



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

**Staff members present:** Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Planning & Community Development Director Julie Hurley, Community Center Manager Tammy Metzgar, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the August 13, 2024 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance No. 8248 Approval to Levy Special Assessments for Nuisance Abatement Costs** – City Clerk Sarah Bodensteiner reviewed the Ordinance. Since first consideration on August 13, 2024, 3 properties have submitted payment for the outstanding nuisance abatements and were removed from the Ordinance.

Mayor Martin called the roll and Ordinance No. 8248 was unanimously approved.

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

David Bentley, 767 Ottawa St.:

- Heard about the possibility of the pool and theatre closing and was present for information on that

Mike Collins, 504 High Ct.:

- Asked about the results of the budget survey
- Mentioned that residents are being asked to pay more taxes
- Mentioned the delinquent taxes published in the paper
- Asked if the City can cover the cost

Mary Bergman, 1801 2<sup>nd</sup> Ave.:

- Mentioned senior citizen taxes and taxes on those who are disabled
- Concerned about being taxed out of her home
- Asked about freezing taxes for senior citizens or cut them to less than the working class

## **Public Hearing:**

### **Public Hearing Exceeding of the Revenue Neutral Rate:**

#### **Open Public Hearing:**

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

#### **Staff Presentation:**

Interim City Manager Patrick Kitchens presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by Kansas Statute. As presented during the 2025 budget process, the City of Leavenworth's intent is for a flat mill levy, yet it will exceed the RNR as defined in the statute.

#### **Citizen Comments:**

None.

#### **Close Public Hearing:**

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

Commissioner Wilson:

- Thanked the community for their feedback
- Many people reached out and didn't want services cut and were willing to pay a little more so the services could still be made available

Commissioner Bauder:

- We've had a lot of increases in expenses and not being able to increase the budget over the previous year doesn't make sense
- The survey results I read were that people didn't want anything to close or loss of services

Commissioner Pittman:

- Noted the State's budget is not revenue neutral and they mandated this down to other taxing entities

Commissioner Hingula:

- Spoke with the Finance Director and the amount of the increase is well worth all the services the city provides
- Stated that the increase for a home valued at \$250k would be \$5 increase for the year

Mayor Martin:

- Toughest decision I've had to make
- We're in a highly inflationary environment
- If you hold the line every year, you'll see services drop
- There is a fine balance of supporting residents with services

- Heard from people that they would pay more to keep services like the pool and theatre open
- Would like to see discussions on driving more revenues to the City to help ease the burden
- Would like to see the City hold the line and can't in good conscience vote to exceed revenue neutral

**Consider Resolution B-2375 – Approval to Exceed Revenue Neutral Rate:**

Commissioner Bauder moved to approve Resolution B-2375 – Approval to Exceed the Revenue Neutral Rate. Commissioner Wilson seconded the motion. City Clerk Sarah Bodensteiner called the roll for Resolution B-2375 for Approval to Exceed the Revenue Neutral Rate. Resolution B-2375 was approved with Mayor Martin voting No. Mayor Martin declared Resolution B-2375 approved 4-1.

**Public Hearing on 2025 Operating and 2025-2029 Capital Budgets:**

**Open Public Hearing:**

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

**Staff Presentation:**

None.

**Citizen Comments:**

Mike Collins, 504 High Ct.:

- Would have liked to have known that the increase would be \$5; would have been nice to see that in the paper
- Asked how much the theatre costs to maintain

Mayor Martin

- Stated about \$60,000 to operate and it brings in about \$30,000

**Close Public Hearing:**

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

**Adopt the 2025 Operating and Capital Budgets:**

Commissioner Bauder moved to adopt the 2025 Operating and 2025-2029 Capital Budgets as presented. Commissioner Wilson seconded the motion and the motion was approved with Mayor Martin voting No. Mayor Martin declared the motion carried 4-1.

**Consider Resolution B-2376 – Approval of 2025 Housing Budget for Planters II:**

Commissioner Bauder moved to approve Resolution B-2376 approval of the 2025 Housing Budget for Planters II. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**General Items:**

**Consider Transient Merchant Permit Waiver Request for Police Collectors Show at Riverfront Community Center** – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by Ken LaMaster for the use of the Riverfront Community Center on April 25 and 26, 2025 for a Police Collectors Show. The collectables show will be a fundraiser for the Leavenworth Prison Historical Society. City Code prohibits Transient Merchant permits on city property, but does allow the Commission to grant waivers. All fees for use of the facility and permits would still apply should the waiver be granted.

Commissioner Pittman:

- Very much in favor of this event

Commissioner Hingula moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Police Collectors Show on April 25 and 26, 2025. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Mr. LaMaster:

- Started the Leavenworth County Prison Historical Society to highlight the prisons in the areas
- Known as the Prison Historian and this town has a rich history in Law Enforcement
- Appreciate the approval for the collectors show

#### **Resolutions:**

**Resolution B-2377 Summer Concert Series and Moonlight Market Special Event Street Closure for Possession & Consumption of Alcohol** - City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of a portion of Cherokee Street for the Leavenworth Main Street Summer Concert Series and Moonlight Market special event on Saturday, September 14, 2024 to allow for the sale, possession and consumption of alcoholic liquor.

Commissioner Pitman:

- Asked how notifications go out and who they go out to for a road closure

Ms. Bodensteiner:

- Notification goes to the property owner, we've attempted to mail to the address that is directly impacted, but they are not always successful in delivery and are returned as undeliverable

Mr. Kitchens:

- Provided insight to the Police Departments practices when it comes to notifications with road closures

Ms. Shaw:

- Provided details about the event
- 3 bands, 30 craft vendors, potentially 10 food trucks

Commissioner Pittman moved to approve Resolution B-2377 for the Leavenworth Main Street Summer Concert Series and Moonlight Market Special Event as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

## **Bids, Contracts and Agreements:**

**Rescind Award of Bid from D’Agostino Mechanical Contractors Inc. for Fire Station No. 1 HVAC Replacement Project** – Fire Chief Gary Birch presented for consideration rescinding the award of the bid for the HVAC Replacement Project with D’Agostino Mechanical Contractors Inc. During the July 23, 2024 meeting, the Commission approved a recommendation to award the Fire Station No. 1 HVAC Replacement Project to D’Agostino Mechanical Contractors Inc. in the amount of \$87,950.00. Less than one week after the City Commission’s approval to award the bid to D’Agostino Mechanical Contractors Inc., staff received notification that they have made an error with their pricing for the project and would not be able to do the project for that price. Staff requested an unofficial update to the cost and the updated cost was \$20,287.00 higher than the original bid. Based on the large increase in the updated cost from the original bid, staff is recommending the award of bid be rescinded, and allow staff to re-evaluate the project and re-bid the project.

Mayor Martin:

- Asked how many bids did we receive

Chief Birch:

- Only 1 was received; we feel confident we’ll get more bids this next go round

Commissioner Wilson moved to rescind the award of bid of the Fire Station No. 1 HVAC Replacement Project and the additional option of replacing the air handler from D’Agostino Mechanical Contractors, Inc., 4440 Oliver Street, Kansas City, KS. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

## **First Consideration Ordinances:**

**First Consideration Ordinance Rezoning Certain Properties at 2<sup>nd</sup> Avenue & Santa Fe Street from RM-F to R1-6** – Planning & Community Development Director Julie Hurley presented for consideration an ordinance to rezone the 15 properties located at approximately 2<sup>nd</sup> Avenue & Santa Fe Street from Residential Multi Family to High Density Single Family Residential District. In recent years, the City of Leavenworth has received multiple rezoning and special use permit requests for properties occupied by existing non-conforming uses. Typically, these requests originate from the intention of the property owner to sell or expand the existing non-conforming use on the property, which necessitates bringing the property into conformance with existing development standards. It has been the general desire of the Planning Commission and city staff to facilitate these applications in instances where no action of the property owner has caused the property to become non-conforming. Staff has identified an area suitable for a city-initiated rezoning. State statute grants authority to municipalities to initiate a rezoning process for privately owned properties. The identified area consists of an existing neighborhood containing 15 individual properties all developed with single-family homes, which is currently zoned RM-F, Residential Multi Family. The area lies east of 2<sup>nd</sup> Avenue, roughly between Santa Fe and Sheridan Streets. The RM-F zoning designation makes all of the existing single family homes non-conforming, as single-family homes are not allowed either by-right or with approval of an SUP in the RM-F zoning district. Staff proposes to rezone the properties within the identified area to R1-6, High Density Single Family Residential District, which will bring all properties included into conformance with current development standards. The Planning Commission took action on this item at their August 5, 2024 meeting and voted 4-0 to recommend

approval of the rezoning request. Ms. Hurley reviewed the Conditions of Determination that were referenced in the Policy Report.

Commissioner Pittman:

- Received a few calls from some of the property owners but once it was explained to them they were all happy and fine with the process

Ms. Hurley:

- We understand that a letter stating the City is rezoning your property is concerning and we anticipated calls and once we spoke with people and talked to those who came to the meeting everyone was good with the process
- This also does not impact their property taxes, as taxing is not based on zoning

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

**Consent Agenda:**

Commissioner Hingula moved to approve claims for August 9, 2024 through August 22, 2024, in the amount of \$925,267.61; Net amount for Payroll #16 effective August 9, 2024 in the amount of \$405,903.87 (No Police & Fire Pension). Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Other:**

Commissioner Hingula:

- Everyone enjoy the cool weather that is supposed to come

Commissioner Pittman:

- Have a great week

Commissioner Bauder:

- Have a great week be careful in the heat

Commissioner Wilson:

- God bless and we'll see everyone in a few weeks to play some pickleball

Mayor Martin:

- Appreciate everyone coming out tonight
- God bless and have a great week

**Adjournment:**

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

Time Meeting Adjourned 6:48 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC