



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

City Commission Regular Meeting
Commission Chambers
Tuesday, May 9, 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 and Edd Hingula. Absent: Commissioner Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Chief Building Inspector Harold Burdette, Police Chief Patrick Kitchens, Public Works Director Brian Faust, 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:

Economic Development Week – Mayor Wilson read the proclamation proclaiming May 8-12, 2023 as Economic Development Week. The proclamation was accepted by Diana Dodd.

Provider Appreciation Day – Mayor Wilson read the proclamation proclaiming May 12, 2023 as Provider Appreciation Day. The proclamation was accepted by Lisa Schmidt and Ann Soby.

National Police Week – Mayor Wilson read the proclamation proclaiming May 14-20, 2023 as National Police Week. The proclamation was accepted by Police Chief Patrick Kitchens.

Leavenworth Public Works Week – Mayor Wilson read the proclamation proclaiming May 21-27, 2023 as Leavenworth Public Works Week. The proclamation was accepted by Public Works Director Brian Faust.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Martin moved to accept the minutes from the April 25, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8213 Amending by Regular Ordinance Charter Ordinance No. 40 – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8213 was unanimously approved.

Second Consideration Ordinance No. 8214 Amending Article 9, Historic Preservation of the Code of Ordinances Development Regulations – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8214 was unanimously approved.

Second Consideration Ordinance No. 8215 Approval of Special Use Permit for Two-Family Dwelling at 728 Pottawatomie Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8215 was unanimously approved.

Second Consideration Ordinance No. 8216 Approval of Special Use Permit for Two-Family Dwelling at 1906 5th Avenue – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8216 was unanimously approved.

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

Francis Hayes:

- Asked for assistance regarding an improper display of handicap signage in her neighborhood

Public Hearing:

Public Hearing for Unsafe Structure 1015 Ottawa Street

Open Public Hearing:

Commissioner Martin moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Review of Property by Staff and Public Comments:

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damaged by fire on November 10, 2022
- City received insurance proceeds
- Owner is indecisive about what he wants to do with the property
- Noted the owner is not present this evening
- No permits have been applied for or issued
- Staff usually recommends giving 90 days for owner to demolish or make significant repairs to the structure

Mr. Kramer:

- The Commission could decide to shorten the time frame from 90 days to a shorter window, since no permits have been pulled on the property

Commissioner Bauder:

- Noted she was good with 30 days

Close Public Hearing:

Commissioner Hingula moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Commissioner Martin

- Asked how much is budgeted each year for demolishing properties

Mr. Kramer:

- The City received insurance proceeds for this property, so City dollars would not be used for this property

Commission was in favor of revising the allotted days to 30 days.

Consider Resolution B-2334 Directing Structure to be Repaired or Removed:

Commissioner Hingula moved to adopt Resolution B-2334 giving the owner 30 days to complete the demolition or repair of the property. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

General Items:

Mayor's Appointments:

Mayor Wilson moved to reappoint to the Building Code Board of Appeals Jody Kaaz to a term ending May 1, 2028, reappoint to the Electrical Board of Appeals Jeff Wagner to a term ending May 1, 2028, reappoint to the Mechanical Board of Appeals Keith Sanders to a term ending May 1, 2028, and appoint to the Plumbing Board of Appeals John D'Agostino to a term ending May 1, 2028. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Cherokee Street Closure Request – Motorcycle Show Special Event – Police Chief Patrick Kitchens presented a request to close Cherokee Street on Saturday, August 26, 2023 from 2:30 p.m. to 10:00 p.m. for a Motorcycle Show. On March 27, 2023, the City of Leavenworth received a Special Event Application from Carl Slicker to have a Leavenworth Bike Show at Haymarket Square. Mr. Slicker and his team have held the bike show for the last several years and it has grown each year. Their application included a request to close the 600 block of Cherokee Street from 2:30 p.m. to 10:00 p.m. to accommodate the event. On April 10, 2023, I met with Mr. Slicker and his team at the Police Department to review the application and event. It was discussed the purpose for the closure was for the vendors to set up and have booths. The motorcycles and food trucks would be inside the envelope of Haymarket Square. Alternative locations were discussed but one was not identified that would work. Staff is sensitive to other businesses and residents when requests of this nature come in and could potentially require towing of cars. Chief Kitchens mentioned other pending road closure requests.

John Goodson 1428 S 2nd street:

- This will be the 7th year of the show
- The event has grown each year and there are 70 vendors and possible 500 attendees who want to participate this year
- Have a plan for the water department to not interfere with their business
- Personally spoken to every business on the block and has obtained a signed letter with their support

- Event is to raise funds for various charities in town

Mayor Wilson:

- Asked for clarity on the timeframe for the road closure

Mr. Goodson:

- We're usually done by 9pm

Chief Kitchens:

- The noise permit does not allow loud noise after 10pm, so that matches up with the road closure ending time

Commissioner Bauder:

- Stated the reason the City moved Camp to Landing Park was to have enough space

Commissioner Martin:

- First concern is local businesses
- Sounds like the group has spoken to the businesses and they are in favor

Mayor Wilson:

- Asked were any businesses opposed to the closure

Mr. Goodson:

- None

Commissioner Hingula:

- Asked will this place a burden on the police department

Chief Kitchens:

- There is no undue burden

Commissioner Bauder:

- Mentioned a letter of support from Leavenworth Main Street for the closure

Commissioner Martin moved to approve the request to close Cherokee Street on August 26, 2023 from 2:30 p.m. to 10:00 p.m. for the Motorcycle Show at Haymarket Square. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Request to Abate Special Assessment Nuisance and Demolition Fees and Nuisance Lien for 1921 5th Avenue –

Mayor Wilson:

- Stated pursuant to City Code Sec. 2-55(c), Members of the city commission have a duty to vote unless such member declares a conflict of interest or other conflict that appears to make voting on an issue improper. For the next agenda item, I believe it would be improper for me to vote and be a part of the discussion. The party requesting the action is my mother. At this point I will turn the meeting over to Mayor Pro Tem Martin until this item is concluded.

Mayor Wilson stepped down from the dais and took a seat in the audience.

City Manager Paul Kramer presented a request to waive the Special Assessment fees for Nuisance and Demolitions and for the Nuisance Lien for the property located at 1921 5th Avenue. In 2021, the City had performed mowing at the property. In March of 2022, the City demolished the single-family structure located on the property. Also in 2022, the City had performed mowing at the property on several occasions. Invoices had been sent to the property owner of record and the unpaid fees have been assessed to the property through liens and special assessments to the property taxes. In the past, the City Commission has reduced the fees for similar requests, to the actual cost incurred by the city and nominal administration fee. Mr. Kramer reviewed the Special Assessment and Nuisance Lien fees with the Commission,

Commissioner Martin:

- Asked about costs that are budgeted for demolition

Mr. Kramer:

- \$30,000 is set aside from CDBG funds for blight, the City also sets aside the same amount to ensure funds are available to address all blighted properties

Commissioner Bauder:

- What are the plans for the property
- Discussed what has been done in the past on requests like this

Savannah Nelson 1921 5th Avenue:

- Planning on building a house on the property for her son

Commissioner Martin:

- Doesn't feel like we should penalize the new owner

Commissioner Hingula:

- Likes the idea to adjust the fees

Commissioner Hingula moved to waive the administrative fees and reduce the Special Assessment fees for Nuisance and Demolition, and for the Nuisance Lien for the property located at 1921 5th Avenue by \$5,000.00. Commissioner Bauder seconded the motion.

Commissioners discussed further and were in agreement to waive all the fees instead of a reduction.

Commissioner Hingula withdrew his motion without objection.

Commission Hingula moved to waive the administrative fees, waive the Nuisance and Demolition Special Assessment fees, and waive the Nuisance Lien fees for the property located at 1921 5th Avenue. Commissioner Bauder seconded the motion and the motion unanimously approved. Mayor Pro Tem declared the motion carried 3-0

Mayor Wilson rejoined the Commission on the dais.

Resolutions:

Resolution B-2335 Authorizing Issuance of General Obligation Bonds for the Construction, Furnishing and Equipping of New Fire Station #3 – Finance Director Roberta Beier presented for consideration Resolution B-2335 authorizing the issuance of general obligation bonds for the purpose of funding the Fire Station #3 project. Staff is pursuing a design-build contract with Kaaz Construction & WSKF Architects for the design and construction of Fire Station #3 (the Project). Staff recommends funding the construction of the Project with general obligation bonds (G.O. bond), therefore prior to approving the design-build contract, Staff is requesting that the City Commission authorize the issuance of general obligation bonds, per K.S.A. 12-1736, for the purpose of funding the project.

Commissioner Martin:

- Asked when will we have a fixed total cost of the project

City Attorney Waters:

- Advised that the Design-build process is 2 step process
- A designer/architect and contractor work together to put together a design-build proposal to help ensure the project remains on budget

Mr. Kramer:

- We will bring the entire project with total cost to the Commission for approval
- The Commission will decide the ultimate cost of the project

Commissioner Bauder moved to approve Resolution B-2335 which authorizes the issuance of general obligation bonds of the City in the maximum principal amount of \$5,000,000.00 to pay the costs of the Project together with all things necessary and incidental thereto. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Resolution B-2336 Declaring the Necessity to Appropriate Private Property Connected with the U.S. 73 Choctaw to Seneca Improvement Project – Public Works Director Brian Faust presented for consideration a resolution to start the process for acquisition of private property for public purposes on the U.S. 73 Improvement Project. In order to keep the project on schedule and to ensure the City does not lose out on grant dollars, the City needs a parallel condemnation process to help ensure the needed properties are obtained. City staff will continue to work with all the property owners and Orrick & Erskine to obtain signed easements throughout this process. This project is scheduled to be bid in September; however, KDOT required the easements/ROW to be obtained or condemnation to be initiated prior to bidding. This resolution is simply the first step in a larger process.

Commissioner Hingula:

- Asked are any property owners adamantly opposed

Mr. Faust:

- We've had some calls and comments on landscape easements

Commissioner Martin:

- What does this do in terms of setting precedent

Mr. Kramer:

- The State requires that all easements are obtained or condemnation has commenced before the project can be bid
- Rarely do these go to condemnation
- This keeps the project moving

Commissioner Bauder moved to approve Resolution B-2336 regarding the appropriation of private property for public purposes. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for 2023 Pavement Management Project (Mill & Overlay Program) – Public Works Director Brian Faust presented for consideration award of bid for the Mill & Overlay program of the 2023 Pavement Management Project. The components of the 2023 program include micro-surfacing, mill and overlay, parking lot upgrades and major repair and maintenance work beyond the scope of the Streets Division. The Mill & Overlay Program for 2023 includes the City streets:

- Shawnee Street between 10th and 15th
- 10th Street between Stockton and Michigan
- Spruce between 3rd and 4th
- Poplar Street between 2nd and 3rd
- Intersection of 15th and Vilas

The project plans were prepared by Alfred Benesch & Company and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on April 25, 2023. Little Joe's Asphalt met all the bidding requirements and has previously performed mill & overlay work for the City.

Commissioner Hingula moved to award the 2023 Pavement Management – Mill & Overlay Program to Little Joe's Asphalt in an amount not to exceed \$701,688.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consent Agenda:

Commissioner Bauder moved to approve claims for April 22, 2023 through May 5, 2023, in the amount of \$1,509,327.44; Net amount for Payroll #09 effective May 5, 2023 in the amount of \$358,879.47 (No Police and Fire Pension). Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Hawthorn Splash pad official kickoff is from 11am – 1pm this Saturday
- Noted the re-vamped pool will open in a few weeks

Commissioner Hingula:

- Was asked what age group is the splash pad for

Commissioner Martin:

- Have a great week

Commissioner Bauder:

- Thanked Mayor Wilson as the splash pad was his idea

Mayor Wilson:

- Looking forward for the splash pad event
- Thanked teachers in the community; you are true heroes

Adjournment:

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

Time Meeting Adjourned 7:05 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC