



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, December 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, Finance Director Roberta Beier, Planning & Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Chief Building Inspector Hal Burdette, Parks & Recreation Director Steve Grant, Parks & Recreation Superintendent Brian Bailey, Riverfront Community Center Manager Tammy Metzgar, Joe Hatley attended for 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.

**Mayor's Award** - Mayor Leonhard presented the Mayor's Award for Community Service to "Coach" Jim Mathis for his continued service to the City of Leavenworth for over 55 years and his 22 years of service on the Leavenworth Parks and Community Activities Advisory Board. "Coach" Jim Mathis was present to accept the award.

#### **OLD BUSINESS:**

##### **Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the November 22, 2022 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

##### **Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8201 Amending Chapter 46, Article III, Division 2 and Division 4, Grease Trap/Interceptor Regulations** - City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on November 22, 2022.

Mayor Leonhard called the roll and the Ordinance No. 8201 was unanimously approved.

**Second Consideration Ordinance No. 8202 Amending Chapter 44 Traffic and Vehicles, Article II Street Use Designations, Section 44-32 School Zones** - City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on November 22, 2022.

Mayor Leonhard called the roll and the Ordinance No. 8202 was unanimously approved.

**Second Consideration Ordinance No. 8203 Rezoning 2700 State Street from Multi-Family Residential District to Residential Mixed Use District** - City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on November 22, 2022.

Mr. Joe Hadley:

- Referenced that the Golden Factors were considered in this rezoning matter

Mayor Leonhard called the roll and the Ordinance No. 8203 was unanimously approved.

**Second Consideration Ordinance No. 8204 Rezoning 212, 220, and 224 Maple Street from High Density Single Family Residential District to Light Industrial District** - City Manager Paul Kramer reviewed the Ordinance. Stated the Golden Factors were considered in this rezoning matter. There have been no changes since first introduced on November 22, 2022.

Mayor Leonhard called the roll and the Ordinance No. 8204 was unanimously approved.

**Second Consideration Ordinance No. 8205 Rezoning 28 Limit Street and 2 Vilas Street from Medium Density Single Family Residential District to Planned Unit Development** - City Manager Paul Kramer reviewed the Ordinance. Stated the Golden Factors were considered in this rezoning matter. There have been no changes since first introduced on November 22, 2022.

Mayor Leonhard called the roll and the Ordinance No. 8205 was unanimously approved.

**Second Consideration Ordinance No. 8206 Authorizing the Issuance of Taxable Industrial Revenue Bonds, Series 2022 (MAPS Project)** - City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced on November 22, 2022.

Mayor Leonhard called the roll and the Ordinance No. 8206 was unanimously approved.

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*  
None

**General Items:**

**Commission Nominations for Terms December 13, 2022 to December 12, 2023**

**Mayor**

Mayor Leonhard moved to nominate Edd Hingula for Mayor December 13, 2022 to December 12, 2023. Commissioner Martin seconded the motion and the motion was approved. Commissioners Bauder and Wilson voted against the motion. Mayor Leonhard declared the motion carried 3-2.

**Mayor Pro-Tem**

Mayor Hingula moved to nominate Griff Martin for Mayor Pro-Tem December 13, 2022 to December 12, 2023. Commissioner Leonhard seconded the motion and the motion was approved. Commissioners Bauder and Wilson voted against the motion. Mayor Hingula declared the motion carried 3-2.

**Financial Claims Reviewer**

Commissioner Martin moved to nominate Nancy Bauder for Financial Claims Reviewer December 13, 2022 to December 12, 2023. The motion died due to a lack of a second.

Commissioner Martin moved to nominate Camalla Leonhard for Financial Claims Reviewer December 13, 2022 to December 12, 2023. Commissioner Bauder seconded the motion and the motion was approved. Commissioner Wilson voted against the motion. Mayor Hingula declared the motion carried 4-1.

**2022 Cereal Malt Beverage Licenses** – City Clerk Sarah Bodensteiner presented for approval 19 establishments that have applied for a 2023 Cereal Malt Beverage License. These include both off-premise and on-premise consumption licenses. They are as follows:

OFF-PREMISE CONSUMPTION:

7-Eleven	609 Metropolitan Ave
Casey's General Store #1261	2004 Spruce St
Casey's General Store #2609	950 Eisenhower Rd
Casey's General Store #2826	2100 S 4 <sup>th</sup> St
Dillons #40	720 Eisenhower Rd
Home Town	111 N Broadway St
Minit Mart #600576	3122 S 4 <sup>th</sup> St
Murphy USA #7486	1050 Eisenhower Rd
Price Chopper #20	2107 S 4 <sup>th</sup> St
Sam's Food Mart LLC	1031 Metropolitan Ave
Star Gas	788 Spruce St
Walgreens #12923	2900 S 4 <sup>th</sup> St
Walmart #26	5000 10 <sup>th</sup> Ave

ON-PREMISE CONSUMPTION:

Abe's Place	5101 10 <sup>th</sup> Ave
Ava's Island Café	732 Shawnee St
Eddie's Grocery	1101 Spruce St
Little Bar	1431 10 <sup>th</sup> Ave
Nu Way Drive Inn	510 Shawnee
Towne Pub Restaurant	1001 Ottawa St

Commissioner Leonhard moved to approve the Cereal Malt Beverage Licenses for 2023 as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Cancellation of the December 27, 2022 Regular Meeting** – City Manager Paul Kramer presented a request to cancel the December 27, 2022 City Commission Regular meeting. Regular meeting dates and times are set by the City Code of Ordinances and allows for cancellation by the City Commission.

Commissioner Bauder moved to cancel the December 27, 2022 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Update for Unsafe Structure 717 Spruce Street** – Chief Building Inspector Hal Burdette reviewed the repairs to the structure located at 717 Spruce Street that was damaged by fire on November 13, 2021. The City received a check from insurance proceeds for \$15,000.00. A public hearing was held on March 22, 2022 and the City Commission adopted Resolution B-2311 requiring the owner to make repairs. The Commission has given extensions for the repairs to be completed. At this time, the repairs that staff was waiting for have been completed. The window has been repaired, a furnace was installed and the

installation was inspected and approved on December 1, 2022. Staff recommends that the City Commission approve releasing the funds back to the property owner.

Commissioner Martin moved to release the funds back to the property owner. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

#### **Public Hearing:**

#### **Public Hearing for Amending the 2022 Budget:**

Finance Director Roberta Beier presented the proposed amendments to the 2022 Budget as follows:

- Add \$200,000 spending authority to the Storm Water Fund to cover expenditures related to the Storm Water Capital Project expenditures
- Increase the Auto TIF spending authority by \$100,000 due to increased revenues that need to be distributed according to the terms of the TIF Development Agreements

#### **Open Public Hearing:**

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

#### **Staff and Public Comments:**

None

#### **Close Public Hearing:**

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

Commissioner Leonhard moved to approve the amendments to the 2022 Budget as presented. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

#### **Resolutions:**

**Resolution B-2325 Planters II Tenant Write-Off Accounts** – Planning & Community Development Director Julie Hurley presented Resolution B-2325 removing twelve tenant accounts from the rent registry at Planters II. Past Due rent or damage assessments are determined to be uncollectible for various reasons. Some tenants are deceased or have been moved to nursing homes and have no ability to repay. Others have moved from the forwarding address provided. Attempts to recover the monies has been unsuccessful. The Resolution deletes the accounts in accordance with the procedures to keep the Housing Authority's rent register current. The process is required by HUD and is included in management policy resolutions adopted for the operation of Planters II.

Mayor Hingula:

- Would this forgive the amounts

Ms. Hurley:

- Yes, this is required by HUD in order to do that

Commissioner Leonhard moved to adopt Resolution B-2325 deleting uncollectable tenant accounts. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

### **Bids, Contracts and Agreements:**

**Consider Commercial Insurance Package for 2022** – City Clerk Sarah Bodensteiner presented for consideration the insurance renewal for 2023 with Traveler’s Insurance in the amount of \$454,141.00. The City’s insurance broker, Mike Reilly reviewed the quote, the buy-down option and answered questions from the Commission.

Commissioner Martin moved to approve the 2023 commercial insurance package with Travelers, without the buy-down option, in the amount not to exceed \$454,141.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Consider Agreement between Kansas State Historical Preservation Officer and the City of Leavenworth** – Planning & Community Development Director Julie Hurley presented for consideration an agreement with the Kansas State Historical Preservation Officer (SHPO) which authorizes the City to make recommendations or to perform certain statutory responsibilities. The City first entered into an agreement with the State of Kansas in 2000. The agreement is renewable every five-years.

Commissioner Leonhard moved to approve the agreement between the City and the Kansas State Historic Preservation Officer for performance of project reviews. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Consider Award of Poly-Cart Tippers for Refuse Trucks** – Public Works Director Brian Faust presented for consideration the purchase of six poly-cart tippers along with truck modifications and installation. The purchase and installation of the poly-cart tippers are needed as the City transitions from manual refuse collection to a hybrid system that utilizes both poly-carts and manual collection. During the October 4, 2022 Work Session, the City Commission provided consensus to staff to move forward with the hybrid approach to solid waste collection. Staff developed specifications and bid the poly-cart tippers, the needed modifications to the trucks, along with the installation of the equipment. The bids were advertised plus the City notified five equipment companies that would likely be able to provide the tippers. Funding for the tippers will be from the American Rescue Plan Act.

Commissioner Leonhard:

- Asked how the tippers would work

Mr. Faust:

- Described that there would be 1 tipper per truck and it would allow for the cart to be attached to it and it would dump the cart and still leave room for manual collection

Commissioner Martin:

- Asked about a warranty

Mr. Faust:

- We asked for a 3 year warranty

Mayor Hingula:

- Asked when will we have the poly-carts

Mr. Faust:

- Hope to have something before the Commission in January or February regarding the poly-carts

Commissioner Martin moved to approve the purchase, truck modifications and installation of the poly-cart tipplers from Elliott Equipment Company in an amount not to exceed \$61,158.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Consider Purchase of Water Pollution Control Ultraviolet Lamps** – Public Works Director Brian Faust presented for consideration the purchase of 480 low-pressure, high-volume ultraviolet (UV) lamps and associated parts to replace all lamps in Channel #3 of the Trojan 3000plus UV System. The Ultraviolet disinfection system was placed in service in 2012. New lamps are warrantied for 12,000 hours or 36 months from the date of purchase. The current lamps were replaced in 2017 and 11,647 hours on them. In an effort to save on the cost of replacing lamps, the City has maintained a steady flow to UV System by installing Variable Speed Drives for several of our upstream pumps. This has resulted in less on and off cycles for the lamps meaning fewer hours and fewer chances of lamps and ballasts burning out. Staff has worked with Ray Lindsey Company to reprogram the lighting controller. This adjusted the number and intensity of the lamps that are on at any one time, further reducing hours on the lamps and extending their operational life. Staff will remove and replace lamps to eliminate 3<sup>rd</sup>-party installation costs. Funding for this purchase is from the Sewer Fund Operating Budget. There is also funding in 2023 for replacement of the next channel of lamps. Staff recommends approval of the purchase of 480 UV lamps with the associated parts and supplies from EPEC Water for a not to exceed cost of \$88,440.00. City staff will install the lamps and monitor the performance of the 3<sup>rd</sup> party vendor over a six-month period. Based on their performance, staff will determine if they are more cost effective and meet the permit requirements compared to the original manufacturer.

Commissioner Martin:

- Asked if the brands of bulbs from each vendor are the same or different

Mr. Faust:

- The brands are different but the bulb specifications are all the same and match what our system is designed for

Commissioner Bauder moved to accept the bid from EPEC Water for the purchase of 480 Ultraviolet lamps, with the associated parts and supplies in an amount not to exceed \$88,440.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Consider Award of Bid for Planters II Painting Project Floors 2 through 10** – Planning & Community Development Director Julie Hurley presented for consideration award of the bid for prepping and painting all walls, ceilings and doors on floors 2 through 10 at Planters II. The Leavenworth Housing Authority contacted three companies to supply a proposal for the specified work. All three companies responded and provided a quote. This procedure was performed in accordance with HUD’s procurement policy and in compliance with Davis-Bacon wages. There are sufficient funds available in the Capital Fund Program grant for this project.

Commissioner Leonhard:

- Asked when was the last time it was painted

Ms. Hurley:

- About 12 and half years ago

Commissioner Bauder moved to award the bid for the prepping and painting all walls, ceilings and doors on floors 2 through 10 of Planters II to Swann Painting Co., LLC, in an amount not to exceed \$60,110.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Consider Award of Bid for Planters II Flooring Project Floors 2 through 10** - Planning & Community Development Director Julie Hurley presented for consideration award of the bid for the replacement of flooring and cove base at Planters II to include hallways, laundry rooms and elevator lobbies on floors 2 through 10. The Leavenworth Housing Authority contacted five companies to supply a proposal for the specified work. Three companies responded and two provided a quote. This procedure was performed in accordance with HUD’s procurement policy and in compliance with Davis-Bacon wages. There are sufficient funds available in the Capital Fund Program grant for this project. The flooring was last updated 12 and half years ago.

Mayor Hingula:

- Pointed out that one bid includes sales tax and one does not
- Asked for the sales tax issue to be resolved before award of bid is made

Mayor Hingula tabled the item to allow for staff to get clarification on the bids regarding sales tax.

**Consent Agenda:**

Commissioner Martin moved to approve claims for November 19, 2022 through December 9, 2022, in the amount of \$1,745,637.88; Net amount for Longevity Pay effective November 25, 2022 in the amount of \$41,698.07; and Payroll #24 effective December 2, 2022 in the amount of \$370,169.85 (No Police & Fire Pension). Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Hingula declared the motion carried 5-0.

**Other:**

Commissioner Bauder:

- Commended Mr. Wilson for the amount of work he has done for the community and was caught off guard he did not receive the nomination for Mayor

- Mr. Wilson was elected by a large margin for the work he has done for his community, especially for the youth of the community

Commissioner Martin:

- Can't believe December is almost over and excited for 2023
- Wished everyone Merry Christmas

Commissioner Wilson:

- Disappointed in the outcome but his record and attendance stands for itself
- Stated that he serves to make a difference in this community
- Thanked those who elected and continue to support him

Commissioner Leonhard:

- Grateful for her time as Mayor
- There is more to accomplish in the next year
- Wished everyone happy holidays

Mayor Hingula:

- Appreciate the trust and confidence in the vote to become Mayor
- Will try to promote the City the best way possible and continue to make Leavenworth a great city

**Adjournment:**

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

Time Meeting Adjourned 7:11 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC