



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

City Commission Regular Meeting
Commission Chambers
Tuesday, October 25, 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 and Commissioners Nancy Bauder, Edd Hingula and Griff Martin. Absent: Mayor Pro-Tem Jermaine Wilson.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Planning and Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Deputy Public Works Director Earl Wilkinson, Chief Building Inspector Hal Burdette, Fire Captain Isaiah Maher, Fire Chief Gary Birch, 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:

United Way Months – Mayor Leonhard read the proclamation proclaiming September through December as United Way Months. The proclamation was accepted by Mary Mack, Heather Padelli and Caroline Arter.

National Family Literacy Day – November 1, 2022 – Mayor Leonhard read the proclamation proclaiming November 1, 2022 as National Family Literacy Day. The proclamation was accepted by Janelle DeFrees.

National American Indian Heritage Month – Mayor Leonhard read the proclamation proclaiming November 2022 as National American Indian Heritage Month. The proclamation was accepted by Janelle DeFrees.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Martin moved to accept the minutes from the October 11, 2022 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8198 Amending the Code of Ordinances, Sections 22-25, 22-107 and 22-134; Amending the Licensing Period – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the October 11, 2022 meeting.

Mayor Leonhard called the roll and Ordinance No. 8198 was unanimously approved.

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

Jeff Howards 2100 S. 19th Terrace:

- Chairman of Leavenworth County Democratic Party

- Cited for having more than 3 signs on private property
- Feels the citation is in violation of Kansas State Statute
- City Manager did address the issue and advised citation was erroneously issued
- Feels like he was singled out
- Would like an investigation

General Items:

Cancellation of the November 8, 2022 City Commission Meeting – City Manager Paul Kramer presented a request to cancel the November 8, 2022 City Commission Regular Meeting. Regular meeting dates and times are set by City Code of Ordinances and allows for cancellation by the City Commission.

Commissioner Hingula moved to cancel the November 8, 2022 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Update for Unsafe Structure 717 Spruce Street – Chief Building Inspector Hal Burdette provided the following background information: On November 13, 2021 the structure was damaged by fire; City received a check from insurance proceeds for \$15,000. The Commission adopted Resolution B-2311, directing the owners to commence repairs and the City Commission would review the status of the project after 90 days. As noted in the update provided to the City Commission on June 28, 2022, there was little to no damage to the exterior of the building but there is a window on the south side of the second floor that is broken and needs to be repaired. There are no records of a furnace being installed yet either. The 2018 Internal Residential Code requires a heating facility in habitable rooms. Staff has attempted to contact the owner by phone and mail with no success to get an update on the situation. Staff does not recommend releasing the funds until the window has been repaired and a heat source has been installed.

Gary Nelson, Attorney for the property owner:

- Owner is hard to get ahold of
- Son who was doing the work hasn't been able to work on it recently
- Intent is to get the furnace done this week
- They are trying to get it done

Commissioner Bauder moved to allow up to another 90 days for repairs to be made to 717 Spruce Street, to include a heating source and window repair. Commission Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Request for Approval of the Purchase of Fire Apparatus – Fire Captain Isaiah Maher and Fire Chief Gary Birch presented a request to approve the purchase of a Pierce Pumper Truck manufactured and furnished to our specifications, utilizing the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. This purchase will replace our 2003 Ferrara Fire Pumper Truck with 104,000 miles. With this purchase, six of our seven apparatus will be from one manufacturer. A standardized fleet assists with maintenance, driver operator familiarity and training. The 2003 apparatus does not meet today's safety options. There are maintenance issues associated with the older apparatus, as parts are getting

more difficult to find. The total cost of this apparatus is \$859,749.00. A discount of \$27,268.56 will be deducted from the purchase price for utilizing the H-GAC program, leaving a net cost of \$832,479.44. Funds from the American Rescue Plan Act (ARPA) will be utilized for the purchase per the direction from the City Commission.

Commissioner Hingula:

- Asked how old is the oldest truck in the fleet
- Are we going to sell the old truck

Captain Maher:

- This 2003 truck is the oldest

Chief Birch:

- The truck will be auctioned off on Purple Wave

Commissioner Martin:

- Asked is there any guaranteed delivery

Chief Birch:

- Lead time is pretty locked in, but might be an additional month

Commission Martin moved to approve the purchase of a Pierce Pumper Truck through Conrad Fire Equipment utilizing the H-GAC Cooperative Purchasing Program in an amount not to exceed \$832,479.44. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Consider Approval of Contract for Limited Site Assessment – Old City Garage, 2101 S. 3rd St. – Deputy Public Works Director Earl Wilkinson presented for consideration approval of a Limited Site Assessment contract with Blackstone Environmental Inc. The City of Leavenworth previously operated a maintenance facility at 2101 S 3rd Street, just north of Price Chopper. There have been several evaluations in the area to help determine what, if any, spills may have entered the soil at this location. The City has been working with the Kansas Department of Health and Environment (KDHE) regarding soil condition and previously removed underground storage tanks. Recently, KDHE solicited proposals for a limited site assessment at this location. Three consultants submitted bids with Blackstone Environmental providing the lowest cost for these services. Funding will be from the Storage Tank Trust Funds managed by KDHE; however, the City, as owner, will need to sign a contract with Blackstone. If the City signs the enclosed Limited Power of Attorney form, KDHE will pay the contractor directly.

Mr. Kramer:

- Two things can occur in this situation, the State can tell you to do this, or you can enter into the State Trust Fund and they handle it for you
- The State would handle the bid, the work, and direct billing
- Former municipal sites are monitored and due to a detection of contamination, the assessment is being requested
- The Trust pays for this assessment

Commissioner Hingula:

- Asked how long the process takes
- Will we be kept in the loop on this project

Mr. Wilkinson:

- The process is about a year long, but once the contract is signed they can begin very quickly
- They are very good at keeping us informed

Commissioner Bauder moved to approve the contract and the Limited Power of Attorney with Blackstone Environmental in an amount not to exceed \$38,276.70 for a Limited Site Assessment at 2101 S. 3rd Street. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance for Special Use Permit for a Residential Home Stay at 771 Ottawa – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance that would allow a Residential Home Stay at 771 Ottawa Street. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit. Per the applicant, they intend to utilize the two-bedroom structure for short-term rentals with a focus on military and hospital sectors in Leavenworth. The property provides a driveway for off-street parking and a fenced back yard for privacy. Since purchasing the property in August of 2021, the applicant has replaced windows, installed a new deck, remodeled the kitchen and bathroom, and refinished hardwood floors and installed new carpeting. The Commission may recommend issuance of a special use permit whenever it finds that:

- The proposed special use complies with all applicable provisions of this ordinance.
- The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.
- The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The Planning Commission considered this item at their October 3, 2022 meeting and voted 5-0 to recommend approval of the Special Use Permit.

Commissioner Bauder:

- Asked will this still function as a single family residence

Ms. Hurley:

- The property is remaining a single family residence

Commissioner Hingula:

- Asked do we have any control to ensure this isn't a party house

Ms. Hurley:

- We do have the means to not renew a Special Use Permit if issues arise and persist

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

Consent Agenda:

Commissioner Martin moved to approve claims for October 8, 2022 through October 21, 2022, in the amount of \$1,077,658.18; Net amount for Payroll #21 effective October 21, 2022 in the amount of \$360,661.34 (Includes Police and Fire Pension in the amount of \$9,888.71). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Provided a brief update on the building located at the SW corner of Broadway and Spruce
- Intersection of 20th and Spruce was done by the State, they will be reconstructing the intersection in 2024, but this work was a temporary fix

Commissioner Hingula:

- Great trunk or treat event
- A lot of great events are coming up throughout the city

Commissioner Martin:

- God bless and have a great week

Commissioner Bauder:

- Thanks to all who came out to the trunk or treat
- It was a great event

Mayor Leonhard:

- Was able to walk around and greet people at the trunk or treat event
- The haunted house was great, the scary side was definitely scary this year
- Advanced voting is going on right now through Monday November 7th at noon

Adjournment:

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

Time Meeting Adjourned 6:40 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC