



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

City Commission Regular Meeting
Commission Chambers
Tuesday, February 14, 2023 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 Jermaine Wilson, Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Parks & Recreation Director Steve Grant, Parks & Recreation Superintendent Brian Bailey, Riverfront Community Center Manager Tammy Metzgar, Leavenworth Housing Authority Section Eight Coordinator Patrick Tooley, Planning & Community Development Director Julie Hurley, City Planner Bethany Falvey, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Wilson asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

Black History Month – Mayor Wilson read the proclamation. The proclamation was accepted by Rik Jackson with the Leavenworth Community Service Organization.

Susan B. Anthony Day, February 15th – Mayor Wilson read the proclamation. The proclamation was accepted by Denise Souza of the Leavenworth County Historical Society.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to approve the minutes from the January 24, 2023 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8209 Amending the Code of Ordinances regarding Towing and Impoundment of Vehicles – Police Chief Patrick Kitchens reviewed the Ordinance as there were small additions to clarify language, since first introduced on January 24, 2023.

Mayor Wilson called the roll and Ordinance No. 8209 was unanimously approved.

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

Louis Klemp 1816 Pine Ridge Dr:

- Addressed the Commission on various topics, to include:
 - Private meetings
 - State money

- Centennial Bridge Project
- City and County Grant Money
- City Spending

Public Hearing:

Public Hearing Waiver of Distance Requirement Temporary Liquor Permit at Immaculate Conception Church:

Open Public Hearing:

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

Staff and Public Comments:

City Clerk Sarah Bodensteiner reviewed the request for the waiver.

- City Code allows for a waiver to permit alcoholic liquor to be sold or served from a location within 300 feet from any church, school, nursing home, library or hospital
- Immaculate Conception Church located at 711 N 5th is having its annual St. Patrick’s Corned Beef and Cabbage dinner on March 12, 2023, and are requesting a waiver to apply for the temporary liquor license
- Letters were sent to all property owners within 300 feet of the location notifying them of the public hearing

John and Theresa Williams:

- Provided history of the annual event to the Commission
- Provided details of the St. Patrick’s Corned Beef & Cabbage Dinner event

Close Public Hearing:

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

Commissioner Bauder moved to approve the request to waive the 300 foot requirement from any church, school, nursing home, library or hospital for the St. Patrick’s Corned Beef and Cabbage event at Immaculate Conception Church. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

General Items:

Consider Transient Merchant Permit Waiver for Dark River Artifact Show at Riverfront Community Center

– City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by John Kruid for the use of the Riverfront Community Center on April 22, 2023 for an artifact, rock and fossil collectors show. City Code prohibits Transient Merchant permits on city property, but does allow the City Commission to grant waivers. All fees for the use of the facility and permits would still apply should the waiver be granted.

John Kruid:

- Excited to make this an annual event and now has displayers from 8 states

Commissioner Leonhard moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Dark River Artifact Show on April 22, 2023. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Mayor's Appointments:

Mayor Wilson moved to appoint to the Grow Leavenworth County Development Corporation Board Debbie Deere to an unexpired term ending May 31, 2024 and to appoint to the Sister City Advisory Board Ryan Bodensteiner to fill the standing position of the Education Representative. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Review Draft of 2022 KDHE Annual Report for Stormwater – Public Works Director Brian Faust reviewed the draft report. The guidelines for the activities to be reported on are set by the revised Stormwater Management Program which was adopted by the City Commission on October 27, 2020 and these guidelines were used in 2022. The report is required to be submitted annually and it is suggested by KDHE and EPA that the report be available for review in a public forum and allow time for public comment. The report will come back to the City Commission for approval at the February 28, 2023 meeting to allow time for public comments. No action is needed by the Commission at this time.

Commissioner Hingula:

- Asked about the “implement a program to evaluate MS4 outfalls to identify illicit discharges” where there is no value listed on the draft report

Mr. Faust:

- Advised that the City did not meet the threshold in 2022 to acquire the point

Acceptance of Land for Public Right-of-Way for Greenamyre Addition, Final Plat – Planning & Community Development Director Julie Hurley presented for consideration acceptance of land for public Right-of-Way for Greenamyre Addition, Final Plat. The applicant is requesting approval of a 6 lot final plat for the Greenamyre Addition residential development located at 2101 and 2013 Vilas. The subject property is 4.53 acres in size consisting of 2 lots and is currently vacant. The proposed plat consists of 6 lots, all of which are approximately 0.75 acre in size. The plat also includes the dedication of additional Right-of-Way for Vilas Street to allow for future roadway improvements. A rezoning request from R1-25 to R1-9 was approved in fall of 2022. Staff recommends accepting the dedication of land for public Right-of-Way for the Greenamyre Addition Final Plat.

Commissioner Hingula:

- Asked about ownership of the lot to the south of the plat

Ms. Hurley:

- Part of the area is owned by Greenamyre

Commissioner Bauder moved to accept the dedication of land for public Right-of-Way for the Greenamyre Addition Final Plat. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Acceptance of Land for Public Utilities for Riverview Estates, Final Plat – Planning & Community Development Director Julie Hurley presented for consideration acceptance of land for public utilities for Riverview Estates, Final Plat. The applicant is requesting approval of a 4 lot final plat for the Riverview Estates residential development located in the vicinity of 28 Limit Street. The subject property is 14.55 acres in size and is primarily vacant, with an existing single family home on Lot 1. The plat also includes dedication of easements for public utilities. Staff recommends accepting the dedication of land for public utilities for the Riverview Estates Final Plat.

Commissioner Leonhard moved to accept the dedication of land for public utilities for the Riverview Estates Final Plat. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Acceptance of Land for Public Utilities for U-Haul, Final Plat – Planning & Community Development Director Julie Hurley presented for consideration acceptance of land for public utilities for U-Haul Final Plat. The applicant is requesting approval of a 1 lot final plat for the U-Haul development located at 4820 S. 4th Street. The property currently consists of 2 previously unplatted tracts. The plat is being requested in order to combine the 2 existing tracts into 1 lot to facilitate the construction of an additional building on the site. The adopted Development Regulations require the entire property to be platted in order for any sort of combination to be approved. The plat also includes dedication of easements for public utilities. Staff recommends accepting the dedication of land for public utilities for the U-Haul Final Plat.

Commissioner Martin moved to accept the dedication of land for public utilities for the U-Haul Final Plat. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolutions:

Resolution B-2326 Setting the Public Hearing for Unsafe or Dangerous Structures – City Planner Bethany Falvey reviewed the resolution to set April 11, 2023 as the public hearing date to review the 10 structures as unsafe or dangerous.

Mayor Wilson:

- Asked has anyone on the list reached out about their property

Ms. Falvey:

- We are working with and in contact with property owners

Commissioner Hingula:

- Asked if anyone has done enough work to get off this list

Ms. Falvey:

- The Resolution tonight just sets the hearing, each property will be discussed at the hearing in April

Commissioner Bauder moved to adopt Resolution B-2326 to set a public hearing for unsafe or dangerous structures on April 11, 2023 in the City Commission chambers. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolution B-2327 Section Eight Management Assessment Program (SEMAP) Certification – Leavenworth Housing Authority Section Eight Coordinator Patrick Tooley presented the 2022 SEMAP for approval by the City Commission. This assessment is an annual process and is submitted electronically after approval by the City Commission. Mr. Tooley provided an overview of the Section Eight Program. The Section Eight Program consists of the Housing Choice Voucher program and the Veterans Affairs Supportive Housing program. Both programs enable low income families to live in apartments, duplexes or houses in the community that they would be unable to afford on their own. The families rent portion is based on their income. The program is 100% federally funded, including all Admin costs.

Commissioner Martin moved to adopt Resolution B-2327 Section Eight Assessment Program. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Tracked Skid-Steer Loader – Public Works Director Brian Faust presented for consideration approval of the bid for the purchase of a 2023 Bobcat T770 T4 Compact Track Loader to replace the 2010 Skid Loader. The Solid Waste Division budgeted \$80,000.00 for a replacement skid steer/track loader in the 2023 CIP. Bid specifications were prepared and options for purchasing the equipment were researched. The skid loader will replace a 2010 Bobcat that was damaged in a fire in 2021. The bid includes a 2-year/2,000 hour warranty with a 3-year/3,000 hour protection plan.

Commissioner Hingula moved to approve the bid from KC Bobcat for a 2023 Bobcat T770 T4 Compact Track Loader in an amount not to exceed \$78,314.66. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Street Sweeper – Public Works Director Brian Faust presented for consideration awarding of the bid for the purchase of one 2023 vacuum street sweeper. The 2023 CIP included a street sweeper for the Streets Division. The sweeper is crucial for operations as it will improve the City's ability to clean our streets which has a direct impact on the appearance of the community as well as the quality of the stormwater runoff that enters our waterways. The City currently has 1 sweeper and this second sweeper will allow the City to double our production. The goal is to sweep all residential areas at least 3 times each year, and collector and arterial streets at least once each month. The 2023 CIP included funding in the amount of \$230,000.00, however the low bid came in \$55,000.00 over the amount shown in the CIP. Staff contacted the bidders to ask after the increase and the reasoning provided was COVID. The actual cost of this equipment increased 24% over what was budgeted. Based on current trends, Staff does not feel costs will decrease in the foreseeable future. Therefore, Staff recommends the City accept the bid for the purchase of a street sweeper and fund the difference of the cost from reserves in the CIP Sales Tax Fund.

Commissioner Hingula:

- Asked how much is in the CIP Sales Tax Fund

Mr. Kramer:

- Roughly half a million dollars, to include some carry over from 2022; there are sufficient funds

Commissioner Leonhard moved to accept the bid from Red Equipment for the purchase of the new 2023 Ravo 5 iSeries Street Sweeper in an amount not to exceed \$285,000.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Havens Park Trail Extension Project – Parks & Recreation Superintendent Brian Bailey presented for consideration awarding the bid for the Havens Park Trail Extension Project 23HV-TRAIL. The City Commission dedicated \$45,000 in the 2023 CIP for construction of trails. At the March 15, 2022 Study Session, Staff presented options for trail construction, and the Commission came to a consensus for extending the existing Havens Park asphalt trail system. Bids were solicited and three bids were received. The work for this project will include 1,100' of 5' wide asphalt trail per specification. Work is expected to be completed 60 days after the Notice of Proceed is issued.

Mr. Kramer:

- As there are remaining funds for this particular project, we are looking at doing some maintenance with crack-sealing to the existing trail

Commissioner Bauder moved to award the bid for the Havens Park Trail Extension Project 23HV-TRAIL to Barkley Asphalt Co., Inc. in an amount not to exceed \$30,450.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Purchase of Pull Type Batwing Finish Mower – Parks & Recreation Superintendent Brian Bailey presented for consideration approval to purchase a 15' Pull Type Turf Batwing Finish Mower, utilizing a cooperative purchasing program standard set forth by the Finance Department. In 2014 the Parks Department purchased a 12' pull behind flex wing mower. This mower has been an indispensable tool in accomplishing mowing responsibilities of the 424 acres of park property. The mower cuts down mowing time by about half and allows staff to attend to other park requirements/maintenance. The mower has reached the point of replacement. The life span of the replacement should be between 7-10 years. Staff elected to utilize the Sourcewell Cooperative Purchasing program. This program allows for the purchase of equipment that meet our standards through a manufacturer with a proven record of customer service in the region. Funds were allocated in the 2023 CIP for this equipment purchase.

Commissioner Martin:

- Asked how long is the mowing season
- How do you reallocate resources with the staff-time saving from the use of the mower

Mr. Bailey:

- Mowing season goes from April into November
- With the freed up time the staff can do maintenance to parks, courts, pool, fields, flowers, shelter maintenance, etc.

Commissioner Bauder:

- Asked if the mower blades expensive
- How long do the blades last

Mr. Bailey:

- Blades are rotated once a week
- We sharpen our own blades in-house
- A set of blades should last 2 maybe 3 years

Commissioner Bauder moved to approve the purchase of a New Woods/Massey Ferguson Red TBW15.40 Turf Batwing Mower, extra blades and delivery, through the Sourcewell Cooperative Purchasing Program in an amount not to exceed \$24,650.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Purchase of Bobcat Skid-Steer Loader – Parks & Recreation Superintendent Brian Bailey presented for consideration approval to purchase a T66 T4 Bobcat Compact Track Loader, utilizing a cooperative purchasing program standard set forth by the Finance Department. In 2002, the Parks Department purchased a Bobcat Skid-Steer Loader. However in the last few years the Skid-Steer has begun to show its age to include some cost prohibitive repairs. The Skid-Steer is used to clean 3 Mile Creek after heavy rains and flooding, all facets of park maintenance, and was an instrumental piece of equipment with the sandbag flood wall and flood clean up in 2011 and 2019. The many attachments used with the Skid-Steer are Bobcat brand and are fully compatible with the new machine. Staff elected to utilize the Kansas NASPO Construction-SW192 Cooperative Purchasing program statutory authority KSA 12-2901. This program allows for the purchase of equipment that meet our standards through a manufacturer with a proven record of customer service in the region. \$60,598 was allocated for this item in the 2023 CIP. The difference in cost will be made up by reserves in the CIP Sales Tax Fund.

Commissioner Martin:

- Asked about the shipping location

Mr. Bailey:

- This will ship to KC Bobcat and KC Bobcat will deliver to the City

Commissioner Hingula:

- Asked if the City will keep the old piece of equipment

Mr. Bailey:

- It will go to auction through Purple Wave

Commissioner Martin moved to approve the purchase of a T66 T4 Bobcat Compact Track Loader, through the Kansas NASPO Construction-SW192 Cooperative Purchasing program statutory authority KSA 12-2901, in an amount not to exceed \$65,582.79. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance for Amending the Development Regulations Article 9 – City Manager Paul Kramer asked the City Commission to table the item as additional text amendments need to be made before consideration by the City Commission.

There was consensus from the City Commission to table the item.

Consent Agenda:

Commissioner Leonhard moved to approve claims for January 20, 2023, through February 10, 2023, in the amount of \$3,129,256.51; net amount for Payroll #02 effective January 27, 2023, in the amount of \$381,368.04 (Includes Police & Fire Pension in the amount of \$10,383.15) and Payroll #03 effective February 10, 2023 in the amount of \$353,857.15 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Advised that it costs \$15.00 per month per light when the City puts in a street light
- On February 21st there will be the open public meeting for the Centennial Bridge Project from 4-7 p.m. at the Riverfront Community Center

The City Commission wished everyone a Happy Valentine's Day

Adjournment:

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

Time Meeting Adjourned 7:05 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC