parade, June 18, 2022 – City Clerk Sarah Bodensteiner presented for consideration closure of Delaware Street from Broadway to 2nd Street and 2nd Street to Dougherty Park on Saturday, June 18, 2022 from 9:00 a.m. to Noon for a Juneteenth Parade.

Ms. Joana Scholtz:

- Provided a brief history of Juneteenth
- Parade will be limited to 50 floats
- Estimated time about 2 to 2.5 hours for parade
- Parade ends at Dougherty Park for a festival
- Hopes attendees will also shop in the businesses while attending the parade
- Introduced other members of the parade/event committee in attendance

Commissioner Wilson moved to approve the street closure request to close Delaware Street from Broadway to 2nd Street and 2nd Street to Dougherty Park on Saturday, June 18, 2022 from 9:00 a.m. to Noon for a Juneteenth Parade. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Request to Abate Assessment/Nuisance Fees 212 Olive – City Manager Paul Kramer introduced this item. The subject property has been a problem for at least a decade, the City has assessed over \$11,000.00 in fees for junk and vegetation clean-ups. This property will be on an upcoming sheriff's sale, and Mr. Wiley has approached the City and presented his plan to purchase the property and clean up the property to alleviate the visual eye sore. An item of note is that should the Commission decide to reduce or waive any fees, that it be contingent upon Mr. Wiley purchasing the property. The City does retain the right to refile the assessments should no action be taken on the property.

Commissioner Bauder:

- Asked how the process would work as the City has not abated fees prior to a sale

Attorney Waters:

- Suggested the City might be able to condition the abatement or follow the process used for demolitions

Bruce Wiley 800 S 2nd Street:

- The house was in a fire recently and is currently boarded up
- Plan to attend tax sale and bid on property to clean it up
- Value of property is not there as property is in such poor condition
- Asking that all liens be forgiven if he or any successful bidder cleans the property up in a set amount of time set by the commission

Commissioner Hingula:

- Asked what is your timeframe to clean it up

Mr. Wiley:

- 3 months and looking to spend around \$7,000 to \$8,000 in costs
- I don't have use for the lot, but want to clean up the neighborhood

Commissioner Martin:

- Supportive of waiving in full with stipulations to ensure the City is protected

Commissioner Hingula:

- Have we not been able to locate the property owner

Mr. Wiley:

- He lives across town in a facility

Mr. Kramer:

- The City has had dealings for a decade and been in and out of court, but it's in a Sheriff's sale now

Commissioner Bauder moved to waive the special assessment and nuisance fees in full, contingent upon Mr. Wiley being the successful purchaser of the property, and the City of Leavenworth reserves the right to re-assess the penalties in the future as determined by the Governing Body. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Acceptance of Infrastructure Improvements for Branches III Subdivision – Public Works Director Brian Faust introduced Earl Wilkinson, the new Deputy Director of Public Works and the item for the Commission to consider acceptance of public improvements related to the Branches III Subdivision. The final plat was approved by the City Commission in 2021, street, storm and sanitary sewers have been constructed and inspected. All improvements have been installed per City specifications. Inspection fees have been paid, and all testing has passed City inspections, and as such, staff recommends acceptance of the infrastructure improvements.

Commissioner Martin moved to accept the public improvements for the Branches III Subdivision. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

2022 OJP Byrne Grant – Police Chief Patrick Kitchens requested the City Commission authorize the Police Department to solicit discretionary funds from the Byrne Discretionary Community Project Grants from the U.S. Department of Justice Office of Justice Programs in the amount of \$20,000 for the acquisition of 20 TASERS. Senator Moran’s office reached out last summer inquiring about needs through grant dollars to assist and support Police Departments. The Police Department identified a small gap in TASER funding. On April 11, 2022, the department was notified we are eligible to solicit monies for the purchase of new TASERS.

Commissioner Bauder:

- Are the new ones any different than the current ones
- Are they designed in a way to not conflict with other service weapons

Chief Kitchens:

- Slight reduction in amperage and voltage
- Look and design is different from a firearm, they are bright yellow, lighter, smaller, and feel different

Commissioner Hingula:

- Is there any additional training needed
- Do they operate the same

Chief Kitchens:

- Officers are required to be trained and just recently went through recertification
- They operate the same as the current TASERS

Commissioner Hingula moved to authorize the Police Department to solicit discretionary funds from the Byrne Discretionary Community Project Grants from the U.S. Department of Justice Office of Justice Programs in the amount of \$20,000 for the acquisition of 20 new TASERS. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Award of the Municipal Service Center and Cody Park Parking Lot Project – Public Works Director Brian Faust presented for consideration award of the Municipal Service Center and Cody Park Parking Lot Projects. Engineering staff did review the condition of both lots, both have been deteriorating for many years. Staff developed plans in house. Bids opened on April 20, only 1 bid was received. Staff contacted other contractors who picked up plans but did not submit a bid. One contractor thought there would be more concrete on the job, one was concerned about the volatility of asphalt, and two couldn’t meet the bidding requirements. The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineers estimate and whose evaluation by the City indicates that the award will be in the best interest of the City. While Little Joe’s bid was slightly higher than the engineer estimate, staff feels that there is no benefit from rebidding the project.

Commissioner Hingula:

- Wished a local contractor would have submitted a bid

Commissioner Wilson moved to accept the bid received from Little Joe's Asphalt in an amount not to exceed \$136,980.00 for the Municipal Service Center and Cody Park Parking Lot Project. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Memorandum of Understanding for Countywide Transportation Study – City Manager Paul Kramer introduced the Countywide Transportation Study Memorandum of Understanding. The Kansas Department of Transportation and the Mid-America Regional Council have stressed the importance of a countywide transportation plan to stakeholders in Leavenworth County for years. The creation of a plan is a requirement for project funding, support and eventual construction. KDOT and MARC have continually advocated for a countywide approach of collaboration among cities and the county. In late 2020, led by the Leavenworth County Port Authority and supported by Leavenworth County and the cities of Leavenworth, Lansing, Basehor and Tonganoxie, started to draft an RFP that would create a plan that met KDOT and MARC requirements. The resulting plan would also serve to equally evaluate all transportation options, as well as serving as a planning document for pursuing improvements.

Mr. Kramer:

- This study has nothing to do with the City's transit program
- Highlighted the Memorandum of Understanding:
 - Monthly steering committee meetings
 - Robust public engagement process
 - 2 sets of 6 Stakeholder meetings
 - 2 additional Public meetings
 - All projects will be scored/evaluated evenly, no project has a leg up on another
 - Comprehensive review of all projects
 - Prioritization tool that will show which projects rise to the top
 - Project team will develop a webpage for the public to learn more about the process and the scoring/weighting system
 - Goal is a transparent and open process
 - Draft report will circulate for all entities to review before a final report is presented
 - Schedule is 12 months
 - Cost: preliminarily agreed to 30% not to exceed \$90,000
 - Funds would be from the Federal Funds Exchange Dollars, which are monies that we set aside for transportation related projects

Commissioner Bauder:

- The reason this is needed is because access to our area is getting more difficult
- K-7 was once a straight shot but now has stop lights all over

Commissioner Hingula:

- Have we received any money from KDOT

Mr. Kramer:

- KDOT's portion would go to the contract not to the City directly

Mr. Greg Kaaz, Past Chairman for the Leavenworth Port Authority:

- This is a regional project
- Helps determine where is the County going in the next 10, 20, 30 years that we could start to plan for: purchase right-of-way, plan utilities; those things go a long way for thinking and planning long term

Commissioner Hingula:

- When the study is complete will there be a published study available to the public

Mr. Kramer:

- Yes, absolutely

Commissioner Bauder moved to approve the Memorandum of Understanding for the Countywide Transportation Study. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Rezoning 604 Pottawatomie from NBD to I-1 – Planning and Community Development Director Julie Hurley reviewed the rezoning request at 604 Pottawatomie from NBD Neighborhood Business District to I-1 Light Industrial. Currently, the property houses June's Northland, but she is retiring and looking to sell the building. Light Industrial Zoning is a low intense use zoning district. Applicant is looking to do high-tech medical manufacturing operations in the building.

Commissioner Hingula:

- Commended Ms. Hurley and the Planning Commission for their thorough review of rezoning requests

Keith Baird Chief Operation Person for Stripes Global:

- It is a veteran owned company
- Seek to supply needed pharmaceuticals to the VA in prepackaged form
- Design, develop, and manufacture light medical devices
- Truck traffic would include UPS and FedEx type trucks, we don't envision large tractor trailers

Commissioner Martin:

- What is the timeframe to get going
- Are there any other hubs

Mr. Baird:

- We are looking to take possession around July 1, then some light renovation, anticipate 3 months
- One other location, the company is based in Seattle, and is looking to expand

Mr. Kramer:

- Can you talk about your recruitment process

Mr. Baird:

- Job fairs on Post, using 3rd party recruiting efforts, would draw from any HUB zones in the area

Attorney Waters:

- Mentioned the Golden Rules when evaluating a rezone request and that the decision this evening is based on those

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

Leavenworth Land Bank: Leavenworth Land Bank Matters:

Commissioner Hingula moved to recess as the Leavenworth City Commission and convene as the Leavenworth Land Bank Board of Trustees. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Appointment of Officers – Planning and Community Development Director Julie Hurley stated appointment of officers is required per the Ordinance that was approved for the establishment of the Land Bank.

Commissioner Bauder moved to appoint as Officers of the Leavenworth Land Bank Board of Trustees the Mayor as the Chairperson, Mayor Pro-Tem as Vice-Chairperson, Immediate Past Mayor as Secretary, and Financial Claims Reviewer as the Treasurer. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Proposals for 600 Cherokee Redevelopment – Planning and Community Development Director Julie Hurley stated the Commission heard proposals about the redevelopment of 600 Cherokee. The property was transferred to the Land Bank so the consideration is done by this body.

Commissioner Hingula:

- Visited the location in Holton
- It's a very family orientated space
- In addition to their own ales, they also offer local wines
- Bean bag game was being played
- Art gallery proposal has been withdrawn

Commissioner Martin:

- Asked Mr. Kramer to review the process of how the City acquired the property

Mr. Kramer:

- Presented last summer on economic development and presented 13 different tools in the tool bag
- Some things aren't feasible for the private market
- 600 Cherokee has been vacant for more than a dozen years
- Dozens of developers have gone through the building and looked at their costs of rehabbing it
- Purchase price remained unchanged throughout all that time
- City stepped in and purchased the building with countywide sales tax dollars

- Goal was to remove the initial hurdle to get the building redeveloped
- It is in the Historic District and will need to go through the Preservation Commission

Commissioner Bauder moved to direct staff to enter into contract negotiations and draft a development agreement with the selected proposal from Willcott Brewing Company. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Executive Session – Mayor Leonhard moved to recess into executive session to discuss attorney-client matters related to the transfer of 600 Cherokee pursuant to the consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2. The open meeting to resume in the City Commission Chambers at 7:40p.m. City Manager Paul Kramer and City Attorney David E. Waters are requested to be present during the Executive Session. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

The Leavenworth Land Bank Board of Trustees returned to open session at 7:40 p.m.

Commissioner Martin moved to adjourn as the Leavenworth Land Bank Board of Trustees and reconvene as the Leavenworth City Commission. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consent Agenda:

Commissioner Martin moved to approve claims for April 9, 2022 through April 22, 2022, in the amount of \$548,697.35; Net amount for Payroll #08 effective April 22, 2022 in the amount of \$362,847.29 (Includes Police and Fire Pension in the amount of \$9,038.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

Commissioner Hingula:

- Noted the end of Ramadan is coming up

Commissioner Wilson:

- God bless and have a great week

Commissioner Martin:

- God bless and enjoy the warm weather

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 7:42 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC