



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

City Commission Regular Meeting
Commission Chambers
Tuesday, April 25, 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 and Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Community Development Coordinator Julie McKeel, City Planner Bethany Falvey, Parks and Recreation Director Steve Grant, Convention & Visitors Bureau Manager Kristi Lee, IT Manager Carol Charity, 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.

PRESENTATIONS AND PROCLAMATIONS:

Arbor Day – Mayor Wilson read the proclamation proclaiming April 28, 2023 as Arbor Day. The proclamation was accepted by Parks and Recreation Director Steve Grant.

Small Business Week – Mayor Wilson read the proclamation proclaiming April 30-May 6, 2023 as Small Business Week. The proclamation was accepted by Debbie Deere.

Historic Preservation Month – Mayor Wilson read the proclamation proclaiming the month of May as Historic Preservation Month. The proclamation was accepted by members of the Leavenworth Preservation Commission.

National Travel and Tourism Week – Mayor Wilson read the proclamation proclaiming May 7-13, 2023 as National Travel and Tourism Week. The proclamation was accepted by CVB Manager Kristi Lee.

National Drinking Water Week – Mayor Wilson read the proclamation proclaiming May 7-13, 2023 as National Drinking Water Week. The proclamation was accepted by Joel Mahnken.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the April 11, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8212 Rescind Special Use Permit at 1830 S. Broadway Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 11, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8212 was unanimously approved.

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

General Items:

Mayor's Appointments:

Mayor Wilson moved to reappoint to the Board of Zoning Appeals Jan Horvath to a term ending May 1, 2026; reappoint to the Leavenworth Planning Commission Sherry Hines-Whitson and James Diggs to terms ending May 1, 2026; appoint to the Parks & Community Activities Advisory Board Stephanie Ingels to a term ending January 15, 2024. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Cereal Malt Beverage Licenses for Family Dollar at 104 N. Broadway St. and 1906 Spruce St. – City Clerk Sarah Bodensteiner presented for consideration two off premise Cereal Malt Beverage Licenses for Family Dollar located at 104 N. Broadway Street and at 1906 Spruce Street. These are new requests for off premise cereal malt beverage licenses. The applications have been reviewed and approved by the Police Department

Commissioner Bauder moved to approve issuance of 2023 off premise Cereal Malt Beverage Licenses for Family Dollar for locations at 104 N. Broadway Street and 1906 Spruce Street. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolutions:

Resolution B-2332 Community Development Block Grant Annual Action Plan – Community Development Coordinator Julie McKeel presented for consideration the 2023-2024 Annual Action Plan. Leavenworth is an entitlement city that receives CBDG Funds and must submit an annual action plan with HUD. The report is composed of needs assessments of the community's housing stock, homelessness issues, public facilities, infrastructure, and community development assets. The award figures at this time are projected, as Congress has not voted upon the funds and once that happens HUD will advise what the award amount will be and the true total award will be updated. The Community Development Advisory Board has voted for a pro-rata configuration once the true award total is given.

Commission Martin moved to approve Resolution B-2332 adopting the 2023-2024 Annual Action Plan and submission of the plan to HUD. Commission Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolution B-2333 Resolution of Support – Excel Development Group Low Income Housing Tax Credits – City Manager Paul Kramer presented for consideration a resolution of support for Low Income Housing Tax Credits. Excel Development Group purchased this property from Greenamyre Rentals, who received support from the Commission for this project and for Low Income Housing Tax Credits in 2021, and have requested local support for an application to the State for Low Income Housing Tax Credits for residential

development at 2604 S. Second Avenue in Leavenworth. This development would be limited to those 55 years of age or older. Mr. Kramer introduced Connor Menard, Development Director with Excel Development Group.

Mr. Menard:

- Huge need for affordable housing in Leavenworth
- These will be 2 bed 1 bath slab on grade duplexes, with garages for seniors
- Company's focus is solely on affordable housing

Commissioner Bauder:

- Asked how many units
- Asked who will manage the property

Mr. Menard:

- There will be 24 units and a community building
- Excel Development Group will manage the property

Commissioner Leonhard:

- Asked if the community will be gated

Mr. Menard:

- A gated community is not in the current plans
- Noted the community is on a cul-de-sac

Mr. Kramer:

- Referenced the point system that the State has added in the Low Income Housing Tax Credit scoring system

Commissioner Leonhard moved to approve Resolution B-2333 in support of the Excel Development Group application for Low Income Housing Tax Credits for the Kansas Housing Resources Corporation. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Agreement with Kansas Big Brothers Big Sisters – City Manager Paul Kramer presented for consideration the agreement between the City and Kansas Big Brothers Big Sisters, Inc. The City Commission had discussed the prospect of increasing youth-targeted services in the City of Leavenworth. Discussion formalized around the City Commission goals and with multiple discussions on the funding provided by the American Rescue Plan Act (ARPA). Initial discussions included a variety of options, before eventually focusing on Big Brothers Big Sisters. Kansas Big Brothers Big Sisters presented at the February 7, 2023 Study Session and staff has subsequently provided the City Commission with requested follow up statistics and reports. The agreement outlines the terms and responsibilities of the parties, but a few highlights include:

- The agreement ensures a Leavenworth-dedicated match specialist focusing on creating a one-to-one mentorship program.

- The agreement is for three (3) years of service at a total amount not to exceed \$180,000.00. The entirety of the funds are restricted to uses outlined in the “Scope of Services.”
- The agreement referenced Kansas cash-basis and budget laws, indicating that the City’s funding obligations are subject to annual appropriations.
- Kansas Big Brothers Big Sisters, Inc., is defined as an independent contractor under this agreement. The agreement does not create a partnership or joint venture with the City in regards to execution of services.
- The agreement includes an indemnity clause, and ensures that the City is not tied, in any way, to the employment or operations of the program.
- The agreement includes quarterly reporting requirements.

Mary Shannon with Kansas Big Brothers Big Sisters:

- Provided some recent stats about the program
- Built a blue ribbon model that is sustainable and provides outcomes for the participants

Jeff Jack with Kansas Big Brothers Big Sisters:

- Point person for Kansas Big Brothers Big Sisters in Leavenworth
- There is a demand for this service for the area
- Making the contacts in the community to gain the support of the community

Commissioner Hingula:

- Asked does the service area include the whole county or is just the city

Ms. Shannon:

- We will be in and provide services for the city of Leavenworth
- Our hope is to be successful and grow to other cities within the county

Mayor Wilson invited persons in the audience to speak on the topic.

Jennifer Eberhard 301 Allen Street:

- Works at Richard Warren Middle School at In-School Suspension and is in full support of this programming for Leavenworth youth
- Read a letter a student wrote her thanking her for her support

Jeff Myers 1208 S 16th St:

- A former member of Big Brothers Big Sisters as a youth and the program kept him out of trouble
- His mentor changed his life
- Believes this is good for our youth and community

Melissa Maxwell 2707 Wilson Avenue:

- Father was a mentor and her family helped while she was growing up
- Still in contact with people that her family mentored
- In support of the program

James Diggs 2104 Ridgeview Dr:

- The Alpha Phi Alpha Fraternity, Inc. has a partnership with Big Brothers Big Sisters and the local fraternity chapter are pledging support to becoming Bigs and support the community in this endeavor

Maryann Neeland 113 Topeka Ave:

- Provided some statistics from both Kansas Big Brothers Big Sisters and USD 453: graduation rate, attendance rate, dropout rate, for those who are Littles
- With Kansas Big Brothers Big Sisters providing mentorship to kids, school stats could trend upwards
- Program is needed in the community

Vickie Kaaz 3660 Tonganoxie Rd:

- Lending support for Kansas Big Brothers Big Sisters for Leavenworth
- Can't think of a better way to spend ARPA funds for our community
- Proven successful program

Blake Eberhard 301 Allen Street:

- Supports the program and wants to be a Big

Commissioner Bauder:

- Stated she was a Big before, has seen the growth in people
- You get to see their personality come through

Commissioner Leonhard:

- Feels it will be a positive impact for the youth in the area

Commissioner Hingula:

- Glad programs were there if people need them

Mayor Wilson:

- Stated the community and youth need this
- His pastor became his mentor and encouraged him after his time in prison
- Has personal knowledge of the impact of having a mentor inside your life
- In favor of this program
- Let's do our best for our youth in the community

Commissioner Hingula moved to approve the contract between the City of Leavenworth, Kansas and Kansas Big Brothers Big Sisters, Inc., for a three (3) year period of services at a total amount not to exceed \$180,000.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Contract for IT Data Backup Services – Assistant City Manager Penny Holler and IT Manager Carol Charity presented for consideration approval of the contract for IT Data Backup Services. The previous contract for back-up services was due to re-bid. A request for proposals for a new three (3) year contract was posted. Though the posting generated a lot of interest, only one (1) completed response was submitted by the deadline. Our current provider ISG, submitted a proposal to provide the City with backup

services for three (3) years at a cost roughly \$5,000.00 less than our current monthly cost. The amount includes both on-site and off-site backup for all our servers and data. ISG's services will help maintain a continuity of City services and retention of documents should an unexpected event require a system restoration.

Commissioner Bauder:

- Asked about the lack of responses even though there were several inquiries

Ms. Charity:

- We really aren't certain why only one response was received
- Our assumption is the amount of data we have may have been cost prohibitive to other companies

Commissioner Martin:

- Asked does ISG have anything proprietary or that they built for the City only

Ms. Charity:

- No, nothing is proprietary that we have from them

Commissioner Hingula:

- Asked if the City can reach out and find out why companies didn't submit responses

Mr. Kramer:

- We have asked that in the past, and we can definitely check on that

Commissioner Martin:

- Asked if there is a clause in our contract about auto renewal or anything
- Would be very interested as to why others did not bid

Ms. Holler:

- If we don't notify of a change within certain dates set forth in the contract, the contract will auto renew

Commissioner Bauder moved to approve the 36-month contract with ISG Technology, LLC at an annual cost of \$214,668.00 annually, for a total 3-year cost in an amount not to exceed \$644,004.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Charter Ordinance No. 40 – City Manager Paul Kramer presented for first consideration an amendment to Charter Ordinance No. 40. This item is related to the design-build project of Fire Station #3 and the WPC Administration buildings. In 1997 the City approved and passed Charter Ordinance No. 40, which exempted the City from a provision in Kansas State Statute 13-1017 related to purchasing practices of City improvements. Over the last twenty-five years, the City has not updated Charter Ordinance No. 40 to reflect modern building practices or bidding techniques. When we look at issuing debt for this project we have three options: to amend Charter Ordinance No. 40 to include

new construction techniques that have emerged over the last twenty-five years, we could repeal Charter Ordinance No. 40 and put this in the City's Purchasing Policy, or you could just do a simple adjustment to give yourself spending authority to do the debt issuance for the project. After reviewing the options, staff felt a simple ordinance to amend Charter Ordinance No. 40, as it is the more expedient option to keep the project and debt issuance on track. Staff will then bring this item back in the fall for a more thorough discussion on best next steps regarding Charter Ordinance No. 40. All of the options were reviewed by our Financial Officer and City Attorney.

Commissioner Martin:

- Clarified that monetary approvals will still come before the Commission

Mr. Kramer:

- This gives the statutory authority to issue the debt

City Attorney Waters:

- Provided some back history on the Statutes that brought about Charter Ordinance 40 and how the current request came about
- This change provides flexibility for the design-build process
- Staff will bring more permanent recommendations at a later time to address this topic
- This amendment keeps the project moving forward

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

First Consideration Ordinance Amending the Development Regulations, Article 9 Historic Preservation -

City Planner Bethany Falvey presented for first consideration an ordinance to amend Article 9 of the Development Regulations dealing with Historic Preservation. The City Commission adopted the Development Regulations in June 2016 after a year-long comprehensive update process. The Historic Preservation section has not had a comprehensive update since that time. This update will ensure it remains up to date and comprehensive. The proposed amendments update the code to reflect current practice and laws, adds clarification to current practices and policies, and reorganizes the existing Article for better flow. Ms. Falvey reviewed the changes:

- Changes the number of commission members from seven to five and clarifies the background requirements.
- Removes references to the Environs portion of the Kansas State Preservation Law, which has been removed from the law.
- Removes inconsistent language and corrects language throughout to match current practices.
- Adds clarification and language to differentiate between review processes.
- Combines the section regarding "Alteration, Expansion or Demolition – Major" with Section 9.16 "Procedure for Demolition, Alteration or Expansion."

The Planning Commission reviewed the proposed text amendments at their April 3, 2023 meeting and recommended approval. The Preservation Commission reviewed the proposed text amendments at their April 5, 2023 meeting and moved to endorse the Planning Commission's recommendation of approval.

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

First Consideration Ordinance for Special Use Permit at 728 Pottawatomie to Allow Two-Family Dwelling

– City Planner Bethany Falvey presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property was previously occupied by a four-plex apartment building, which was demolished in January 2017. It is currently a vacant lot. The applicant is proposing construction of a two-family residential structure on the property. The Planning Commission considered this item at their April 3, 2023 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance for Special Use Permit at 1906 5th Avenue to Allow Two-Family Dwelling –

City Planner Bethany Falvey presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently an existing legal, non-conforming use as a two-family dwelling. The applicant is seeking the Special Use Permit to make the use conforming, specifically because “without a special use permit as a loss of 50% or greater must be rebuilt as a single family home,” due to the zoning. The Planning Commission considered this item at their April 3, 2023 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for April 8, 2023 through April 21, 2023, in the amount of \$1,423,656.39; Net amount for Payroll #08 effective April 21, 2023 in the amount of \$367,229.76 (Includes Police and Fire Pension in the amount of \$10,383.15). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Noted the official opening celebration of the Splash Pad for May 13th
- Thanked Staff for all their hard work on the Spring Clean up
- 339 youth participants in the Baseball program

Commissioner Leonhard:

- Thanked her parish for participating in the Clean Up

Commissioner Hingula:

- Kudos to Rotary Club who cleaned up 20th Street from Metropolitan to Tonganoxie Road
- Thanked Mike Griswold for organizing that effort
- Happy to see people attend meetings and invites everyone to come on down to City Hall
- Arbor Day tree planting on Friday, April 28, 11am at 20th and Ottawa

Commissioner Martin:

- Asked about a 5% increase auto renewal clause in the IT Data Backup contract

Commissioner Bauder:

- Mentioned the Ride LV program is going great, rides are up
- Appreciates the comments that people are leaving
- Appreciate the work the Guidance Center is doing

Mayor Wilson:

- Thanked those who participated in the Spring Clean Up, thanked Melissa Bower, PIO, for organizing and promoting this annual event
- Mentioned local events put on over the past weekend
- Congratulated Employee of the Quarter Melvin Sewell III
- Thanked the Commission for saying yes to Big Brothers Big Sisters

Adjournment:

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

Time Meeting Adjourned 7:27 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC