



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

City Commission Regular Meeting
Commission Chambers
Tuesday, October 22, 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, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson. Absent: Mayor Pro Tem Holly Pittman

Staff members present: Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Parks & Recreation Director Steve Grant, Deputy Parks & Recreation Director Brian Bailey, Public Works Director Brian Faust, Assistant Operations Superintendent Becky Beaver, 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:

World Polio Day – Mayor Martin read the proclamation proclaiming October 24, 2024 as World Polio Day. The proclamation was accepted by several Leavenworth Rotarians.

National Family Literacy Day - Mayor Martin read the proclamation proclaiming November 1, 2024 as National Family Literacy Day. The proclamation was accepted by members of the Captain Jesse Leavenworth Chapter of the Daughters of the American Revolution.

National American Indian Heritage Month – Mayor Martin read the proclamation proclaiming the month of November as National American Indian Heritage Month. The proclamation was accepted by members of the Captain Jesse Leavenworth Chapter of the Daughter of the American Revolution.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the October 8, 2024 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

NEW BUSINESS:

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

Gene Kirby, 604 E Beth St., Lansing, KS:

- Thanked the City for continuing the flower bed at Cody Park after the recent renovation
- Compassionate Friends Group upkeep the beds and they are parents who have lost a child
- Bed came about in 2005 and the Parks Department were great to work with to get that going
- Appreciate the bed being included in the renovation project

Kyle Forbes, 1934 Pottawatomie St.:

- Continued issues with neighbors behind his house having cameras pointed at their home, along the fence line
- Feels the neighbor is in violation of numerous city ordinances
- Feels harassed by the neighbor

Matthew Chinn, 1931 Ottawa St.:

- Issues with neighbors in neighborhood
- Issues began in June with motion sensors that are going off based on others property
- Neighbor put up big PVC pipes with cameras to watch neighbors
- Has videos of issues
- Wants peace in the neighborhood

Roger W. Osborne, 1931 Ottawa St.:

- Issues with neighbor pointing cameras into their yard
- Unable to have grandkids come over due to lack of peace

General Items:

Mayor's Appointment:

Mayor Martin moved to appoint to the Library Board Robert Jason Redmon to a term ending on April 30, 2028. Commissioner Hingula seconded the motion.

Commissioner Wilson:

- Asked if Mr. Redmon was present
- I don't know the nominee and would like to know more about him and his purpose

Commissioner Bauder:

- Asked why we are not supporting the applications submitted by the people who were in the position and wanted to continue to serve
- I support Melissa Davis and Becky Kellogg for their appointment
- My concern is that we put the most qualified people on the board

Mayor Martin:

- This is not against any persons who are currently serving, as Mayor it is in my purview to put forth a nomination
- The last appointment was not supported for what was looked at as a political appointment, and I accepted that from the Commission even though a previous appointment could be viewed in the same light

Attorney Waters:

- Provided legal information regarding library board appointment per Kansas State Statute and reviewed options of proceeding with a vote or tabling the matter to a future meeting

Commissioner Hingula:

- Asked wouldn't we have to state why they are not qualified

Attorney Waters:

- No that would not be required in the resolution

Mayor Martin:

- My other appointments have not been challenged

Commissioner Wilson:

- Stated he would not support a nominee who speaks out against the library and is unwilling to work with the library board
- They don't have to agree, but they can't be unwilling to compromise

Mayor Martin:

- Asked if the application that was provided caused anything into question

Commissioner Hingula:

- I was impressed by his application and his education

Commissioner Wilson:

- I would like to know his connection to the library, I think that's important
- We represent the entire community and I want people who have a connection to the library
- I'm not opposed to this individual, I just want to know more about him

Mayor Martin:

- When I ran for office, I had no connection to the city
- I was looking to add a fresh perspective
- Asked if there is precedent for a vetting process for board nominees

Attorney Waters:

- There is nothing that requires a vetting process, it's the prerogative of the Mayor to make the nomination, but at the acceptance of the governing body

Commissioner Hingula:

- Asked should we table it

Mayor Martin:

- Asked if there should be a process to review applicants
- Feels it's healthy to have fresh perspective on a board

Commissioner Wilson:

- I think it is wise if someone is wanting to serve on a board to be present and speak to their desire to serve

Attorney Waters:

- That is up to you as Mayor, there is no legal objection to the items mentioned during this discussion

Mayor Martin:

- I would still like to proceed with a vote this evening

Commissioners Wilson:

- Asked Mayor Martin to wait on the vote

Commissioner Hingula:

- I know the nominee personally and I feel that he will support the library well
- I know he has the time to serve and do the work
- If he's given a job he'll get it done, he won't slack off

Mayor Martin:

- I will proceed with a vote, because I feel if I withdraw my nomination I am questioning my decision and I am not, I am confident in my nomination

Mayor Martin called for the vote and the vote on the motion tied 2-2, with Commissioners Bauder and Wilson voting no and Commissioner Hingula and Mayor Martin voting yes.

Attorney Waters:

- As this was a tie vote, this is viewed as no action being taken, you still have 45 days starting tonight for action to be taken at a future meeting

Commissioner Wilson:

- I will be reaching out to him to have a conversation

Consider Updates to City Fee Schedule – City Clerk Sarah Bodensteiner presented for consideration updates to the City Fee Schedule regarding Parks & Recreation Fees. From time to time City staff will bring updates to the fee schedule which is adopted by the City Commission. Discussions regarding updating the Parks & Recreation fees to increase revenues and help offset operational costs began in 2023. Some direction received from the discussions with the Commission included to not go overboard with the increases, but also be aggressive enough so that we're not back here in a couple years raising fees again. Additionally, the general consensus was to avoid raising fees associated with youth activities. As such you will not see a recommendation to raise fees in our youth sports programs. Also per those discussions fees associated with non-residents were more aggressive in the fee updates. It is important to note that all of these are user fees; therefore, they do not affect the tax payers of the City of Leavenworth. The updates are hereby presented to the Commission for the City Fee Schedule for a January 1, 2025 effective date.

Commissioner Bauder:

- Thought the fees looked reasonable, and we are still lower than other communities
- Asked if we knew when was the last time the fees were increased

Mr. Grant:

- I've been here for 22 years and the fees have been the same in my tenure

- We are still the best deal in town, even with the proposed fee increases
- We also continue to provide no cost items like the splash pad

Commissioner Hingula:

- Asked if there is a way to rent the pickle ball courts

Mr. Grant:

- There is a section in the proposed fee schedule for renting the pickle ball courts with a 4 hour minimum

Commissioner Wilson:

- I played pickle ball recently and it was full of teenagers, it was a great time

Mayor Martin:

- Asked do you feel these increases are sufficient

Mr. Grant:

- Staff went to other municipalities and compared their amenities and costs, along with working with the Finance Department to come up with the best recommendation for the increases

Commissioner Bauder moved to approve the updates to the City Fee Schedule as presented and to be effective January 1, 2025. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Resolutions:

Excel Development Senior Housing Fee Waiver Request – Assistant City Manager Penny Holler presented for consideration approving a revised Resolution and Fee Waiver Letter for the 10th Avenue senior affordable housing project by Excel Development Group. Excel Development Group is planning to build affordable senior housing on 10th Avenue. The project will include 15 duplex buildings for seniors age 55 and older whose incomes are 60% or less of the Area Median Income. At the December 12, 2023 meeting, approval was provided for the project to receive Industrial Revenue Bonds, a waiver of City fees up to \$40,000 and a Resolution of support for the project. Those items were included in the submittal by Excel Development Group to the Kansas Housing Resources Corporation for Low Income Housing Tax Credits. Excel Development Group notified the City that due to the wording of the fee waiver letter of “up to \$40,000.00” they were only receiving partial credit on the scoring matrix, leaving them 1 point short of receiving approval. Excel Development Group has requested a revised fee waiver letter in the amount of \$40,000.00. Staff has reviewed the request and recommends approval for the language update.

Commissioner Bauder moved to adopt Resolution B-2383 a Resolution of support of Low Income Housing Tax Credits for Excel Development Group Housing Development at 4714 S 10th Avenue. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Commissioner Bauder moved to approve the updated Fee Waiver letter for the Excel Development Group Housing Development project at 4714 S 10th Avenue. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Bids, Contract and Agreements:

Consider Approval to Purchase Self Contained Breathing Apparatus for Fire Department – Fire Chief Gary Birch presented for consideration approval to purchase 33 Self Contained Breathing Apparatus (SCBA). The current SCBA’s are 10 years old and require constant repairs. The National Fire Protection Association standards regulate safety changes every three years. These new SCBA’s will meet the latest safety updates. Fire Department personnel feel the new SCBA’s will enhance the safety and effectiveness of our firefighting operations. Fire Department personnel held on-site presentations and reviewed the options for the new units. The City’s 2025 CIP included \$345,000 for the purchase of the SCBA equipment. Staff recommends acceptance of the quote from Conrad Fire Equipment for the SCBA’s utilizing the Houston-Galveston Area Council Cooperative Purchasing Program.

Commissioner Hingula moved to approve the purchase of 33 Self Contained Breathing Apparatus (SCBA) from Conrad Fire Equipment utilizing the Houston-Galveston Area Council Cooperative Purchasing Program in an amount not to exceed \$301,257.89. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Consider Approval of Change Order No. 1 for Municipal Service Center/PD Storage Building – Public Works Director Brian Faust presented for approval Change Order No. 1 related to the construction of the Municipal Service Center/PD Storage Building at 790 Thornton Street. The 2024 CIP included \$300,000 for the construction of a storage facility at the Municipal Service Center that would be used by both the Service Center and the Police Department for storage of vehicles and/or equipment. The building was constructed by QSI for a cost of \$71,730.00. The low bid received for the concrete floor was submitted by Linaweaver Construction for \$43,494.00. The floor consisted of 6” thick portions of flooring to accommodate the specialty police vehicles and a 4” section for municipal equipment. Once construction of the building was complete, staff determined that loaded salt trucks for winter use could fit inside the building. While equipment like the pothole patch and crack seal trailers would be fine on a 4” slab, loaded dump trucks would likely cause a premature failure of the 4” slab. In addition, snow melt from the dump trucks would necessitate a floor drainage system. Staff reached out to Linaweaver Construction to provide a cost for the increase to the slab thickness and install both a road-rated floor drainage system and concrete approach. The cost of these upgrades is \$40,933.60. Staff recommends approval of the Change Order to facilitate the upgrades to the concrete slab and drainage system.

Mayor Martin:

- Asked about the electrical work estimates

Mr. Faust:

- We did have a quote for a little over 26\$k but we put \$30k in our estimate to be safe
- We also plan to put in a wall to separate the public works and police equipment/vehicles

Commissioner Wilson moved to approve Change Order No. 1 for the Municipal Service Center/PD Storage Building with Linaweaver Construction in an amount not to exceed \$40,933.60. Commissioner Bauder

seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Consider Approval of the Design-Build Amendment for Construction of Parks & Recreation Administrative Offices – Parks & Recreation Director Steve Grant and Deputy Parks & Recreation Director Brian Bailey presented for consideration approval of the design-build amendment with Sands Construction Company for the construction of the Parks & Recreation Administrative Offices at the Riverfront Community Center (RFCC). The 2023 Capital Improvement Program allocated funds for the construction of new administrative offices for the Parks & Recreation Department at the RFCC. The area of the remodel is the south wing portion of the building on the main floor, covering approximately 2550 square feet. The new office area will include a dedicated Parks & Recreation Department entrance off Esplanade Street, a foyer waiting area, window for public service, restrooms, copy room, breakroom/kitchen, conference room and five professional offices. In March of 2023, staff solicited requests for qualifications from design-build teams for the project. At the October 10, 2023 City Commission Meeting, the City Commission approved the design-build contract with Sands Construction Company. After much design work and construction negotiation, staff and the design-build team have reached a total project design and construction cost not to \$384,923.00. During the CIP process, the City Commission approved \$385,000 for the project. The City has already spent \$1,369.14 on this project for the purpose of creating plans to be included in the bid documents. In addition, new office furniture will cost approximately \$48,000, leaving a total project cost of \$434,292.14, which is \$49,292.14 over budget. There are sufficient reserves in the CIP Sales Tax Fund to cover the additional costs of the project, and furniture will be purchased after the project is complete.

Commissioner Bauder:

- This will be great compared to what you have now

Mr. Grant:

- This will be so much better for serving the public

Commissioner Hingula:

- Asked what are you going to do with the old office space

Mr. Grant:

- That will become the headquarters for our maintenance staff and still have room for storage

Mayor Martin:

- Asked what was the driver for the overage in cost

Commissioner Bauder moved to approve the amendment between the City of Leavenworth and Sands Construction Company for the construction of Parks & Recreation Administrative Offices at the Riverfront Community Center at the Guaranteed Maximum Price (GMP) not to exceed \$384,923.00 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 4-0.

First Consideration Ordinances:

First Consideration Ordinance for Modification to Code of Ordinances Chapter 44, Section 87 No Parking Anytime – Interim City Manager Patrick Kitchens presented for first consideration an ordinance that adds a street to the No Parking Anytime section of the City Code. In September 2024, the City of Leavenworth received requests from the EMS Director and President of the University of St. Mary to restrict parking on the east side of Hughes Road from Muncie Road to McDonald Road. The Police Department Traffic Unit reviewed the request and finds the request to be reasonable. There are two events that are the precipice for the new parking restrictions. We have seen a small uptick in traffic accidents, including an ambulance that struck a parked car on the way to a call, in that area. Further, St. Mary’s is constructing a new parking lot on campus with 84 new spaces that will help to alleviate some of the parking issues.

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

Consent Agenda:

Commissioner Hingula moved to approve Claims for October 4, 2024 through October 17, 2024, in the amount of \$1,373,870.76; Net amount for Payroll #20 effective October 4, 2024 in the amount of \$400,096.54 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Other:

Interim City Manager Patrick Kitchens:

- Business Symposium is on Monday October 28th at the Riverfront Community Center
- Trunk or Treat event was last Saturday at Sportsfield Park which saw over 700 children go through

Commissioner Hingula:

- Noted he failed to thank Christine Frietchen for all her efforts for the Camp Leavenworth 5k, but he does thank her very much for all her hard work and hopes she’ll continue to organize the run

Commissioner Bauder:

- This evening there was a dedication of the American 250 plaque at City Hall
- Stop by and check out the plaque and it was a great event by the Captain Jesse Leavenworth Chapter of the DAR

Commissioner Wilson:

- Early voting has started, get out and vote
- God bless

Mayor Martin:

- God bless

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 7:22 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC