



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

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, City Planner Bethany Falvey, Finance Director Roberta Beier, Human Resources Director Lona Lanter, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Deputy Public Works Director Earl Wilkinson, Chief Building Inspector Hal Burdette, 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 & AWARDS:

Small Business Saturday November 26, 2022 – Mayor Leonhard read the proclamation proclaiming Saturday November 26, 2022 as Small Business Saturday. The proclamation was accepted by Wendy Scheidt.

Employee Service Awards – Eighteen employees reached milestones in their career with the City of Leavenworth reaching ten, fifteen, twenty and twenty-five years of service with the City. The Mayor read the names of the following employees:

10 Years

- Melissa Bower – Public Information Officer
- Justin Lacey – Fire Driver/Operator
- G. Tabor Medill III – Recreation Supervisor
- Clarice Phillips – Records Clerk
- Noah Wooten – Police Sergeant I

15 Years

- Andrea Cheatom – Housing Manager
- Tammy Herken – Telecommunications Specialist
- Roberta Johnston - Senior Court Clerk
- Jon Lemke – WPC Assistant Superintendent
- Brandon Mance – Police Sergeant

20 Years

- Roberta Eddy – Telecommunications Specialist
- Steve Grant – Parks & Recreation Director

25 Years

- Carol Charity – Manger of Information Systems
- Tyler Ewert – Fire Captain
- Sean Goecke – Police Lieutenant
- Danny Hall – Police Lieutenant

- Johnny Sweet II – Police Officer II
- Patrick Tooley – Section 8 Coordinator

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the October 25, 2022 regular meeting and November 1, 2022 special meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8199 Approval of Special Use Permit for Residential Home Stay at 771 Ottawa – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the October 25, 2022 meeting.

Commissioner Hingula:

- Asked who requested the special use permit, was it an individual or a corporation

Mr. Kramer:

- The owner of the property requested the permit

Mayor Leonhard called the roll and Ordinance No. 8199 was unanimously approved.

Second Consideration Ordinance No. 8200 Approval of Franchise Agreement with Unite Private Networks, L.L.C. – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 1, 2022 special meeting.

Commissioner Hingula:

- Asked if Unite will place utility poles in the right-of-way or underground

Mr. Faust:

- They are able to do both, there is nothing in the City Code that states they must be underground

Mayor Leonhard called the roll and Ordinance No. 8200 was unanimously approved.

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

Chad Higdon 915 Douglas Street, St. Joseph MO:

- CEO of Second Harvest Community Food Bank in St. Joseph
- Feeding America food bank that serves Leavenworth County
- Working with several partner agencies within Leavenworth County
- Need is greatest for cold storage for fresh milk, berries and vegetables
- Applying for ARPA funds in Missouri to tackle this issue of cold storage, and asking for pledges to support this endeavor
- Looking for opportunity to continue the discussion

Michael Lay 907 Columbia Ave:

- Commented that brush and trash bags have been left at the curb for an extended amount of time
- City needs to get control of the issue to avoid illegal dumping
- City is 9th on a list of most dangerous cities
- Recalled a 2019 project to grow the City, and hasn't seen any growth
- Need more options with notification for what is going on in the City

Public Hearing:

Public Hearing on and First Consideration of an Ordinance Authorizing the Issuance of Taxable Industrial Revenue Bonds, Series 2022 (MAPS Project):

Open Public Hearing:

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

Staff and Public Comments:

City Manager Paul Kramer:

- Reviewed the MAPS, Inc. project in the Gary Carlson Business Center
- The predevelopment agreement authorized the abatement, which is a 6 year tax abatement at 60%
- Going through this Industrial Revenue Bond process this evening is the vehicle for which the property taxes are abated

Close Public Hearing:

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

First Consideration Ordinance Authorizing Issuance of Taxable Industrial Revenue Bonds, Series 2022:

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

General Items:

Mayor's Appointment – Mayor Leonhard moved to appoint to the Convention & Tourism Committee Danny La Gore to an unexpired term ending January 31, 2025 and appoint to the Temporary Leavenworth Transit Advisory Committee Allen Barnes, Kelly Butler, and Linda Johnson to terms ending July 30, 2024. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Cancellation of Outstanding City Checks – Finance Director Roberta Beier presented for consideration to cancel 46 checks that remain outstanding after a period of two years from their issuance. After cancellation of the checks, if a check is presented for payment, the Finance Department will honor the obligation and issue a new check. The funds revert to the original fund upon which the funds were drawn. The outstanding checks are as follows:

City of Leavenworth
 Uncleared Checks > Two Years Old as of November 22, 2022
 November 22, 2022

Check Number	Check Date	Vendor Number	Payee	Check Amount
290029490	03/03/2020	1809	AMBER-RAE MOORE	\$ 8.00
290030757	07/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031143	08/03/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031400	09/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031678	10/01/2020	1809	AMBER-RAE MOORE	\$ 8.00
290031980	11/02/2020	1809	AMBER-RAE MOORE	\$ 8.00
290029752	03/27/2020	1	Andrea Sladky	\$ 25.00
290031409	09/01/2020	1895	BART ERWIN	\$ 54.00
290030280	05/15/2020	1	Breanne Johnson	\$ 50.00
290028561	12/06/2019	1640	CHANTEL COATES	\$ 96.00
290030812	07/06/2020	1640	CHANTEL COATES	\$ 4.00
290031460	09/04/2020	1640	CHANTEL COATES	\$ 42.00
290032075	11/09/2020	1640	CHANTEL COATES	\$ 80.00
290031799	10/12/2020	1950	CLAYTON STOLLENWERK	\$ 54.00
290029660	03/20/2020	1	Cole Burns	\$ 40.00
290028324	11/22/2019	1	Daniel Vasquez	\$ 100.00
290032066	11/09/2020	1314	DARRIN MANNA	\$ 11.52
290029843	04/01/2020	1199	DEJESUS, ANA	\$ 29.00
290029210	02/07/2020	1	Dwayne O. Berry	\$ 20.00
290030146	05/01/2020	1377	JACQUELYN JACKSON	\$ 8.00
290030738	07/01/2020	1377	JACQUELYN JACKSON	\$ 8.00
290031122	08/03/2020	1377	JACQUELYN JACKSON	\$ 8.00
290031966	11/02/2020	1377	JACQUELYN JACKSON	\$ 12.00
290031857	10/26/2020	1	Jaime Scott	\$ 100.00
290030083	05/01/2020	1	Jennifer Boal	\$ 100.00
290030886	07/17/2020	1	Jordan Green	\$ 5.78
290029683	03/20/2020	1	Karolyn Taylor	\$ 10.00
290030140	05/01/2020	1243	LEE II, DAVID	\$ 56.00
290028493	12/02/2019	1737	LSF8 MASTER PARTICIPATION TRUST	\$ 489.00
290029691	03/20/2020	1	Marco Goodman	\$ 10.00
290031318	08/28/2020	1	Mary Hutchison	\$ 5.00
290031273	08/21/2020	1	Mason James Taylor	\$ 20.00
290031225	08/14/2020	1	Michael Thompson	\$ 1.00
290031435	09/04/2020	1	Sarah Hiatt	\$ 100.00
290028806	01/02/2020	1491	SCOTT LATESSA	\$ 54.00
290031391	09/01/2020	1491	SCOTT LATESSA	\$ 324.00
290031669	10/01/2020	1491	SCOTT LATESSA	\$ 54.00
290031971	11/02/2020	1491	SCOTT LATESSA	\$ 54.00
290029297	02/13/2020	1143	SEBER, CLAY	\$ 81.98
290031732	10/05/2020	1143	SEBER, CLAY	\$ 54.56
290028738	12/31/2019	1	Sue Ludwikoski	\$ 7.92
290030994	07/24/2020	8953	SUPERIOR LAWN CARE & SNOW REMOVAL LLC	\$ 1,697.25
290031320	08/28/2020	1	Tiffany Pheral	\$ 300.00
290031408	09/01/2020	1894	TRAVIS SIPES	\$ 70.00
290029188	02/03/2020	1768	VANESSA ENRIQUEZ	\$ 45.00
290029586	03/13/2020	1	William H. Wigley	\$ 237.75
Total Checks				<u>\$ 4,566.76</u>

Commissioner Hingula moved to cancel the outstanding city checks as presented. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Resolutions:

Resolution B-2324 Authorize Serving of Complimentary Alcoholic Liquor at Main Street Event “Alive After Five” for 2023 – City Clerk Sarah Bodensteiner presented for approval and adoption Resolution B-2324.

The resolution allows unlicensed businesses to serve complimentary alcoholic liquor or cereal malt beverages to members of the general public during Leavenworth Main Street Program “Alive After Five” events in 2023.

Commissioner Bauder moved to approve Resolution B-2324 as presented. Commissioner Martin 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 Bridge Scour Repairs Project – Public Works Director Brian Faust presented for consideration awarding the bid for the Bridge Scour Repairs Project. The bridge scour repairs for the 20th Street & Broadway bridges over Three-Mile Creek were identified during the Biennial Inspection Program. Repairs in and around the bridges are critical to maintain the integrity of the structure. Erosive action, over time, can remove material from around bridge abutments that can compromise the structure. Scour is the leading causes of bridge failures in the U.S. These scour repairs are funded through the Streets Capital Project Fund. The cost of fuel, materials and labor has continued to increase over the past year, thus proposed bids came in higher than expected. Funding for the difference will be from the Streets Capital Reserve Funds. Staff recommends that the City accept the low bid received for the Bridge Scour Repairs.

Commissioner Bauder:

- Requested clarification of what scouring is

Mr. Faust:

- Described what bridge scour repairs would entail

Commissioner Hingula:

- What is the impact of using funds from the Streets Capital Reserve Fund for the overage costs

Ms. Beier:

- There will be sufficient funds to do 2023 projects

Commissioner Martin moved to accept the low bid from Linaweaver Construction for the Bridge Scour Repairs in an amount not to exceed \$89,700.00. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Consider Supplemental Agreement No. 1 – Airport Fuel System Replacement Project. – Public Works Director Brian Faust presented for consideration Supplemental Agreement No. 1, which increases the amount of reimbursement the City will receive from this project. In June of 2021, the City Commission approved a sole source contract with Hoidale to upgrade the Sherman Army Airfield fuel dispenser. In addition to the upgrades to the fuel system, significant electrical upgrades were required to bring the fuel system into compliance with current code. The cost for the electrical work was over \$15,000 and was not included in the original request to KDOT. When submitting the application for the 90% reimbursement, staff included the actual total project cost with both the fuel system and electrical upgrades. The requested reimbursement was based on the previously approved estimated cost of \$39,500. Total actual cost was \$53,973.35. After the City submitted the reimbursement request, KDOT notified the City that we could

request additional funding through the program. The supplemental agreement increases the amount of reimbursement the City will receive from \$35,550.00 to \$48,576.10.

Commissioner Bauder moved to approve Supplemental Agreement No. 1 with KDOT for Project AV-2022-16 and authorize the Mayor to execute the agreement. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance for Grease Trap and Grease Interceptor Regulations – Deputy Public Works Director Earl Wilkinson presented for first consideration an ordinance that would facilitate regulation of grease interceptors and grease traps through installation requirements, best management practices, maintenance logs, and yearly inspections. For the last seven years, the City of Leavenworth has required installation of a grease trap or grease interceptor at any facility that prepares and/or packages food for sale or consumption, on or off-site, with the exception of private residences. In addition to the initial installation of a grease trap or grease interceptor, there is a constant need to inspect, maintain, clean and service them. The grease-laden waste created by the improperly maintained facilities leads to the following issues: Sewer line backups in the originating structure, grease entering the sanitary sewer system, which can cause significant blockages, and illicit discharge that can enter our stormwater system or creek, which is considered a violation of our Stormwater Permit. These situations besides being unsightly, possibly odorous and creating a health hazard for the public are a “non-compliance” issue with the City National Pollutant Discharge Elimination System (NPDES) Permit that often requires a report to KDHE. To address the issues regarding the operation and maintenance of these facilities, staff is proposing requirements for the inspection of grease removal devices by a registered service provider, minimum pumping frequencies for grease removal devices and best management practices to ensure continual and effective operations of grease removal devices.

Commissioner Bauder:

- What have we been doing in the past

Mr. Kramer:

- This isn't new, when KDHE approached the City, the City went to businesses to educate the business and work with them to get the grease traps/interceptors in place
- We've been operating the program for several years, currently they have to provide their inspection reports
- KDHE is waiting on the City to formalize the plan
- 95% of our businesses are already in compliance, but we have no recourse for the few businesses who don't comply with a proper grease trap program
- Nearly every business has this in place, but the program hasn't been codified

Commissioner Bauder:

- So fines can't be charged unless this is in place

Mr. Kramer:

- We plan to educate first and work with businesses
- We need something in the Code in case something becomes an issue

- If you don't charge a fee people don't typically comply
- Intent on the fee amount was to not make it onerous on the business

Commissioner Hingula:

- Asked if the fee and possible conviction from the Municipal Court Judge would be considered onerous

Mr. Kramer:

- That would be up to the Judge if it gets to that level, but the City's goal is to work with businesses to get them into compliance before it got to that point

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

First Consideration Ordinance for Amending Section 44-32 School Zones – Police Chief Patrick Kitchens presented for first consideration an ordinance that changes Section 44-32 School Zones of the City Code by adding a school zone to the area of Nettie Harnett School at 1000 3rd Avenue. At a recent community engagement event, a citizen inquired about a school zone in or around Nettie Hartnett School. Staff conducted a review and confirmed the school zone was removed when the use of the building changed. That building has changed uses over the last few years. The City conducted a very thorough recodification of the City Ordinances in 2019 and the school zone was removed. Staff confirmed with the school district that the building does have students and will continue to have them in the future. Staff recommends placing a school zone on 3rd Avenue from Congress to Marshall Street.

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

First Consideration Ordinance Rezoning 2700 State Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning 2700 State Street from Multi-Family Residential District to Residential Mixed Use District. The subject property is approximately 4 acres in size and lies directly adjacent to the north of The Guidance Center (TGC). The property is under contract to be purchased by TGC. The intent for the property is to allow for future expansion of TGC's behavioral health services, as well as to provide space for expansion of partnerships with potential primary care providers. There are also ongoing discussions with the Leavenworth Attainable Housing Group for the potential construction of a multi-family housing unit to provide transitional housing for their training and support programs to assist homeless and precariously housed persons. All intended future uses for the property, medical office and multi-family housing, are allowed uses in the Residential Mixed Use zoning district. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

First Consideration Ordinance Rezoning 212, 220 & 224 Maple Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning 212, 220 & 224 Maple Street from High Density Single-Family Residential District to Light Industrial District. The subject property is owned by Geiger Ready-Mix Co., Inc., and is currently being developed as additional parking area for employees and equipment. The subject property consists of 3 vacant lots that lie directly adjacent to property that is currently being utilized by Geiger for parking of equipment. The property is to the east of Stubby Park, and

has been vacant for at least 25 years. The two lots addressed as 220 and 224 Maples were previously owned by the City of Leavenworth, and were transferred to Geiger in 2021 for the express purpose of providing land for additional parking for the business. All other property owned and occupied by Geiger in the immediate vicinity is zoned light industrial. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

First Consideration Ordinance Rezoning 28 Limit Street & 2 Vilas Street – City Planner Bethany Falvey presented for first consideration an ordinance rezoning a portion of the property at 28 Limit Street and all of 2 Vilas Street from Medium Density Single-Family Residential District to Planned Unit Development. The rezoning is being requested in order to consolidate commonly owned property and plan for future development of residential parcels that are consistent with the existing River View Estates development. Currently, the properties addressed as 2 Limit and 16 Limit are zoned Planned Unit Development, as well as a portion of the property addressed as 28 Limit. The proposed rezoning will provide for consistent zoning and residential development pattern. The Planning Commission considered this item at their November 7, 2022 meeting and voted 4-0 to recommend approval of the rezoning request. Ms. Falvey reviewed the Conditions of Determination that were referenced in the Policy Report.

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

Consent Agenda:

Commissioner Martin moved to approve claims for October 22, 2022 through November 18, 2022, in the amount of \$4,120,859.48; Net amount for Payroll #22 effective November 4, 2022 in the amount of \$358,048.74 (No Police and Fire Pension) and Payroll #23 effective November 18, 2022 in the amount of \$364,263.17 (Includes Police & 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 5-0.

Executive Session – Personnel Matters of Non-Elected Personnel – Mayor Leonhard moved to recess into executive session for a period of 15 minutes for the purpose of discussing the annual evaluation of the City Manager, under the justification to discuss personnel matters of nonelected personnel K.S.A. 75-4319 (b)1. The City Commission and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at 7:10 p.m. Commissioner Bauder 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 7:10 p.m.

Mayor Leonhard moved to approve a 1% merit increase for City Manager Paul Kramer effective with the first check of the 2023 payroll. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Other:

Commissioner Martin:

- Stated that City Manager Kramer has done a wonderful job in his position

- Wished everyone a Happy Thanksgiving

Commission Wilson:

- Wished everyone Happy Thanksgiving
- Thanked City Manager Kramer for his leadership

Commissioner Hingula:

- Thanked Mr. Kramer for his guidance during his time on this commission
- Thanked everyone involved in the lighted parade and Christmas tree lighting, it was a great event, even though it was very cold
- Have a wonderful Thanksgiving and don't forget about events that are coming up

Commissioner Bauder:

- Thanked Mr. Kramer for his tenure with the City and all he does for the City and community
- Wished everyone a blessed Thanksgiving

Mayor Leonhard:

- Thanked Mr. Kramer for everything: it takes a good leader to have the staff at the level we have
- Wished everyone a Happy Thanksgiving
- Mentioned the 7th Street Feast event

Adjournment:

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

Time Meeting Adjourned 7:15 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC