



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

City Commission Regular Meeting
Commission Chambers
Tuesday, September 24, 2024 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 Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder (via telephone call-in), Edd Hingula and Jermaine Wilson.

Staff members present: Interim City Manager Patrick Kitchens, Fire Chief Gary Birch, Planning & Community Development Director Julie Hurley, Community Development Coordinator Julie McKeel, Interim Police Chief Major Dan Nicodemus, Public Works Director Brian Faust, Public Information Officer Melissa Bower, 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.

PROCLAMATIONS:

United Way Months - Mayor Martin read the proclamation proclaiming the months of September through December as United Way Months. The proclamation was accepted by members of the United Way of Leavenworth County.

Fire Prevention Week - Mayor Martin read the proclamation proclaiming October 6-12, 2024 as Fire Prevention Week. The proclamation was accepted by Fire Chief Gary Birch.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the September 10, 2024 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8250 Adopt Standard Traffic Ordinance 51st Edition – Interim City Manager Patrick Kitchens reviewed the Ordinance. There have been no changes since first introduced at the September 10, 2024 meeting.

Mayor Martin called the roll and Ordinance No. 8250 was unanimously approved.

Second Consideration Ordinance No. 8251 Adopt Uniform Public Offense Code 40th Edition – Interim City Manager Patrick Kitchens reviewed the Ordinance. There have been no changes since first introduced at the September 10, 2024 meeting.

Mayor Martin called the roll and Ordinance No. 8251 was unanimously approved.

NEW BUSINESS:

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

Thomas Jones, 2200 Maple Ave.:

- Wife sent an email to the Commissioners about their driveway
- Driveway doesn't meet ADA requirements and they've been informed it needs to be ripped out and re-done
- Requesting the ability to keep driveway as is

Mr. Kitchens:

- The City has initiated a review of the matter based on the email received today

General Items:

2024 Edward Byrne Memorial Justice Assistance Grant Application – Interim Police Chief Major Dan Nicodemus requested authority to apply for the 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,711.00. The U.S. Department of Justice released the annual grant local solicitation and identified the City of Leavenworth as eligible for \$24,711.00. This is an annual grant made available to law enforcement agencies for support and cost of acquiring equipment. Typically, we have used these funds to purchase police equipment. The grant application requires the City of Leavenworth to share this allocation with Leavenworth County Sheriff's Office as they are categorized in the disparate grouping. The City of Leavenworth must apply for this grant on behalf of both entities. There is no impact to the budget to apply for these funds.

Commissioner Pittman:

- Asked why they need approval to apply

Mr. Kitchens:

- That is a requirement of the grant application that it is brought before the governing body

Mayor Martin:

- Asked if we know how the dollar figure is determined

Maj. Nicodemus:

- Over the last several years it's been around the \$30k mark

Commissioner Hingula moved to authorize the Police Department to apply for the 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,711.00 of which \$10,000.00 will be given to Leavenworth County Sheriff's Office. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolutions:

Resolution B-2379 Capital Fund Program Grant for Planters II – Planning & Community Development Director Julie Hurley presented for approval Resolution B-2379 for the 2024 Capital Fund Program (CFP)

grant # KS01P06850124 for Planters II in the amount of \$209,449.00. The grant funds must be accepted annually by the City Commission.

Commissioner Pittman moved to adopt Resolution B-2379 accepting the 2024 Capital Fund Program grant for Planters II. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolution B-2380 Capital Fund Program 5 Year Action Plan and Capital Fund Annual Statement for Planters II – Planning & Community Development Director Julie Hurley presented for approval Resolution B-2380 authorizing the submission of plans to the U.S. Department of Housing and Urban Development (HUD).

Commissioner Wilson moved to approve the plan and adopt Resolution B-2380 authorizing submission to HUD. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolution B-2381 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CAPER) – Community Development Coordinator Julie McKeel presented for approval Resolution B-2381 approving the 2023-2024 CAPER for submission to the U.S. Department of Housing and Urban Development (HUD). Ms. McKeel provided a brief summary of the grant year to include the following:

- The CAPER is required to report goals, projections and how funds were spent
- Assisted 13 homeowners with minor repairs
- Helped with the acquisition of 5 homes for first time home buyers
- Provided rent or utility assistance to 5 public service agencies who served 4,974 individuals
- Sidewalk repair and ADA compliant ramp placement project on Dakota Street

Commissioner Pittman moved to approve Resolution B-2381 approving the CAPER 2023-2024 for submission to the U.S. Department of Housing and Urban Development (HUD). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolution B-2382 Adoption of the First City Vision Zero Action Plan – Public Works Director Brian Faust presented for approval Resolution B-2382 adoption of the City's Safe Streets and Roads for All Vision Zero Action Plan. In 2023, the City of Leavenworth was awarded a grant to develop a Safe Streets and Roads for All Vision Zero Action plan and on September 26, 2023, the City Commission selected WSP to provide the professional services needed to develop the plan. For an Action Plan to be successful and accepted by the community, it is critically important that our residents be involved throughout the entire development process. Between online engagement with an interactive map, to a project specific email to ask questions, to 7 pop-up meetings and an open house in August, the team of WSP and the City shared information with the public and received valuable input on areas where there were safety concerns. This input combined with 10 years of crash data, identified 5 key areas where our focus should be: vulnerable road users, arterial streets & signalized intersections, impaired and distracted driving, young drivers and speed. The plan developed by WSP and the City is a culmination of this effort over the last 12 months and it identified and prioritizes a set of Vision Zero street reconstruction projects and potential system-wide safety programs that the city can begin implementing as we move forward. After adoption of the Action Plan, the program

can be used to provide funding for Implementation Grants that implement projects and strategies identified in the Plan. Implementation Grant Funding may also include project-level planning and design activities and demonstration activities. Mr. Faust introduced Mr. David Church with WSP to highlight the findings and recommendations of the First City Vision Zero Action Plan.

Commissioner Hingula:

- Looks like a pretty big undertaking, but I believe your department is ready to take it on

Mr. Faust:

- We are up for the undertaking and the plan provides a road map to add projects into the budget to work to make those improvements happen and reduce fatalities and serious injuries

Commissioner Bauder:

- Happy to see the step-by-step plan

Commissioner Wilson moved to adopt Resolution B-2382 adopting the First City Vision Zero Action Plan, as presented. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Bids, Contract and Agreements:

Consider Award of the 2024-2025 Salt Bid – Public Works Director Brian Faust presented for consideration approval for the purchase of up to 1,000 tons of salt for the 2024/2025 season from Central Salt LLC at a rate of \$58.32 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 September 12, 2024 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 2024/2025. 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 2025 budget for purchasing the full 1,000 tons if needed.

Commissioner Hingula moved to approve the purchasing of rock salt from the Leavenworth County bid for rock salt at \$58.32 per ton for up to 1,000 tons from Central Salt LLC. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Consider Approval of the Design-Build Amendment for Construction of Fire Station No. 3 and WPC Administrative Office – Public Works Director Brian Faust presented for approval the design-build amendment with Julius Kaaz Construction Company for the Construction of Fire Station No. 3 and the WPC Administrative Office. The City previously 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 our Wastewater Treatment Plant identified a need to relocate, for health and safety reasons, the WPC Administrative Office. In July of 2023 the City Commission approved an agreement with Julius Kaaz Construction for the initial design of the project. The designs for both the Fire Station and WPC have been reviewed by staff and the design-build

team has finalized construction costs based on these designs. The new Fire Station No. 3 will include 3 full bays for fire equipment and will have an overall footprint of approximately 9,444sf. Time to complete the construction of the Fire Station is set at 425 days. The WPC structure will be approximately 2,370sf with a construction schedule of 270 days. The City budgeted \$4.1M in the 2023 CIP for this project. The proposed 2024 CIP included \$4.5M for Fire Station No. 3 by Bond Proceeds and an additional \$775,000 from the Sewer Fund Operating Budget for the WPC Administration Office. WPC Administration Office cost for construction is \$754,120.56. This equates to \$318/sf based on a 2,370sf building. This is within the budgeted amount. Fire Station No. 3 cost for construction is \$4,898,435.25. This equates to \$519/sf based on a 9,444sf building. Budgeted amount was \$4.5M, but \$5M was borrowed for the project which will be sufficient for the construction of the new fire station. The construction cost shown will be a Guaranteed Maximum Price (GMP). Any project costs that exceed this amount will be absorbed by the contractor. There is also a liquidated damages clause in the amendment if the contract time is exceeded. As the Fire Department will be displaced during construction, damages are set at \$1,000/day. Impacts to operations at WPC are more limited and damages are set at \$250/day.

Mayor Martin:

- Asked if there have been any changes of a notable amount from the original

Mr. Faust:

- The budget amount was publicized with design-build bid, so it was a wants vs. needs design to function within the budget that was set

Commissioner Bauder:

- Asked about the bays being drive-thru for the fire trucks

Mr. Faust:

- The bays will be back-in, there are flood plain issues, and sizing and space limitations with a drive-thru bay

Commissioner Hingula:

- Asked about the square footage of the current Station No. 3

Chief Birch:

- Unsure of the actual square footage, but it is quite a bit smaller than the new one will be

Commissioner Hingula:

- Asked when does the Notice to Proceed get issued

Mr. Faust:

- There are some things that have to happen first for the fire station, but WPC is ready to go

Mr. Kitchens:

- We will need to demo the existing station, and relocate the fire staff and equipment before Notice to Proceed is issued

Mayor Martin:

- Thought the fire station would be larger, but hearing about the flood plain issues, it would make sense in the downsize

Mr. Kitchens:

- Initially the size of the station was too big and costly, so discussions and re-workings began to ensure the right-size station was built within the set cost

Commissioner Pittman moved to approve the amendment between the City of Leavenworth and Julius Kaaz Construction for the construction of Fire Station No. 3 and the WPC Administrative Building at the Guaranteed Maximum Prices (GMP) defined in the amendment and authorize the Mayor to sign the agreement. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance for Special Use Permit to Allow a Day Care Center at 1830 S. Broadway Street – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance allowing a Special Use Permit for operation of a Day Care Center at 1830 S. Broadway Street. The property is currently zoned RMX, Residential Mixed Use District, and Day Care Centers are allowed in the RMX zoning district with the issuance of a Special Use Permit. The operator is licensed by the State of Kansas to care for a maximum of 12 children, dependent upon the ages of the children in care. The item was considered by the Planning Commission at their September 9, 2024 meeting. No one spoke during the public hearing. The Planning Commission took action on this item and voted 4-0 to recommend approval of the Special Use Permit. Ms. Hurley reviewed the Conditions of Determination and Commission Findings. Staff recommends approval of the Special Use Permit request based on the analysis and findings included herein, subject to the following conditions:

- A minimum of 1,200 square feet of open space 100% enclosed by a minimum 4' high fence or wall shall be provided and maintained in good condition
- A copy of the permanent Group Day Care Home license shall be provided annually upon renewal by the State of Kansas
- The operation shall be limited to a maximum of 12 children
- All playground equipment shall be within the enclosed fence area

Commissioner Hingula:

- Asked about the plans for that building
- Asked if the day care would occupy the entire building

Ms. Hurley:

- There have been several options reviewed by the property owner to do multiple things with the property
- The bulk of the building will be open, the day care will only use a small area

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

Consent Agenda:

Commissioner Hingula moved to approve Claims for September 6, 2024 through September 19, 2024, in the amount of \$2,197,197.57; Net amount for Payroll #18 effective September 6, 2024 in the amount of \$395,075.09 (No Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Other:

Interim City Manager Patrick Kitchens:

- Veterans Day Parade will occur downtown on November 11th

Commissioner Bauder:

- Sorry she missed Camp Leavenworth, looked like another great event

Commissioner Pittman:

- Camp Leavenworth was a great event and thanked all the departments for their effort to make it happen
- Appreciate the local vendors and food trucks

Commissioner Hingula:

- Thanked everyone who worked on Camp Leavenworth, it went really well
- Attended a cyber-attack EMP and water system symposium, encourage everyone to get interested in their water and water supplier; see what you can do to help

Commissioner Wilson:

- Thanked all who came out and participated in Camp Leavenworth, it was a huge success
- Special prayers for schools throughout our Nation

Mayor Martin:

- Camp Leavenworth was a great event
- October 28th will be the City of Leavenworth Business Symposium

Executive Session – Personnel Matter of Non-Elected Personnel – Mayor Martin moved to recess into executive session for a period of 10 minutes for the purpose of *discussion of a personnel matter, under the justification to discuss personnel matters of non-elected personnel* K.S.A. 75-4319 (b) 1. The City Commission, Human Resources Director and Interim City Manager will be present. The open meeting will resume in the City Commission Chambers at 7:07p.m. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

The City Commission returned to open session at 7:07 p.m.

Commissioner Wilson moved to authorize the Mayor to sign an employment contract with Scott Peterson as the City Manager for the City of Leavenworth commencing November 4, 2024. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

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 7:08 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC