



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

City Commission Regular Meeting
Commission Chambers
Tuesday, August 22, 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 Edd Hingula and Camalla Leonhard. Absent: Commissioner Nancy Bauder.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, CVB Manager Kristi Lee, CVB Jennifer Davoren, Finance Director Roberta Beier, Fire Chief Gary Birch, Human Resources Director Lona Lanter, Human Resources Deputy Director Michelle Meinert, Parks & Recreation Director Steve Grant, 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.

PROCLAMATION:

Wagga Wagga Week August 21-27, 2023 – Mayor Wilson read the proclamation proclaiming August 21-27, 2023 as Wagga Wagga Week. The proclamation was accepted by Kate Pevere, Miss Wagga Wagga and Haylee Burkinshaw, Wagga Wagga Community Princess.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Martin moved to accept the minutes from the August 8, 2023 regular meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8222 Approval to Levy Special Assessments for Nuisance Abatement Costs – City Clerk Sarah Bodensteiner reviewed the Ordinance. Since first consideration on August 8, 2023, 10 properties have submitted payment for the outstanding nuisance abatements and were removed from the Ordinance.

Mayor Wilson called the roll and Ordinance No. 8222 was unanimously approved.

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

Public Hearing:

Public Hearing Exceeding of the Revenue Neutral Rate:

Open Public Hearing:

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

Staff Presentation:

City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by Kansas Statute. As presented during the 2024 budget process, the City of Leavenworth has reached a revenue neutral rate for the City supported mill. The overall City levy does not meet the revenue neutral rate definition once the Leavenworth Public Library Mill (which is levied as a pass-thru) is included in the mill calculation.

Commissioner Hingula:

- Asked if the City has asked the Library to reduce its budget
- Asked how much would have to be cut from the budget to be completely revenue neutral in dollars

Mr. Kramer:

- You can certainly ask the Library to reduce its budget, but they are under the cap set
- About \$128,000 would have to be cut from the budget

Commissioner Leonhard:

- Asked where a cut would come from if we have to go to revenue neutral

Commissioner Martin:

- The City budget doesn't exceed revenue neutral
- The State is too slow to fix the valuation problem

Mayor Wilson:

- Happy to see the City still reach revenue neutral and still be able to invest in employees and have the City remain competitive in order to hire employees to provide city services

Citizen Comments:

Clarissa Rippee 1410 S Broadway St:

- Assessment on home has risen
- Property tax has risen
- Mentioned the USD 453-Other taxing subdivision
- Wants to know where her money is going
- Mentioned people have showed up at her house claiming they were from the Assessor's office

Mr. Kramer:

- The City is not involved at all with the assessment process and setting the value of your property, that is done at the County and State level, nor does the City have anything to do with the school district budget

Maura DeHerrera 1217 Olive Street:

- Wants to know who to call at the State to fix the valuation process
- Wants to know why we don't raise sales tax so the burden is on all people not just property owners

Mr. Kramer:

- The City is capped at the sales tax limit set by State Statute

Mayor Wilson:

- The people you need to reach out to are our local State Senators and Representatives

Mary Bergman 1801 2nd Ave:

- Feels house is valued too high which impacts taxes
- Asked about other states that are freezing senior citizen taxes and if the City can do that
- Wants the State to freeze senior citizen taxes

Gerard Overbey 4108 Grand Ave:

- Asked for revenue neutral last year
- Citizens pay various forms of taxes; income, sales, property, etc.
- Decide between needs and wants
- Wants a balanced budget
- Would like a revenue neutral budget

Close Public Hearing:

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

Consider Resolution B-2343 – Approval to Exceed Revenue Neutral Rate:

Mayor Wilson called the roll for Resolution B-2343 for Approval to Exceed the Revenue Neutral Rate and Resolution B-2343 was not approved with Commissioner Leonhard voting yes, and Commissioners Hingula, Martin and Mayor Wilson voting No. Mayor Wilson declared Resolution B-2343 not approved.

Mr. Kramer:

- The City will move forward and hold the Public Hearing on the 2024 Budget
- No vote of the budget will be held this evening
- Staff will present a revised budget for adoption at the September 12, 2023 Commission Meeting

Public Hearing on 2024 Operating and 2024-2028 Capital Budgets:

Open Public Hearing:

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

Staff Presentation:

None.

Citizen Comments:

None.

Close Public Hearing:

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

Mayor Wilson tabled the adoption of the 2024 Operating and Capital Budgets and Resolution B-2344 adopting the 2024 Housing Budget for Planters II.

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

Open Public Hearing:

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

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
- St. Joseph Church located at 306 N. Broadway is having its annual Germanfest Event on Saturday, October 7, 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

Commissioner Hingula:

- Asked will there be German beer and German-made sauerbraten

John and Theresa Williams:

- Provided history on the church
- Provided details of the event
- Invited the governing body to the event

Close Public Hearing:

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

Commissioner Leonhard moved to approve the request to waive the 300 foot requirement from any church, school, nursing home, library or hospital for the Germanfest event at St. Joseph Church on October 7, 2023. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

General Items:

Review of Unsafe & Dangerous Structures; Given 60 Day Extension at June 13th Meeting – Planning & Community Development Director Julie Hurley provided the current status of each property granted a 60-day extension at the June 13, 2023 meeting:

200 Osage Street – Accessory Structure

- Active building permit for removal of 2nd story
- Work is ongoing
- Staff has had no contact with the property owners

There was consensus by the Commission to a grant 60 day extension to review at the October 24, 2023 meeting.

229 Osage Street – Single Family House

- Active Building Permit for interior and exterior renovations
- No changes since last update
- Staff has had no contact with the property owners

There was consensus by the Commission to grant a 60 day extension to review at the October 24, 2023 meeting.

Commissioner Hingula moved to grant 60 day extensions to 200 Osage Street and 229 Osage Street to allow more time for repairs to be made to the structures. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Ms. Hurley:

- Provided a brief update on the other unsafe and dangerous structures to the Commission
- Reminded commission that they already voted to proceed with demolition, but properties given extensions was to give property owners time to get more work completed to avoid demolition

Bids, Contracts and Agreements:

Consider Approval of Scope & Fee for the Downtown ADA Intersection Ramp Project – Public Works Director Brian Faust presented for consideration approval of the scope & fee with Wilson & Company for the development of the plans and specifications for the Downtown ADA Intersection Ramp Project. The City of Leavenworth requested a scope & fee from Wilson & Company for the design of approximately 100 ADA accessible ramps in our downtown. Project limits are Choctaw (south), Seneca (north), Esplanade (east) and Broadway (west). It is important for any community to provide opportunity for all residents and visitors by removing access barriers. A number of businesses in the downtown have worked to improve access to various buildings and shops. A transition plan for public infrastructure that works to remove similar barriers at intersections is important and shows the City is doing its part to improve access to these same buildings and shops. Intersection ramps in our downtown will be upgraded to meet current ADA Public Rights-of-Way Accessibility Guidelines. Costs will be funded with sidewalk and curb funds contained within the adopted CIP. The design amount is not to exceed \$39,750. The actual replacement of the ramps will take place over a number of years.

Mr. Kramer:

- Referenced Title VI Review, which show the City's efforts to make the City accessible
- This keeps the City eligible for grants

Commissioner Leonhard moved to approve the contract for the Downtown ADA Intersection Ramp Project with Wilson & Company and authorize the Mayor to execute a contract, in the amount not to exceed \$39,750.00. Commissioner Martin seconded the motion and was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Supplemental Design Services for the Vilas Street Sidewalk Improvements – Public Works Director Brian Faust presented for consideration approval of the supplemental design services with Bartlett & West for additional easement work associated with the Vilas Street ADA and Sidewalk Upgrades Project. The City Commission approved the original contract on January 10, 2023. The design is progressing and field check with city staff and KDOT is complete. As part of the field check, staff walked the entire site with the consultant and identified a number of additional properties where easements are needed. If these easements are obtained, less retaining walls along the roadway would be required and the overall construction cost of the project would be lessened. The trade-off is that there will be some additional design and acquisition costs associated with these easements. Staff worked with Bartlett & West on their fee and the supplemental services are a not-to-exceed amount of \$40,158; the majority of the cost, \$38,126, is for the work associated with survey and legal descriptions for the additional 23 parcels. The cost for the additional services will be funded with Federal Fund Exchange Dollars.

Commissioner Hingula moved to approve the additional design services for the Vilas Street ADA and Sidewalk Upgrades Project with Bartlett & West, in the amount not to exceed \$40,158.00. Commissioner Martin seconded the motion and was unanimously approved. Mayor Wilson declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance to Adopt Standard Traffic Ordinance 50th Edition – Police Chief Patrick Kitchens presented for consideration the adoption of the 50th Edition of the Standard Traffic Ordinance as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

Commissioner Hingula:

- Asked for clarification on the Additional Lighting Equipment Section

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

First Consideration Ordinance to Adopt Uniform Public Offense Code 39th Edition – Police Chief Patrick Kitchens presented for consideration the adoption of the Uniform Public Offense Code 39th Edition as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

Commissioner Martin:

- Asked for clarity regarding the Battery against a Health Care Worker section

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

First Consideration Ordinance to Adopt 2023 Intersection Traffic Control Device Master Index – Police Chief Patrick Kitchens presented for consideration the adoption of the 2023 Traffic Control Device Master Index as prepared by the City of Leavenworth. The 2023 list includes the addition of the intersection at S 20th St and West Glen Ct.

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for August 5, 2023 through August 18, 2023, in the amount of \$596,411.55; Net amount for Payroll #16 effective August 11, 2023 in the amount of \$393,661.93 (No Police & Fire Pension). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Commented on status of refuse pickup: current staffing levels, heat schedule, precautions being taken during the excessive heat warning
- Mentioned the Traffic Calming Project north of the high school is out to bid

Commissioner Hingula:

- Many events are coming up and hopes all can participate in those events throughout town
- These events are outdoors, stay hydrated and stay safe

Commissioner Martin:

- Thanked fellow Commissioners for voting to go revenue neutral

Mayor Wilson:

- Thanked City staff for everything you do for the community, especially the refuse workers right now
- School year is off to a good start
- Continue to pray for those in the community

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 7:23 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC