



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, September 13, 2022 6:00 p.m.**

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**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, Leavenworth Housing Authority Housing Manager Andrea Cheatom, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, Operations Superintendent Derek Burleson, Street Foreman Becky Beaver, Water Pollution Control Superintendent Tim Guardado, Assistant Water Pollution Control Superintendent Jon Lemke, 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.

**PROCLAMATION:**

**Constitution Week September 17-23** – Mayor Leonhard read the proclamation proclaiming September 17-23, 2022 as Constitution Week. The proclamation was accepted by Ann Cecil.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the August 23, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance No. 8191 Approve Special Use Permit Day Care 3400 Iowa Street** – City Manager Paul Kramer reviewed the ordinance. There have been no changes since first introduced at the August 23, 2022 Meeting.

Mayor Leonhard called the roll and Ordinance No. 8191 was unanimously approved.

**Second Consideration Ordinance No. 8192 Rescind Special Use Permit Day Care 3611 Shrine Park Road** – City Manager Paul Kramer reviewed the ordinance. There have been no changes since first introduced at the August 23, 2022 Meeting.

Mayor Leonhard called the roll and Ordinance No. 8192 was unanimously approved.

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

Mac McCowen 1901 Woodridge Drive:

- Discussed an unpleasant experience with a tow company called out by the police department during a vehicular accident
- Cost from tow company is exorbitant
- Tow company wouldn't tow to owners requested location
- Tow company would only take cash payments
- Fees don't make sense, nor were they discussed in advance
- Spoke with Deputy Police Chief Nicodemus and had some of his questions answered about the process from the City's end
- Wanted to make others aware so they avoid the high costs

Chief Kitchens:

- When an officer responds to an accident the City has a list of towing companies to use if the person involved doesn't know who to call
- Persons can request their own tow company

### **General Items:**

**Mayors Appointments** – Mayor Leonhard moved to appoint to the Grow Leavenworth County Development Corporation Board Jen Anders to a term ending May 31, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Commissioner Hingula:

- Asked if Grow Leavenworth County is this the same entity as LCDC

Assistant City Manager Penny Holler:

- Advised the city participates in Grow Leavenworth County and it is a separate entity from LCDC

### **Resolutions:**

**Resolution B-2320 Adopting Planter's II Schedule of Charges** – Housing Authority Housing Manager Andrea Cheatom presented for approval Resolution B-2320 amending the Admissions and Continued Occupancy Policy (ACOP) schedule of charges for Planter's II.

Commissioner Bauder:

- Asked what is the reasoning for the increases

Ms. Cheatom:

- The majority are increases are due to inflation and the cost of items has increased

Commissioner Hingula:

- The Resolution states it excludes labor costs, are these just parts charges

Ms. Cheatom:

- Yes, we do have labor rates, but these charges are for parts

Commissioner Martin moved to adopt Resolution B-2320 adopting the ACOP schedule of charges. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Resolution B-2321 Planter's II Capital Fund Program Grant** – Housing Authority Housing Manager Andrea Cheatom presented for approval Resolution B-2321 for the 2022 Capital Fund Program (CFP) grant # KS01P06850121 for Planter's II in the amount of \$200,495.00. The grant funds must be accepted annually by the City Commission acting as the Leavenworth Housing Authority Commission.

Commissioner Bauder moved to adopt Resolution B-2321 accepting the 2022 CFP grant for Planter's II. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Resolution B-2322 Planter's II Capital Fund Program 5 Year Action Plan & 2023 Capital Fund Annual Statement Performance & Evaluation Report** – Housing Authority Housing Manager Andrea Cheatom presented for approval Resolution B-2322 authorizing the submission of plans to the U.S. Department of Housing and Urban Development (HUD).

Commissioner Bauder moved to approve the plan and adopt Resolution B-2322 authorizing submission to HUD. Commissioner Wilson 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 2022/2023 Salt** – Public Works Director Brian Faust presented for consideration approval for the purchase of 1,500 tons of salt for the 2022/2023 season from Independent Salt Company at a rate of \$57.61 per ton. Leavenworth County bids the purchase of salt each year and allows in the bid specifications for all cities within the county to purchase salt from the winning bidder at the awarded price. The county's bid opening was held on August 22, 2022 and Independent Salt Company, Kanapolis Kansas was the winning bidder. In early 2022, City staff began applications of salt brine on several of our 'hot spot' locations. Salt brine is applied before storm events and helps melt snow and ice from underneath. In the 2022/2023 winter season, we will be expanding our salt brine treatment. This has the potential to reduce the amount of road salt we will need to purchase in the future.

Commissioner Hingula:

- Asked if there is a minimum number of tons that must be requested if more salt is needed
- Is making the brine more cost effective

Mr. Burleson:

- We monitor the supply and request as needed to ensure our stores are fully stocked, there is not a minimum
- It is cheaper to make the brine and it helps aid in removal of snow and ice

Commissioner Wilson moved to approve the Leavenworth County bid for rock salt at \$57.61 per ton for up to 1,500 tons from Independent Salt Company. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of Bid for City HVAC Upgrades** – Public Works Director Brian Faust presented for consideration awarding the re-bid for the City Hall HVAC upgrades. The HVAC rooftop unit at City Hall was installed in 2005 and has reached the end of its useful life. Repairs are becoming more frequent and costly, and replacement parts are becoming harder to obtain. The project was originally bid in January 2022, but bids were ultimately rejected due to cost significantly over the engineer’s estimate. Staff reevaluated the bid specifications and were able to modify the specifications without negatively impacting the capabilities of the upgrades. Bids were opened on September 7, 2022 and 2 bids were received. The 2022-2026 CIP included \$50,780 for the replacement of the rooftop unit with funding through the American Rescue Plan Act (ARPA). The cost of HVAC equipment has continued to increase and further increases are likely within the next several months. Funding for the full cost of the project will be through ARPA.

Commissioner Martin moved to accept the bid from Mr. Breeze Heating & Cooling in the amount not to exceed \$100,500.00 for the City Hall HVAC Upgrades. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of Contract for 2022 Pavement Evaluations** – Deputy Public Works Director Earl Wilkinson presented for consideration the 2022 Pavement Evaluation contract. A key part of our pavement management evaluation process is to evaluate our entire roadway network every three years. Accurate and timely evaluations are important as they allow staff to analyze our pavement inventory, evaluate the impact of pavement management activities, plan future resurfacing projects and street improvements. In 2016 and 2019, the City contracted with Stantec to evaluate all streets in the City of Leavenworth. Advances in technology have created systems where pavement evaluations can be performed by mobile high-tech vehicles using lasers, GPS, high-definition digital imagery and other sensors. Stantec can collect information and evaluate all curbs, sidewalks, ADA ramps and street signage. This additional information would allow Public Works to create a complete baseline of all these critical infrastructure assets, which we currently do not have and cannot complete with our limited staff. The new Stantec Pavement Summary Report will be used by staff and our Pavement Management Program design engineers to evaluate the effectiveness of the recent programs and to be a key component in the selection of streets for the next three-year cycle of the Pavement Management Program. Work is expected to begin in April 2023 and take about three months to complete. The data will be processed by Stantec and delivered in July 2023 to be used as part of the 2024 Pavement Management Program decisions.

Commissioner Martin:

- This will give a baseline on streets and the other items, so we’ll be able to continue to track this moving forward

Mr. Wilkinson:

- We currently have some of this for our streets, but we don’t have this for sidewalks, curbs or ADA ramps
- This would also be in our GIS system which would allow us to track that information

Commissioner Bauder moved to approve the proposal from Stantec Consulting Services, Inc. for performing pavement evaluations and taking an inventory of the street signage in the amount of \$54,787.75, and the sidewalk, curb and ADA ramp inventory for an additional \$76,260.00, for a total contact amount not to exceed \$131,047.75. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of Design Services for 2023 Pavement Management Plan** – Public Works Director Brian Faust presented for consideration approval of the contract with Alfred Benesch & Company for the development of the 2023 Pavement Management Plan (PMP) and to continue development of a long-term comprehensive pavement management plan for the City of Leavenworth. A Pavement Management Plan is an asset management process used to allocate resources effectively and maximize service life of pavements. This process includes the systematic process for inspection, evaluation, project planning and maintenance of the entire street pavement network. The information collected as part of this process is used to identify appropriate maintenance strategies for each street based on pavement condition, expected service life, desired level of service and street classification. Reviewed pavement management strategies and advantages of the Pavement Management Plan. Alfred Benesch has extensive successful experience in helping communities develop Comprehensive Pavement Management Programs. They also understand funding limitations and challenges working in communities of all sizes. The strategies developed in the PMP are used to identify target budget numbers required to meet the stated goals, but also to create the most effective annual program given resource limitations. The information will help staff present annual project recommendations designed to achieve the desired level of service and pavement condition over the life of the program.

Commissioner Bauder moved to approve the design services contract with Alfred Benesch & Company for developing a Comprehensive Pavement Management Program in an amount not to exceed \$151,235.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of Bid for Repair Bar Rake Gear Box and Rake Assembly** – Public Works Director Brian Faust presented for consideration the replacement of gear box and rake assembly for one of the two bar Infilco-Degremont Bar Screens. This bar screen was identified as one of the three immediate needs (bar screen, belt press and trickling filter) for the Wastewater Treatment Plant. The two original Bar Screens were installed in 1972. They were replaced in a 1997 project for \$460,000. Since that time the various floods, age and overall hostile influent environment have resulted in substantial repairs to both bar screens. Douglas Plum through C&B Equipment is the only company that could get the exact replacement parts and provide a quote that included installation for the Infilco-Degremont Bar Screen rake assembly. There is significant lead time, up to 36 weeks, when ordering the rake assembly, and it will take an additional two days for installation. The bar screen is an immediate need and the cost was included in the recommendations for the American Rescue Plan Act funding.

Commissioner Martin moved to approve the sole source purchase and repair bid from Douglas Pump in an amount not to exceed \$133,097.25. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of Construction Administration Services for 2<sup>nd</sup> & Chestnut Project** – Deputy Public Works Director Earl Wilkinson presented for consideration a contract for construction-related services from

Wilson & Company Engineers for the 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project. In February 2022, the City Commission approved a design contract with Wilson & Company Engineers for the design of the 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project, and on July 12, 2022, the City Commission approved a construction contract with LEXECO for the project. The City considered Wilson & Company to do all the construction-related services for the 2<sup>nd</sup> & Chestnut project, but the proposed fee was \$196,000. In order to reduce costs on the overall project, the Public Works staff will handle the day-to-day construction inspection and contract administration associated with the project. As Wilson & Company designed the project, it would be beneficial to have them provide limited construction-related services for the project. These services would include attending the pre-construction meeting, reviewing shop drawings for the contractor, monthly progress meetings, general project coordination, final walk-through of the project, and as-constructed drawings of the project. All of these services offer necessary support to the Public Works staff.

Mayor Leonhard:

- Where is this project located, is it where that alleyway collapsed

Mr. Wilkinson:

- It is very close, slightly north of the 2<sup>nd</sup> & Chestnut intersection
- Prep work has been done, trees removed, fencing relocated, etc.

Commissioner Bauder moved to award the construction-related services contract for the 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project to Wilson & Company Engineers in an amount not to exceed \$34,046.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

### **First Consideration Ordinances:**

**First Consideration Ordinance to Adopt Standard Traffic Ordinance 49<sup>th</sup> Edition** – Police Chief Patrick Kitchens presented for consideration the adoption of the 49<sup>th</sup> Edition of the Standard Traffic Ordinance as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions. An additional item of note is that there are sections of the City Code, Sec. 44-1 and 44-5 that will be repealed through this ordinance, as the State Statute on those topics has since changed and the sections are no longer valid.

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

**First Consideration Ordinance to Adopt 2022 Uniform Public Offense Code** – Police Chief Patrick Kitchens presented for consideration the adoption of the Uniform Public Offense Code as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions. Substantive change of note included Section 11.8 which is about Gambling, as sports betting is now legal in the State.

Commissioner Wilson:

- Asked if slot machines at gas stations were allowed

Chief Kitchens:

- Slot machines are not allowed in any place but a casino

- Should there be a concern, the City would let the Gaming Agent handle it

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

**First Consideration Ordinance to Adopt 2022 Traffic Control Device Master List 2022** – Police Chief Patrick Kitchens presented for consideration the adoption of the 2022 Traffic Control Device Master List as prepared by the City of Leavenworth. The 2022 list includes the addition of the intersection of 20<sup>th</sup> & Eisenhower, as it now has a traffic signal.

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

**Consent Agenda:**

Commissioner Martin moved to approve claims for August 20, 2022 through September 9, 2022, in the amount of \$6,580,021.01; Net amount for Payroll #17 effective August 26, 2022 in the amount of \$367,352.24 (Includes Police & Fire Pension in the amount of \$9,888.71) and Payroll #18 effective September 9, 2022 in the amount of \$347,597.36 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Other:**

Mr. Kramer:

- Provided updates on the Pavement Management Program to include micro surfacing, curb, and mill & overlay updates
- Provided a Stubby Park restroom construction update
- Advised Commissioners if they'd like a site visit of the 2<sup>nd</sup> & Chestnut project to let him know
- Small business symposium update will be at the study session next week
- Trails work at Havens Park begins September 26th

Commissioner Hingula:

- Gave blood today and encouraged everyone to give blood as the supply is low

Commissioner Wilson:

- God bless

Commissioner Martin:

- Stated with supply chain issues looming, hope everyone is forward thinking

Mayor Leonhard:

- Camp Leavenworth is September 23rd and September 24th

**Executive Session – Attorney Client Privilege** - Mayor Leonhard moved to recess into executive session for a period of 20 minutes for the purpose of discussing a real property matter with the City Attorney, under the justification for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship K.S.A. 75-4319(b)2. The City Commission, City Manager and City Attorney will be present. The open meeting will resume in the City Commission Chambers at 7:25 p.m.

Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

The Leavenworth City Commission returned to open session at 7:25 p.m.

**Adjournment:**

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

Time Meeting Adjourned 7:25p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC