



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 (via telephone call-in), Edd Hingula and Griff Martin.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Human Resources Director Lona Lanter, Deputy Human Resources Director Michelle Meinert, Parks & Recreation Director Steve Grant, Parks & Recreation Superintendent Brian Bailey, Planning & 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.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the August 9, 2022 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8189 Demolition Special Assessments – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the August 9, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8189 was unanimously approved.

Second Consideration Ordinance 8190 Nuisance Special Assessments – City Manager Paul Kramer reviewed the Ordinance. Since first consideration on August 9, 2022, the following listings have been removed as payment was received:

Brungardt, Sandie	619 Kiowa Street	\$275.00
Brungardt, Sandie	621 Kiowa Street	\$175.00
Highfill, George E.	1015 Osage Street	\$600.00

Mayor Leonhard called the roll and Ordinance No. 8190 was unanimously approved.

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

John Baragary 1101 Michigan:

- Appeal about a sidewalk issue on property
- Sidewalk goes to a dead-end
- Waste of time and money
- No other adjoining sidewalk

Wayne Ahrndt 614 N 13th Terr.:

- Property line and property values
- How can property value be assessed if the GIS map isn't correct
- Subdivision was built in 1963
- Would like the City to survey his property and the subdivision
- Wants to move fence but can't until the actual property lines are located

Alexander Castillo 729 Prospect Street

- Questions why taxes are going up when properties around his are not being kept up

Public Hearing:

Public Hearing Exceeding of the Revenue Neutral Rate:

Open Public Hearing:

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

Staff Presentation:

City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by Kansas Statute. The City of Leavenworth's intent is to reduce the overall mill levy by one mill, yet it will exceed the RNR as defined in the statute.

Citizen Comments:

Gerard Overbey 4108 Grand Ave:

- Asking Commission to remain at a revenue neutral rate
- Not a good time for tax increase
- Many residents are on a fixed income
- Higher taxes would put people on the street
- Asked City not to raise property taxes

Louis Klemp 1816 Pine Ridge Drive:

- Discussed property tax going up countywide
- Interesting to see the process the City went through
- Wants City to reconsider budget

Steve Clay 307 N Broadway:

- Read from a graph he received from Kansas Department of Labor and Statistics
- Where is the money going, what is it being spent on
- Recommend no increase to taxes

Ken Bower 1029 3rd Ave:

- Happy to see people present at the budget hearing
- Thanked Commission for lowering the mill levy and not raising the sewer and refuse rates

- Supports the decision to lower the mill levy and moving forward with the budget as presented

Hielke Welling 2133 Birch Street:

- City has a spending problem and not a taxation problem
- Lived here 7 years and never seen taxes so high
- Moral issue and ethical issue
- Not the time to levy these taxes

Close Public Hearing:

Commissioner Martin 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 Martin:

- Thanked staff and Commissioners for their work on the budget
- Doesn't want to see taxes increase
- Potential impact to city employees
- Does not want to impact city employees
- Length of time it would take to do a deep dive analysis into the budget
- Timing for the final budget approval
- Possible option of using ARPA funds to cover one time CIP expenses
- Use City Reserve funds to cover one time CIP expenses
- Comb out and remove CIP expenses and keep funds for the budget instead- wouldn't recommend this option
- This will be challenging for 2024 if we make those cuts and stay revenue neutral
- I think we have a way through the options laid out

Commissioner Wilson:

- Asked if the City can use ARPA funds to pay for CIP expenses

Attorney Waters:

- The guidance of ARPA allows the City to use those funds for CIP expenses
- Provided that the City could choose to not exceed the revenue neutral rate and hold its budget hearing at a later date

Commissioner Wilson:

- Concern is what happens for next year
- We have a lot of projects we're trying to accomplish and move the city forward
- What is the impact to that

Commissioner Martin:

- We'd have a void but we can work on it
- In this economy we're living day by day

Mr. Kramer:

- The mill doesn't just fund the general fund, it impacts the ability to borrow funds

- It is more complex than just general fund and capital fund
- Bond and Interest isn't something we can opt out of

Commissioner Bauder:

- Look more closely at it earlier next year
- The way the state requires the county to appraise our homes, that is the real problem
- Recommends proceeding as is and start looking earlier next year

Commissioner Hingula:

- Wants to look at needs and tighten the belts, then review the wants

Commissioner Wilson:

- Biggest concern is the impact to employees, want to ensure we can hire and retain employees
- Don't want to cut today and raise tomorrow
- Not having an answer on what we'd do tomorrow makes me want to move forward with plan as it stands today

Mayor Leonard:

- Thinks we can start earlier next year to do this, but wants to move forward as it is today

Commissioner Martin:

- Stated the school board voted to not exceed the revenue neutral

Commissioner Martin moved to not exceed the Revenue Neutral Rate. Commissioner Hingula seconded the motion. The motion failed 2-3 with Commissioners Bauder, Wilson and Leonard voting No. Mayor Leonard declared the motion failed 2-3.

Consider Resolution B-2317 – Approval to Exceed Revenue Neutral Rate:

Mayor Leonard called the roll for Resolution B-2317 for Approval to Exceed the Revenue Neutral Rate and Resolution B-2317 was approved 3-2 with Commissioners Hingula and Martin voting No. Mayor Leonard declared the Resolution approved 3-2.

Public Hearing on 2023 Operating and 2023-2027 Capital Budgets:

Open Public Hearing:

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

Staff Presentation:

City Manager Paul Kramer reviewed the city operating budget. The budget includes a reduction of one mill and a freeze of sewer and refuse rates. The 2023 budget also invests in city staff to help recruit and retain qualified and valued employees.

Citizen Comments:

Louis Klemp 1816 Pine Ridge Drive:

- City is 50% untaxable

- General fund has a reserve, City should lower the reserve
- Library should be at a lower mill levy
- ARPA funds should be used
- Doesn't want the budget to increase

Ken Bower 1029 3rd Ave:

- Commend staff and Commission on budget
- Decrease is significant
- Appreciates the freeze to sewer and refuse rates
- Happy about the work that's going to be done to help the Fire Department
- Thinks the City is doing a great job

Gerard Overbey 4108 Grand Ave:

- Remind Commission that their first concern should be the people of Leavenworth and not whether the budget can meet the needs of Fire and Police
- While they are an important part of the City, the people of Leavenworth should be the number 1 priority

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 Wilson:

- Asked what will the 1 mill levy reduction provide back to the citizens
- Commends Commissioners for the reduction to mill levy and freezing garbage and sewer rates
- City provides great fire fighters and services to our citizens

Mr. Kramer:

- Stated 1 mill is about \$272,000

Commissioner Hingula:

- Glad we reduced the mill levy and froze utility rates but feels more could be done

Commissioner Martin:

- Provided that the trash bag cost is about \$280,000, sale of them is about \$20,000
- If the city eliminates providing trash bags, the line could be reduced

Mayor Leonhard:

- Proud of the work done on the budget by the Commission and staff
- Considers both present and future
- Providing long overdue commitment to the Fire Department
- Significant commitment to infrastructure to roads, trails, sidewalks, and sewer system
- Provide high quality services and amenities and city continuing to attract new business and houses
- Each budget cycle is unique and challenging in its own way
- Attempts to help businesses and families and still take action to move forward

Adopt the 2023 Operating and Capital Budgets:

Mayor Leonhard moved to adopt the 2023 Operating and Capital Budgets. Commissioner Wilson seconded the motion. The motion passed 3-2 with Commissioners Hingula and Martin voting No. Mayor Leonhard declared the motion carried 3-2.

Consider Resolution B-2318 – Approval of 2023 Housing Budget for Planters II:

Commissioner Wilson moved to approve Resolution B-2318 approval of the 2023 Housing Budget for Planters II. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

General Items:

Mayors Appointments – Mayor Leonhard moved to appoint to the Community Development Advisory Board Mary Mack to a term ending August 31, 2025 and appoint to the Leavenworth Main Street Board Meredith Thompson to a term ending August 15, 2025. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Employee Benefit Plan Renewal – Human Resources Director Lona Lanter reviewed the recommended employee benefit coverages to be effective December 1, 2022. The renewal bid for United Health Care (UHC) came in at a 6% premium increase with no plan design changes. The renewal for Delta Dental came in with a 5% premium increase and no plan design changes, and were provided a rate cap guarantee for next year’s renewal not to exceed 5% with Delta. The renewal for UHC Vision came in with no premium increase and no plan design changes, as this is the second year of our three year rate guarantee.

Mr. Kramer:

- Quite a feat to come in with single digit increase, that’s in large part to our HR department, employee council, training and culture of safety
- Robust benefits package has helped retain and recruit employees

Commissioner Wilson moved to approve the benefit plan renewal. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolutions:

Resolution B-2319 Camp Leavenworth Special Event Street Closure Request for Temporary Liquor License – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of streets during the 2022 Camp Leavenworth festival to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Hingula:

- Do we have a vendor yet

Mr. Kramer:

- A local vendor, Ross’s 20th Street will be providing the alcohol

Commissioner Wilson moved to approve Resolution B-2319 as presented to close streets for the Camp Leavenworth 2022 Special Event. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Havens Park Trail Extension Project – Parks & Recreation Superintendent Brian Bailey presented for consideration approval of the bid for Havens Park Trail Extension Project. During the Capital Improvement Program discussions in 2021, the City Commission discussed future trail development. The Commission dedicated \$30,000 in the 2022 CIP for construction of trails. At the March 15, 2022 Study Session, staff presented options for trail construction. The consensus from the Commission was to extend the existing trail system at Havens Park. Work for this project will include 650' of 5' wide asphalt trail per specification, with the inclusion of the alternate. The add alternate will add 31 ft. of additional trail. The work is expected to be completed 60 days after the Notice to Proceed is given. Staff recommends approval of the base bid and the add alternate bid for an amount not to exceed \$29,964.00.

Commissioner Martin moved to approve the base bid of \$28,600 and the add alternative bid of \$1,364 from McConnell and Associates, in the amount not to exceed \$29,964.00 for the Havens Park Trail Extension Project. Commissioner Wilson seconded the motion and was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit Day Care 3400 Iowa Street – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance allowing a Special Use Permit for operation of an in-home day care at 3400 Iowa Street. City code does allow for child care centers in R1-9 zoning districts with issuance of a special use permit. The applicants previously received approval of a Special Use Permit in 2017 to operate a day care in their home at 3611 Shrine Park Road. The family has recently moved and intends to continue their day care operation in their new home. The item was heard by the Planning Commission at their August 1, 2022 meeting and was voted 4-0 to recommend approval of the Special Use Permit. Ms. Hurley reviewed the Conditions of Determination and Commission Findings. No concerns or complaints were received by the City regarding the operation of a Child Care Center at their previous home. Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

- A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition
- A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas
- The operation shall be limited to a maximum of 12 children
- No additional home occupations may be carried out at the residence

There was consensus by the Commission to place on first consideration for the Special Use Permit at 3400 Iowa Street

There was consensus by the Commission to place on first consideration for the rescission of the Special Use Permit at 3611 Shrine Park Road

First Consideration Ordinance Rezone 2101 & 2013 Vilas Street - Planning and Community Development Director Julie Hurley presented for first consideration an ordinance rezoning 2101 & 2013 Vilas Street from Low Density Single-Family Residential to Medium Density Single-Family Residential. The rezoning is being requested in order to allow for the development of 6 single family residential lots. The Development Review Committee reviewed the project at their May 12, 2022 meeting and discussed items related to required improvements to Vilas Street, additional dedication of ROW, utilities, sidewalks, and storm water. All items discussed will be addressed prior to the issuance of building permits. The item was heard by the Planning Commission at their August 1, 2022 meeting and was voted 3-1 to recommend denial of the proposed change. Ms. Hurley reviewed the request:

- The property owner requested the rezone
- The total size of the property to be rezoned is 4.54 acres
- Desire to allow for development of 6 single family residential lots
- All 6 lots are approximately .75 acres in size with a width of 110'
- Reviewed surrounding home and subdivision lot sizes
- 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
- Reviewed options for the Commission:
 - place on first consideration, which would require a 2/3 majority vote at second consideration
 - Vote to deny the rezone request
 - return the request to the planning commission to re-review the request

Attorney Waters:

- Reiterated the options before the Commission
- Stated the Golden Factors are what are the legal items of consideration when reviewing zoning actions

Jeremy Greenamyre of Greenamyre Rentals 2500 S 2nd St:

- Request is consistent with zoning in the area
- Showed a map while reviewing current zoning and lot sizes
- Additional housing is a benefit for the community
- Agreed to deed 20' of ROW for the expansion of Vilas
- Require to extend sewer to the end of the property for neighbor connections
- Discussed the property tax benefit for development of 6 single family homes
- Only working on developable lots

- If request is denied, requests specificity as to why and what issue

Kevin Baker 2101 Limit:

- Issue is not with Mr. Greenamyre, issue is with the street
- When the school was built, streets and parking were not considered
- The school has attempted to address issue with additional parking lot to alleviate congestion
- No markings or curbs in the street
- Road is not suitable for more traffic

Janiece Baker 2101 Limit:

- The majority of the people live on acreage
- Concerned about drainage
- Patchwork was done on roads but it still floods
- Safety hasn't been considered
- Roads are not in good condition and streets aren't wide enough
- Challenges are there is not infrastructure
- Doesn't want more than 4 lots

Gerry Heintzelman 2089 Limit:

- Property wasn't developed because developer was told it was too expensive to develop
- Biggest concern is flooding
- Property floods in areas
- New parking lot by school is causing more runoff
- Concern about additional runoff by new homes
- Put sewer and drains in and do a subdivision

Commissioner Hingula:

- Asked why the Planning Commissioner recommended denial

Ms. Hurley:

- Estimates that they were sympathetic to concerns of neighbors and wanted a motion to move the application forward

Mayor Leonhard:

- When you look at a rezoning you have to look at the 8 golden factors, there are a lot of other things that are on the outside but it depends on the golden factors

Attorney Waters:

- There are several different layers of control: use, platting process, dedicating setbacks, building codes

Commissioner Wilson:

- Asked if drainage is one of those issues

Attorney Waters:

- Drainage is probably handled through subdivision codes, they can't add to current issues

Commissioner Martin:

- Asked about width of the street

Attorney Waters:

- It is probably appropriate in the platting process, the abilities of roads to handle load in use
- The main question is if the requested use is a proper use given the golden factors

Ms. Hurley:

- Mr. Greenamyre stated he did dedicate additional ROW which is intended to be used to help aid the road infrastructure improvements when those occur

Commissioner Martin:

- Asked Mr. Kramer to speak about a grant application that could impact that area

Mr. Kramer:

- City submitted a transportation grant application to reconstruct the road and add stormwater
- City is hopeful to hear soon about that being awarded

Commissioner Hingula:

- How much land do you own
- What is the depth you're putting on those lots
- Do you plan to abate the drainage issues

Mr. Greenamyre:

- About 8.5 acres in total, but request to rezone is for 4.54 acres on Vilas
- Multi-family rezone request of 2020 was denied and a lot of opposition related to the street condition, so this current decision was made to only develop the northern portion
- Depth of lots is 300 feet
- Chose the 110 foot wide lots as it seemed to fit with the neighborhood better
- We plan to make developable lots and add utilities

Commissioner Bauder:

- Expressed support for moving forward with the project

Commissioner Martin:

- Asked what are the options to wait until the grant is awarded

Attorney Waters:

- Advised against waiting on a third-party entity to award a grant before making a decision, as it does not fall in line with the golden factors
- Reviewed that the Commission could return the item to the planning commission and provide a subject/item for the Planning Commission to review

Mr. Kramer:

- Reminded the Commissioners that this item has to come back before the body, as this is only first consideration

There was consensus by the Commission to place on first consideration

Consent Agenda:

Commissioner Martin moved to approve claims for August 6, 2022 through August 19, 2022, in the amount of \$712,030.25; Net amount for Payroll #16 effective August 12, 2022 in the amount of \$353,798.91 (No Police & Fire Pension). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Final Camp Leavenworth update at next Study Session
- Micro-surfacing is scheduled to begin on Thursday
- Hawthorne Splash Park had water in it today, hoping for ribbon cutting this year
- Met with Veterans Day Parade Committee this week
- Next Tuesday is a 5th Tuesday so no Commission Meeting next week

Commissioner Bauder:

- Apologized for not being able to attend in person

Commissioner Hingula:

- Wished Commissioner Bauder a speedy recovery
- Take care and be safe

Commissioner Wilson:

- If you see someone who seems down say an uplifting word

Commissioner Martin:

- Wished Commissioner Bauder well
- God bless

Mayor Leonhard:

- Wished everyone a safe great week

Adjournment:

Commissioner Hingula moved to adjourn the meeting. Mayor Leonhard 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 Sarah Bodensteiner, CMC