



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

City Commission Regular Meeting
Commission Chambers
Tuesday, September 12, 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 (via telephone call-in), Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard (via telephone call-in).

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Finance Director Roberta Beier, Parks & Recreation Director Steve Grant, Parks & Recreation Deputy Director Brian Bailey, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Pro-Tem Martin asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

Constitution Week September 17-23, 2023 – Mayor Pro-Tem Martin read the proclamation proclaiming September 17-23, 2023 as Constitution Week. The proclamation was accepted by Anna Cecil.

Leavenworth Awareness Walk 2023 - Mayor Pro-Tem Martin read the proclamation recognizing and commemorating the significance of the Leavenworth Awareness Walk. The proclamation was accepted by Sam Moore and members of Pi Omicron Lambda Chapter of Alpha Pi Alpha Fraternity, Inc.

National Suicide Prevention Awareness Month - Mayor Pro-Tem Martin read the proclamation proclaiming the month of September as National Suicide Prevention Awareness Month.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the August 22, 2023 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8223 Adopt Standard Traffic Ordinance 50th Edition – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the August 22, 2023 meeting.

Mayor Pro-Tem Martin called the roll and Ordinance No. 8223 was unanimously approved.

Second Consideration Ordinance No. 8224 Adopt Uniform Public Offense Code 39th Edition – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the August 22, 2023 meeting.

Mayor Pro-Tem Martin called the roll and Ordinance No. 8224 was unanimously approved.

Second Consideration Ordinance No. 8225 Adopt 2023 Intersection Traffic Control Device Master Index – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the August 22, 2023 meeting.

Mayor Pro-Tem Martin called the roll and Ordinance No. 8225 was unanimously approved.

Item Tabled on August 22, 2023:

Consideration of the 2024 Operating and Capital Budgets and Housing Authority Budget – City Manager Paul Kramer presented the revised 2024 Operating Budget. Following the statutorily required public hearing for the 2024 operating budget, which was held on August 22, 2023, the consideration of the 2024 Operating and 2024-2028 Capital budgets, along with a resolution to approve the housing budget, are before the City Commission. At the August 22, 2023 City Commission Meeting, the consideration of the 2024 Operating Budget was tabled, as staff was directed to reduce the mill levy by 0.419 mills. The proposed budget includes that reduction.

Mayor Wilson:

- Clarified that the money would be pulled from the Reserves to reduce the budget and reach the revenue neutral rate for 2024

Mayor Pro-Tem Martin:

- Asked if the City reached out to the Library about reducing their budget

Mr. Kramer:

- Communication was sent to the Library and the Library reaffirmed the budget they submitted to the City

Commissioner Bauder:

- Stated it's too late to ask them to make cuts, and they should get the budget they presented
- Ok with using Reserves but did not want to see it come out of Economic Development

Mayor Pro-Tem Martin moved to adopt the 2024 Operating and 2024-2028 Capital Budgets as presented. Commissioner Hingula seconded the motion and the motion was approved. Commissioners Leonhard and Bauder voted against the motion. Mayor Pro-Tem Martin declared the motion carried 3-2.

Commissioner Bauder moved to approve Resolution B-2344 approval of the 2024 Housing Budget for Planters II. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 5-0.

Mayor Wilson left the meeting and was no longer on the phone.

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

Josh Winter, 1118 Wildwood Street:

- Disappointed with sign issues with old Herken building
- Owner of building is having a hard time and would like to see consideration for the exception

Renee Chaput-Lemons 223 S 5th Street:

- Thanked Mayor Wilson and Commissioner Bauder for speaking with her about downtown businesses
- Would like Commissioners to visit with business owners to see what they need
- Would like the sign ordinances and permit process reviewed and revised
- Feels there is inconsistency in who follows regulations
- City should focus on empty and run-down buildings

Eric McPherson 200 S. Broadway:

- Has encountered red tape and road blocks for his building
- Was granted a parking variance
- Interior renovations have also been an issue and costly
- Sign variance was denied by the Board of Zoning Appeals
- Rooftop sign connected to the building isn't easy to take down
- Had an artist cover up the rooftop sign
- Has received code violation letters
- City should focus on run-down buildings

Glen Tesauro 2812 Garland Street:

- Feels sign ordinances should be looked at

General Items:

Consider Transient Merchant Permit Waiver for Dark River Artifact Show at Riverfront Community Center

– City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by John Kruid for the use of the Riverfront Community Center on April 6, 2024 for an artifact, rock and fossil collectors show. City Code prohibits Transient Merchant permits on city property, but does allow the City Commission to grant waivers. All fees for the use of the facility and permits would still apply should the waiver be granted.

Mr. John Kruid:

- Provided brief information about the event
- Asked if there is consideration to review the ordinance to see if there is an option to get a permit without coming before the Commission each year

Commissioner Bauder moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Dark River Artifact Show on April 6, 2024. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Consider Cereal Malt Beverage License for Leavenworth Mart LLC dba JK Mart 300 N 4th Street. – City Clerk Sarah Bodensteiner presented for consideration an off premise Cereal Malt Beverage License for Leavenworth Mart LLC dba JK Mart located at 300 N 4th Street. There is a change in ownership at the

location per State Law, licenses cannot be transferred. The application has been reviewed and approved by the Police Department.

Commissioner Hingula moved to approve issuance of 2023 off premise Cereal Malt Beverage License for Leavenworth Mart LLC dba JK Mart located at 300 N 4th Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Review of Unsafe Fire Damaged Structure 707 Pawnee; Given 30 Day Extension at July 25th Meeting – Chief Building Inspector Harold Burdette provided the current status of the property granted a 30-day extension at the July 25, 2023 meeting:

- Fire occurred on March 29, 2023
- Building was recently sold
- New owners have obtained a building permit, issued on August 9, 2023
- Work has begun, but has not progressed to the point where any inspections have been performed

Juan, a representative for the property owners of 707 Pawnee Street:

- Permits are in place
- Work is on-going
- Roofing is new
- Trash has been cleaned up
- Property should be done in about 3 months

Mayor Pro-Tem Martin:

- Suggested 60 day extension and then a review to ensure progress continues

Commissioner Leonhard:

- Ok with the 60 day extension

Mr. Kramer:

- Stated if staff feels like progress has reached a point to release funds, they will bring the item back sooner

Commissioner Bauder moved to grant a 60 day extension to 707 Pawnee Street to allow more time for repairs to be made to the structure. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Resolutions:

Resolution B-2345 Willcott Brewing Company Oktoberfest Special Event Street Closure for Possession & Consumption of Alcohol – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of South 6th Street from Delaware Street to Cherokee Street for the Willcott Brewing Company Oktoberfest Beer Festival special event to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Hingula:

- Asked for clarification on the road closure

Commissioner Bauder:

- Asked if there are any concerns from the surrounding businesses

Mr. Sean Willcott:

- Stated the barrier will remain south of the Bank's drive thru exit until the Bank closes and then they will move the barrier up to Delaware Street
- Provided details and activities that will be at the event

Mr. Kramer:

- Thanked Mr. Willcott and his team as they have all been great to work with

Commissioner Bauder moved to approve Resolution B-2345 to close the street for the Willcott Brewing Company Oktoberfest Beer Festival Special Event as presented. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for 2023/2024 Salt – Public Works Director Brian Faust presented for consideration approval for the purchase of up to 1,000 tons of salt for the 2023/2024 season from Central Salt LLC at a rate of \$58.74 per ton. Leavenworth County bids the purchase of salt each year and allows in the bid specifications for all cities within the county to purchase salt from the winning bidder at the awarded price. The county's bid opening was held on August 8, 2023 and Central Salt LLC out of Lyons, Kansas was the winning bidder. Public Works is utilizing salt brine to pretreat streets. Salt brine is applied before storm events and helps melt snow and ice from underneath. We initially started treating only the 'hot spots' but we have added significantly more capacity over the last year. As a result, we will be pretreating more streets in 2023/2024. The City currently has a significant stockpile of deicing material in our salt dome. Budget impact will depend on the severity of the winter season. Funding is available within the 2023 budget for purchasing the full 1,000 tons if needed.

Mayor Pro-Tem Martin:

- Asked about the salt market as compared to last year

Mr. Faust:

- Provided last year's per ton cost

Commissioner Bauder moved to approve the purchasing of rock salt from the Leavenworth County bid for rock salt at \$58.74 per ton for up to 1,000 tons from Central Salt LLC. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Consider Approval of the Proposal for Services for Cody Park Sports Court Replacement Project – Parks & Recreation Director Steve Grant presented for consideration the proposal for design, plan development, specification development, and project administration for the Cody Park Sports Court Replacement Project. Programmed for the 2024 Capital Improvements Plan. The City issued a Request for Proposals on this

project and 1 response was received. VSR Design is a landscape, architecture and design firm that specializes in recreation and sports facilities. The City is familiar with their work as their team provided similar professional design and project management services for the reconstruction of the Sportsfield Complex in 2010/2011. There are funds available in the 2023 CIP and 2024 CIP funds for this project. Once the firm is selected, there will be scheduled public hearings to get public input on the project.

Commissioner Bauder:

- Stated a lot of people are looking forward to this and it's a long time coming

Commissioner Hingula moved to approve the proposal for design, plan development, specification development, and project administration for the Cody Park Sports Court Replacement Project from VSR Design, in the amount not to exceed \$63,615.00. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Consent Agenda:

Commissioner Leonhard moved to approve claims for August 19, 2023 through September 8, 2023, in the amount of \$6,598,639.40; Net amount for payroll #17 effective August 25, 2023, in the amount of \$396,105.71 (Includes Police & Fire Pension in the amount of \$7,134.65) and Payroll #18 effective September 8, 2023, in the amount of \$379,315.08 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Clarified what discussion the Commission wants to see at a study session in regard to the items mentioned during public comment,
- Next week Assistant City Manager Holler will give a final update for CAMP Leavenworth
- Hard close of October 15th to close Splash Pad so we can remove features and winterize the space
- Doggy Splash event was another successful and well attended event
- There will be a Special Meeting next week to review benefits

Commissioner Hingula:

- Attended the opening campaign for United Way of Leavenworth County
- Behooves you to contribute, as monies stay in Leavenworth County

Commissioner Bauder:

- Apologized for missing the budget hearing
- Provided some budget history
- Stressed how important funding for economic development is
- Leavenworth has the 2nd lowest property tax rate in the State
- The State of Kansas isn't Revenue Neutral
- Asking people to call their State Representatives to get the valuations under control

Mayor Pro-Tem Martin:

- In regard to budgeting; some things are broken, it's statewide and countrywide
- Prayers go out to Mayor Wilson and his family

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 7:17 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC