



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, Camalla Leonhard and Edd Hingula.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Fire Chief Gary Birch, Police Chief Patrick Kitchens, Planning & Community Development Director Julie Hurley, City Planner Bethany Falvey, 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:

2023 Celebration of Juneteenth – Mayor Wilson read the proclamation recognizing the 2023 Celebration of Juneteenth. The proclamation was accepted by Joana Scholtz.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to accept the minutes from the May 23, 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. 8217 Acquisition of Land or Interests by Condemnation in Connection with U.S. 73 Choctaw to Seneca Improvement Project – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the May 23, 2023 meeting. Public Works Director Brian Faust provided the following information:

- 24 easements in total were needed
- Almost finished up with receiving 7 more easements
- Need to continue the process in order to keep the project moving

Mayor Wilson called the roll and Ordinance No. 8217 was unanimously approved.

Second Consideration Ordinance No. 8218 Amending Code of Ordinances, Chapter 38 Solid Waste, Article II Collection and Disposal – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the May 23, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8218 was unanimously approved.

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

Dinah Zeck 1924 Pine Ridge Dr.:

- Representing Leavenworth County Historical Society
- June 24th at Riverfront Community Center is the Buffalo Bill Cody's Wild West event
- Invited all to come out and enjoy the event
- Tickets are \$50

Stacey McCowen 500 Shawnee:

- Read a letter from Maryann Sachse Brown
- Buffalo Bill event recognizes the past while also passing on the spirit of pioneering to the future

General Items:

Review Unsafe & Dangerous Structures; Given 60 Day Extension at April 11, 2023 Meeting – Planning & Community Development Director Julie Hurley and City Planner Bethany Falvey provided the current status of each property granted a 60-day extension at the April 11, 2023 meeting:

- 612 N 2nd Street – Single family house, last water service 1/3/2022. New roof and windows have been put in

Bob Wooten 615 N esplanade, neighbor:

- Property has been really bad for 3 years
- Appreciate the new roof, but not enough improvements have been made

Commissioner Bauder:

- Asked how long the property has been vacant

Commissioner Leonhard:

- Asked when was the last communication from property owner

Ms. Hurley:

- We've not had any contact and there have been no permits pulled

Commissioner Martin:

- Asked if the property owner was notified of all that is required to be repaired on this property

Ms. Hurley:

- Absolutely

Kevin Lis 4424 Broadway Terrace, associate with Mr. Wesley, owner of the property:

- Stated the owner put in the windows and the next step is siding

Mayor Wilson:

- Asked what is the next step if it stays on the demo list

Ms. Hurley:

- The Commission has previously provided permission to move forward with demolition, but if someone is actively working on the property, staff has discretion to remove it from demolition

There was consensus by the Commission to continue with the demolition process.

- 710 S 7th Street – Single family house and accessory structure, no active water service since 2008. No change in status from April 11, 2023 meeting.

Kevin Lis 4424 Broadway Terrace, property owner:

- Intent is to knock it down, but wants to ensure he can rebuild

Ms. Hurley:

- Mr. Lis has been provided with the information he needs in order to proceed with combining lots and replatting the property
- To date the City has not received any paperwork from the property owner to proceed with that process

There was consensus by the Commission to continue with the demolition process.

- 701 Chestnut Street – Single family house and accessory structure. Building Permit for new roof issued on 5/2/2023. Exterior work ongoing.

Commissioner Bauder:

- Asked if the repairs that have been made are enough to remove it from the demo list

Ms. Falvey:

- Reviewed the Remediation Agreement items with the Commission

There was consensus by the Commission to remove the property from demolition list.

- 200 Osage Street – Accessory structure. Building Permit for removal of 2nd story was issued on 3/24/2023. Work is ongoing

Commissioner Bauder:

- Asked if the 1st story is salvageable

Ms. Hurley:

- Once the 2nd story comes off a new roof is required and a new roof requires a permit and inspection

There was consensus by the Commission to grant 60 day extension to review at the August 22, 2023 meeting.

- 229 Osage Street – Single family house. Active Building Permits for interior and exterior renovations, work is ongoing.

There was consensus by the Commission to grant 60 day extension to review at the August 22, 2023 meeting.

Ms. Falvey, provided an update on 1030 Miami:

- The property owner has received a demolition permit

Commissioner Leonhard:

- Asked how long do you have with a demo permit to remove the property

Ms. Hurley:

- 60 days

Review Unsafe & Dangerous Fire Damaged Structure; Given 30 Day Extension at May 9, 2023 Meeting –

Chief Building Inspector Harold Burdette provided the following background information: On November 10, 2022 the structure was damaged by fire; City received check from insurance proceeds for \$34,500.00. A public hearing was held May 9, 2023 regarding the status of repairs or demolition. The Commission adopted Resolution B-2334 giving the owners 30 days to complete repairs or demolish the structure. The owner has been working with City staff towards obtaining a demolition permit. Staff was notified today that they can now proceed with issuing the demolition permit. Staff recommends allowance of additional time of 45 days for the completion of the demolition. This property would come back before the Commission at the August 8, 2023 meeting if the extension is approved.

Commissioner Bauder moved to grant a 45 day extension for completion of the demolition for 1015 Ottawa Street. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0

Resolutions:

Resolution B-2338 Setting Public Hearing for Unsafe and Dangerous Fire Damaged Structure at 707 Pawnee Street

– Chief Building Inspector Harold Burdette provided the background information: A fire significantly damaged this structure on March 29, 2023. The City has received insurance proceeds and the funds are to be used by the City to either remove the structure if the owner decides not to address the issue, or be returned to the property owner once repairs are completed and the structure is ready for occupancy. The Inspection staff have spoken with persons who intend to repair the structure, but no request for a building permit has been received. A public hearing is required to determine if the structure should be demolished or if the owner will commit to making improvements within a timeframe acceptable to the City Commission. This Resolution sets the public hearing for July 25, 2023.

Commissioner Hingula moved to adopt Resolution B-2338 setting the public hearing for July 25, 2023 regarding the unsafe fire damaged structure located at 707 Pawnee Street. Commissioner Martin 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 Fire Department Concrete Driveway Replacement Project – Fire Chief Gary Birch presented for consideration approval to replace a specific amount of concrete driveway at two of the

fire stations. Both rear and front drives have been in bad condition for several years. The joint cracks have become so bad that patching with asphalt is no longer a viable option. The Fire Department requested a total of \$128,000 for concrete replacement to be completed in 2023 and 2024. 500 square yards of concrete will be replaced in 2023 and 2024. Staff recommends awarding this project to Kaaz Construction as their proposal meets our scope of work and budgeted amount.

Commissioner Bauder moved to award the Fire Department Concrete Driveway Replacement Project to Kaaz Construction in the amount of \$64,000.00 per year, not to exceed total of \$127,500.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for 2023 Pavement Management Project – Parking Lot and 7th Street Program – Public Works Director Brian Faust presented for consideration award of the 2023 Pavement Management-Parking Lot & 7th Street Program. 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 Parking Lot & 7th Street Program for 2023 includes the City parking lot & streets listed below:

- City Hall East Parking Lot (Parking lot surface, concrete repairs, alley repairs, ADA ramps, sidewalks & curbs)
- 7th Street between Kiowa and Alley North of Dakota (ADA Ramps, sidewalk, curbs & asphalt pavement)

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 June 7, 2023. Baker Construction met all the bidding requirements and have completed concrete construction projects for the City in the past.

Commissioner Martin moved to approve and award the 2023 Pavement Management – Parking Lot & 7th Street Program to Baker Construction in an amount not to exceed \$570,324.50. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Tandem Axle Dump Truck with Spreader Controls and Plow Attachments – Public Works Director Brian Faust presented for consideration the purchase of 2023 Freightliner 108SD Plus Tandem Axle Dump Truck with spreader controls and plow attachments for the Street Division. The 2023 CIP included funding for replacement of a 2008 International 7400 Tandem Axle Dump Truck. The 2008 dump truck is inoperable due to a blown engine. Trade-in value from both bidders was extremely low and staff recommends that the 2008 truck be placed on the Purple Wave auction site. Delivery of the vehicle is up to 365 days once they receive the purchase order. The difference between the budget and the actual cost will be made up by the reserves in the CIP Sales Tax Fund.

Commissioner Hingula:

- Asked if the CIP sales tax fund can handle the difference

Mr. Kramer:

- The reserves have sufficient funds to cover the difference

Commissioner Leonhard moved to award the bid and approve the purchase of a 2023 Tandem Axle Dump Truck with spreader controls and plow attachments from Premier Truck Group of Kansas City, in an amount not to exceed \$230,307.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Sidewalk Improvement Project on Dakota Street – 5th to 7th – Planning & Community Development Director Julie Hurley noted that CDBG Funds can be used for infrastructure projects, within the defined low/moderate income area. Had funds that needed to be reallocated and public works had a project readily available that meets the requirements with using Federal Funds, so CDBG is assisting with funding on this project. Public Works Director Brian Faust presented for consideration award of the Sidewalk Improvement Project on Dakota Street. This project is part of the on-going sidewalk repair and replacement work funded by the City's portion of the countywide sales tax. For 2023, funding is available to complete a section of sidewalk on Dakota Street from 5th Street to 7th Street. In addition to dedicated sidewalk funding, Community Development is providing CDBG funding to assist with the project. The project plans were prepared by BG Consultants and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on June 7, 2023. Kaaz Construction met all the bidding requirements and have completed sidewalk improvement projects for the City in the past. Work is expected to begin later this summer or fall with completion prior to the end of the year. The project consists of new ADA ramps and sidewalks along the south side of Dakota Street from 5th to 7th.

Commissioner Hingula moved to award the Sidewalk Improvements Project on Dakota Street between 5th and 7th to Kaaz Construction in an amount not to exceed \$90,530.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Public Works Director Brian Faust provided a brief status update on the entire 2023 Pavement Management Programs starting in August. Mr. Faust reviewed the following:

- Micro-surfacing and crack sealing
- Mill and overlay
- Parking lot and 7th street project

First Consideration Ordinances:

First Consideration Ordinance Amending Code of Ordinances Section 30-8 Illegal Camping – Police Chief Patrick Kitchens presented for first consideration an ordinance amending the Illegal Camping section of the City Code of Ordinances. On July 6, 2021 the Leavenworth City Commission passed an ordinance titled Illegal Camping that prohibited certain behaviors on public property. The ordinances provided the Police Department with the tools to better manage the homeless population in areas such as public parks, under bridges, and those that are in the right-of-way. We've had several circumstances of fairly large homeless encampments that required Police and Public Works to intervene and clean up and it's been effective. Officers are now experiencing a challenge of our homeless population occupying vacant lots that are privately owned. In some instances, the owners of the property are indifferent or simply don't visit the property very often. Currently, it has to be dealt with using the Code Enforcement staff and that can take time to remedy. The proposed change asks to adopt a 10 day period of camping on private property. That language does include an exemption. Officers have also had trouble clarifying permission from the owner. The proposed change establishes clearly how ownership is determined.

Mayor Wilson:

- Asked for clarity on the ordinance changes

Commissioner Martin:

- Asked the Chief to expound on some recent incidences that got out of hand

Chief Kitchens:

- The department has had a lot of difficulty ascertaining the property owner
- We were getting complaints from neighbors
- Other issues have been large amounts of trash, camp fires, and property owners who are indifferent who do not cooperate

Commissioner Bauder:

- Asked shouldn't camping on private property already be illegal

Chief Kitchens:

- We have codes in place through code enforcement, but that is usually a lengthy timeframe to resolve, where changing the code allows the City to take quicker action

Attorney Waters:

- Provided a legal explanation to the ordinance presented

Ms. Hurley:

- Advised that there are land use and code enforcement regulations to address using property as a camp ground, which is not allowed and would be enforced through the code enforcement practices

Commissioner Martin:

- Would like an update in the future to see if the changes have been effective

Mr. Kramer:

- Stated the City has heard from some property owners on this already advising no one has permission to be on their property

Commissioner Hingula:

- Asked if the City knows how many beds are available at homeless shelters in the City

Chief Kitchens:

- Part of our obligation is to check and see if any of the exceptions are met before enforcement commences

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for May 20, 2023 through June 9, 2023, in the amount of \$1,942,425.96; Net amount for Payroll #11 effective June 2, 2023 in the amount of \$356,850.63 (No Police

and 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:

- DARE Camp is going on this week, there will be a DARE Camp cookout on Friday
- Pool season is going well, the new kiddie pool features should be delivered in the next several weeks

Commissioner Leonhard:

- Have a great rest of the week

Commissioner Hingula:

- Glad to be back

Commissioner Martin:

- Have a great week

Commissioner Bauder:

- Looking forward to nice weather and a nice weekend

Mayor Wilson:

- Looking forward to Juneteenth celebration
- St. Vincent Clinic is doing a Beat the Heat event at Dougherty Park at 10 a.m. tomorrow
- Wished everyone a Happy Father's Day

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 6:59 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC