



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

City Commission Regular Meeting
Commission Chambers
Tuesday, July 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 (via telephone call-in) and Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Deputy Parks & Recreation Director Brian Bailey, Parks & Recreation Director Steve Grant, Police Chief Patrick Kitchens, Planning & Community Development Director Julie Hurley, Public Works Director Brian Faust, Water Pollution Control Superintendent Tim Guardado, Assistant Water Pollution Control Superintendent Jon Lemke, 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.

PROCLAMATION:

Leavenworth Farmers Market Week August 6-12, 2023 – Mayor Wilson read the proclamation proclaiming August 6-12, 2023 as Leavenworth Farmers Market Week. The proclamation was accepted by Austin Reynolds.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

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

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

Ryan Markle 1529 Franklin St:

- Recognized *Celebrate Recovery*, a recovery program
- Group meets once a week at a local church
- Small group breakout sharing
- Anonymity and confidentiality is key
- There is a need in the community for this type of group
- Leavenworth has a registered location
- For contact information check with Westside Family Church Leavenworth

Public Hearing:

Public Hearing for Unsafe Fire Damaged Structure 707 Pawnee Street

Open Public Hearing:

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

Review of Property by Staff and Public Comments:

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damaged by fire on March 29, 2023
- City received insurance proceeds
- City Staff have spoken to the owner, were initially informed the owner is unsure how they want to proceed with the property
- Received a phone call from the property owner stating they intend to sell the property
- Staff recommends the owner be given 30 days to start the demolition process or begin the repairs to the structure
- Staff will provide an update on the property to the Commission after 30 days

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.

Consider Resolution B-2341 Directing Structure to be Repaired or Removed:

Commissioner Hingula moved to direct the staff to give the owner and/or new owner 30 days to begin repairs or begin demolition.

City Attorney Waters:

- Reviewed the Resolution wording and also provided a legal explanation for the actions of the evening

Commissioner Hingula withdrew his motion.

Commissioner Bauder moved to adopt Resolution B-2341 giving the owner 30 days for repair or removal of the property. Commissioner Leonhard seconded the motion. The motion passed 4-1 with Commissioner Hingula voting no. Mayor Wilson declared the motion carried 4-1.

General Items:**Mayor's Appointments:**

Mayor Wilson moved to appoint to the Board of Zoning Appeals David Ramirez to an unexpired term ending May 1, 2025 and to appoint Daniel Bolling to an unexpired term ending May 1, 2026, to reappoint to the Community Development Advisory Board Charles Davis, Sister Paula Rose Jauernig, Brian Keeley and Mike Seufert to terms ending August 31, 2026, and appoint to the Leavenworth Planning Commission Maryann Neeland to an unexpired term ending May 1, 2026. 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 Shingle Roof Replacement at Riverfront Community Center – Parks & Recreation Director Steve Grant presented for consideration the bid for the replacement of the asphalt shingle portion of the Riverfront Community Center roof. Portions of the roof are the original asphalt shingle that were put on prior to the facility opening in 1988. There are also some original copper gutters that will need to be cleaned and lined, as well as replacing some galvanized guttering with copper guttering as part of the project. The Riverfront Community Center is a National Register of Historic Places location and care must be taken to ensure all work complies with the Secretary of the Interior’s Standards for Rehabilitation. Bids were opened on July 19, 2023 and bidders were instructed to include a 10% contingency in their overall bid to address unforeseen issues associated with decking, guttering, flashings, etc. Staff will be applying for Kansas Rehabilitation Tax Credits and expect to receive approximately \$81,000 that will offset a significant portion of the project.

Commissioner Hingula moved to award the bid for the Riverfront Community Center Asphalt Shingle Roof Replacement Project to American Roofing Inc., in an amount not to exceed \$299,570.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Sportsfield Trail Repairs Project – Deputy Parks & Recreation Director Brian Bailey presented for consideration the bid for the Sportsfield Trail Repairs Project. The Sportsfield complex and trail were built in 2011. The section behind fields 3 & 4 are showing significant deterioration due to sub-base issues and the winter freezing and thawing. This section of trail is also how equipment, field material, and other supplies are brought into the Sportsfield complex. Work for this project will include 395’ of 10’ wide asphalt trail and 150’ of concrete trail. Bids were opened on July 18, 2023 and two bids were received. There is \$62,100 allocated in the 2023 Capital Improvement Program for Sportsfield Trail Repairs and the remaining \$6,546 will come from reserves in the CIP Sales Tax Fund.

Commissioner Leonhard moved to award the bid for the Sportsfield Trail Repairs Project to Baker Construction, Inc., in an amount not to exceed \$68,646.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Parks Sidewalk Improvements Project – Deputy Parks & Recreation Director Brian Bailey presented for consideration the bid for the Parks Sidewalk Improvement Project for 2023. Many of our parks have sidewalks adjacent to city streets, around parks, and through parks. Over the years the sidewalks have endured many seasons of wear and tear and are at a point where many of them have cracked, heaved, buckled, and overall deteriorated. The parks to be addressed include 10th Avenue Park, David Brewer Park, Landing Park, Haymarket Square, and two locations along Arborway. Work for this project will include sidewalks, ADA ramps, curb and gutter. Bids were opened on July 14, 2023 and one bid was received. \$39,600 is allocated in the 2023 Capital Improvement Program for this project and the remaining \$46,715 will be funded by the Streets CIP Sidewalk Program.

Commissioner Bauder moved to award the bid for the 2023 Parks Sidewalk Improvement Project to Baker Construction, Inc., in an amount not to exceed \$86,315.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Award of Bid for Replacement of Control Panels at Three Lift Stations – Public Works Director Brian Faust presented for consideration the bid to replace three lift station control panels that have

become obsolete. Lift stations are used to move raw sewage from holding tanks/wells through force mains from low-lying areas of the City, back to gravity mains and then transport the raw sewage to the WWTP. As the parts in the control panels become obsolete, it takes an excessive amount of time to find and reconfigure new parts to coincide with the old parts. The three older lift stations, Select, Hallmark and VA, need to have their control panels replaced. The 2023 CIP contains \$80,000 for the replacement of the three control panels. The total cost for the panels is less than the budgeted CIP amount. The VA has been informed of the needed replacement and there is an agreement with the VA that the City of Leavenworth will maintain the lift station; however, the VA is responsible for reimbursing the City for needed repairs.

Commissioner Bauder moved to approve the purchase and replacement bid for the replacement of three control panels for the Select, VA and Hallmark lift stations to Allied Systems, Inc., in an amount not to exceed \$45,358.81. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Design-Build Agreement for Fire Station No. 3 and WPC Admin Offices – Public Works Director Brian Faust presented for approval the design-build agreement with Kaaz Construction Company for the design and construction of Fire Station No. 3 and the WPC Administrative Offices. For 2023/2024, the City programmed the replacement of Fire Station No. 3 due to the age of the structure, energy inefficiencies, and to accommodate larger trucks along with ADA and gender-based requirements. In addition to the fire station, the assessment of the Wastewater Treatment Plan identified a need to relocate, for health and safety reasons, the WPC Administrative Offices. The City solicited qualifications from design-build teams, where both the designer and construction contractor are part of the team that works together for a cost effective design and buildable structure. Presentations were made to the Commission on March 21, 2023, and in April there was consensus from the Commission to negotiate with the design-build team led by Julius Kaaz Construction. Mr. Faust reviewed the Team - Contractor, Architect and Consultants, Project Milestones and Budget Impacts. Staff recommends the Commission approve the agreement between the City and Julius Kaaz Construction and authorize the Mayor to sign the agreement.

Commissioner Leonhard moved to approve the Fire Station No. 3 and Water Pollution Control Administration Building design-build agreement between the City and Julius Kaaz Construction Company, Inc. and authorize the Mayor to sign the agreement. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance for Special Use Permit at 500 & 502 Pawnee Street to Allow Two-Family Dwelling – Planning & Community Development Director Julie Hurley 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 two-family structure that is considered a non-conforming structure, as there is no existing Special Use Permit. Recent changes in lending practices have made it increasingly difficult for borrowers to secure financing for properties which are considered non-conforming and that would not be permitted to be rebuilt as-is. The applicant is seeking the Special Use Permit in order for the property to become conforming to prepare for potential sale. The Planning Commission considered this item at their July 10, 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 507 & 509 Pawnee Street to Allow Two-Family Dwelling - Planning & Community Development Director Julie Hurley 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 two-family structure that is considered a non-conforming structure, as there is no existing Special Use Permit. Recent changes in lending practices have made it increasingly difficult for borrowers to secure financing for properties which are considered non-conforming and that would not be permitted to be rebuilt as-is. The applicant is seeking the Special Use Permit in order for the property to become conforming to prepare for potential sale. The Planning Commission considered this item at their July 10, 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.

Staff Report:

Police Department – Police Chief Patrick Kitchens provided a briefing on police cars and the leasing of City vehicles to include police cars that have lights, sirens, etc. Due to unforeseen issues from the manufacturer the City didn't receive any police cars or SUV's for 2 years; impacting 8 cars. Through Enterprise they were able to locate vehicles for the police department, and we are pending delivery. As part of the lease program with Enterprise they will remove the police equipment from the old vehicles and will also install the new police equipment on the new vehicles. This comes at a cost of \$186k. The monies have been allocated for the last 2 years and will just now be spent as the vehicles are on imminent arrival.

Mayor Wilson:

- Asked is there a chance of another cancellation

Chief Kitchens:

- There's always a chance, but Enterprise has been very clear when they have the vehicles and they are on their way

Commissioner Bauder:

- Asked what is the timeline

Chief Kitchens:

- Around 30 to 45 days

Commissioner Hingula:

- Asked what is the plan for next year

Chief Kitchens:

- Wants to get this round in before working on the future vehicles

Consent Agenda:

Commissioner Leonhard moved to approve claims for July 8, 2023 through July 21, 2023, in the amount of \$823,072.17; Net amount for Payroll #14 effective July 14, 2023 in the amount of \$405,150.20 (No Police and Fire Pension). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

Commissioner Hingula:

- Provided a movie recommendation for *Sound of Freedom*

Commissioner Bauder

- Be careful in the hot weather and stay hydrated

Mayor Wilson:

- God bless and prayers for the youth in the community

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 6:58 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC