



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

City Commission Regular Meeting
Commission Chambers
Tuesday, January 14, 2025 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 Holly Pittman, Mayor Pro Tem Nancy Bauder, Commissioners Edd Hingula, Griff Martin and Jermaine Wilson.

Staff members present: City Manager Scott Peterson, Chief Building Inspector Harold Burdette, Planning & Community Development Director Kim Portillo, Public Works Director Brian Faust, WPC Superintendent Tim Guardado, Public Information Office Melissa Bower, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PRESENTATION:

Mayor's Award – Mayor Pittman presented the Mayor's Award for Community Service to Heather Beez LLC for going above and beyond by providing food and coffee to street crews clearing roads during the recent major snow event. Heather Balducci, owner of Heather Beez LLC was present to accept the award.

Presentation to Griff Martin, Mayor 2024 – The City Commission presented a plaque to outgoing Mayor Martin who held the position as Mayor from December 12, 2023 to December 10, 2024.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

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

Second Consideration Ordinance:

Second Consideration Ordinance No. 8255 Amending Article I and II of Chapter 38 of the Code of Ordinances – City Manager Scott Peterson reviewed the Ordinance. There have been no changes since first introduced at the December 10, 2024 meeting.

Mayor Pittman called the roll and Ordinance No. 8255 was unanimously approved.

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

Louis Klemp, 1816 Pine Ridge Dr.:

- Contacted by other citizens about the Mayor system in Leavenworth
- Channel 2 is a great station, its currently playing bluegrass
- Mentioned the presentation by the Superintendent of USD 453 and their budget reduction
- Should discuss with schools and county on how to save money

- Wondering why the City doesn't enforce the laws, specifically regarding speeding and driving

General Items:

Mayor's Appointments

Mayor Pittman moved to reappoint to the Airport Advisory Board Keith Baker and William Kidder to terms ending December 31, 2027 and appoint Mark Morgan to terms ending December 31, 2027; reappoint to the Convention & Tourism Committee George Marcec, James (Zachary) Light, Marianne Tennant, Susie Young to terms ending January 31, 2028 and appoint Donna Jean Fletcher and Haley Shaw to terms ending January 31, 2028; reappoint to the Deer Management Advisory Committee Dan Nicodemus, Tom Wells and Loyd Yonts to a term ending December 31, 2027 and appoint Amie Kankelfitz to a term ending December 31, 2027; appoint to the Leavenworth Planning Commission Sam Maxwell IV to an unexpired term ending May 1, 2026; reappoint to the Parks & Community Activities Board Shelly Cannon, Kara McDaniel and Jeff Porter to terms ending January 15, 2028; reappoint to the Sister City Advisory Board Kelly Butler, Georgia Moore and Alisa Murphy to a term ending December 31, 2027. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Amendment to City Fee Schedule – City Clerk Sarah Bodensteiner presented an amendment to the City Fee Schedule for a January 15, 2025 effective date:

- **Solid Waste – Replacement Roll-off Refuse Cart** – With the approval and passage of Ordinance No. 8255, the fee schedule needs to reflect the fee for the owner/renter damaged roll-off trash cart replacement fee of \$100.00

Commissioner Bauder moved to approve amended City Fee Schedule as presented, with an effective date of January 15, 2025. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Update for Unsafe or Dangerous Fire Damaged Structure 3851 Tonganoxie Drive – Chief Building Inspector Hal Burdette reviewed the repairs to the structure located at 3851 Tonganoxie Drive that was damaged by fire on May 24, 2024. The City received a check from insurance proceeds for \$44,696.00. A public hearing was held on September 10, 2024 and the City Commission adopted Resolution B-2378 requiring the owner to make repairs. At this time, the garage portion of the house has been reconstructed, but the exterior still needs to be painted. The interior work has started, but has not progressed to the point that inspections have been performed and the project has been approved for sheetrock installation. Staff recommends that the Commission allow the owner additional time to make repairs.

Commissioner Wilson moved to grant a 60-day extension to 3851 Tonganoxie Drive to allow more time for repairs to be made to the structure. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Bid for 4th Street Improvements Project – Rees Street to Poplar Street – Public Works Director Brian Faust presented for award a construction services contract for the 4th Street Improvements Rees Street to Poplar Street. This project is part of the KDOT City Connecting Link Improvement Program for Surface Preservation (CCLIP-SP). In April 2023, the City submitted a CCLIP-SP application to KDOT for a

mill/overlay project on K-7/4th Street between Rees and Poplar Street. This project consists of a mill/overlay, localized full-depth base repairs, spot curb and sidewalk replacement along with needed ADA upgrades at ramps. The City was notified in September 2023 by KDOT that our project had been selected for funding. The CCLIP-SP is a cost share program with KDOT covering 85% of eligible costs while the City's share is 15%. The maximum KDOT contribution will be \$400,000. The remaining costs for construction plus any non-participating items will be covered from the Grant Matching Fund. The project was advertised for bid and five bids were submitted.

Commissioner Bauder moved to approve the construction services contract for the K-7/4th Street Improvements Project from Rees Street to Poplar Street to J.M. Fahey, in the amount not to exceed \$455,987.75. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Award of Bid for 20th & Seneca Storm Repairs Project – Public Works Director Brian Faust presented for award a construction services contract for the 20th & Seneca Storm Repairs Project. The curb inlet located at the SW corner of 20th and Seneca experienced an inlet wall failure several years ago. The inlet, constructed of bricks and blocks, partially collapsed causing a small sinkhole in front of the structure. As a result, the City placed orange fencing around the failure to help protect drivers and pedestrians in the area. In 2023, the City contracted with BG Consultants to design repairs at this location. The project consists of replacing a storm line and inlet structure, located full-depth base repairs, sport curb and sidewalk placement along with any needed ADA upgrades at ramps. The project was advertised for bid and seven bids were submitted. The cost for this contract is \$135,465. The Stormwater Capital Projects Fund – Orange Fence Projects will be used to cover the expense.

Commissioner Hingula moved to approve the construction services contract for the 20th & Seneca Storm Repairs Project to Linaweaver Construction Inc., in the amount not to exceed \$135,465.00. Commissioner Wilson seconded the motion and the motion was approved with Mayor Pittman voting No. Mayor Pittman declared the motion carried 4-1.

Consider Bids for Water Pollution Control Division 2025 Chemical Purchase – Public Works Director Brian Faust and WPC Superintendent Tim Guardado presented for consideration the bids for WPC chemicals. Staff recommends approval of the low bids for the following chemicals Ferrous Chloride, in an amount not to exceed \$1.665/lb., Hydrogen Peroxide, in an amount not to exceed \$0.30/lb., Sodium Hypochlorite, in an amount not to exceed \$3.42/gal, Sodium Hydroxide, in an amount not to exceed \$0.335/lb. and Polymer, in an amount not to exceed \$2.64/lb. Total cost based on anticipated quantities is \$88,790.10, but Staff requests award of the low bids with a total chemical cost not to exceed \$100,000. This will help account for unknowns with the new press.

Chemical	Price Paid 2023	Price Paid 2024	Cost for 2025	Vendors for 2025
Ferrous Chloride	\$1.29/lb. Fe	\$1.69/lb. Fe	\$1.665/lb. Fe	PVS Technologies
Hydrogen Peroxide	\$0.39/lb.	\$0.45/lb.	\$0.30/lb.	Brenntag Mid-South
Sodium Hypochlorite	\$3.30/gal	\$3.42/gal	\$3.42/gal	Edwards Chemicals
Sodium Hydroxide	\$0.64/lb.	\$0.335/lb.	\$0.335/lb.	Edwards Chemicals
Polymer	\$2.77/lb.	\$2.64/lb.	\$2.64/lb.	Atlantic Coast Polymers

Commissioner Bauder moved to accept the low bids for chemicals as presented, in the amount not to exceed \$100,000.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Supplemental Design Services Contract for Vilas Street Sidewalk Improvements Project – Public Works Director Brian Faust presented for approval the supplemental design services for additional sanitary and storm design along with 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. In August 2023, the Commission approved Supplemental Services No. 1 in the amount of \$40,158 for the additional design. After Supplement No. 1 was approved, staff requested a redesign at the west end of the project that would extend the sanitary sewer across Vilas to the north to allow for future connections on the north side. This also involved changes to curb and driveways in the area. The cost associated with Supplemental No. 2 is \$9,676. While City staff, our engineer and our ROW acquisition consultant have worked diligently to obtain all the needed easements, there are properties where acquisition is not possible except through condemnation. To avoid condemnation and meet the Spring 2025 bidding timeframe set by KDOT, staff asked that Bartlett & West redesign several areas of the project to eliminate the need for several easements. The cost for Supplemental No. 3 is a not to exceed amount of \$25,605. Staff does not feel any additional supplemental agreements associated with the design will be required. The cost for the additional services will be funded with Grant Matching funds.

Commissioner Martin moved to approve the additional design services, Supplemental No. 2 and Supplemental No. 3 for the Vilas Street ADA and Sidewalk Upgrades Project with Bartlett & West, in the amount not to exceed \$35,281.00. Commissioner Bauder seconded the motion and was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Consider Supplemental Design Services Contract for Downtown ADA Intersection Ramp Project – Public Works Director Brian Faust presented for approval the supplemental design services agreement for updating the plans and specifications for the Downtown ADA Intersection Ramp Project. The update is required to satisfy KDOT design requirements for the Transportation Alternatives (TA) Program. The City of Leavenworth worked with Wilson & Company to design ADA accessible ramps in our downtown. The project was designed as a city let project with 100% city funding for construction. The original design budget was \$39,750. After design was complete, the city was notified that KDOT was taking applications for the Fiscal Year 2026 Transportation Alternatives (TA) Program. The City submitted the project and was notified that the project was awarded \$629,750 in funding. While the City will be paying for the design, construction costs are covered at 100%, no matching funds required. As the plans were designed for a city let project, Wilson & Company submitted a supplemental design services agreement to update the plans and specifications to KDOT Standards. The cost for this additional work is \$30,000. The cost will be funded with either sidewalk and curb funding contained within the adopted CIP or the Grant Matching Fund.

Commissioner Bauder moved to approve the additional design services, Supplemental Agreement No. 1 for the Downtown ADA Intersection Ramp Project with Wilson & Company, in the amount not to exceed

\$30,000.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 724 Pottawatomie Street – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently vacant, but was previously occupied by a four-plex dwelling which was demolished in 2014. Depaul USA, the applicant, intends to construct a two-family dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 724 Osage Street – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently vacant, but was previously occupied by a single family dwelling which was demolished in 2002. Depaul USA, the applicant, intends to construct a two-family dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance to Rezone 701 Pottawatomie Street from Office Business District to High Density Single Family Residential District – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to rezone the property located at 701 Pottawatomie Street from Office Business District to High Density Single Family Residential District. Two-family dwellings are not allowed either by-right or with a special use permit in OBD. Depaul USA, the applicant, intends to construct a two-family dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the rezoning request. Ms. Portillo reviewed the Conditions of Determination that were referenced in the Policy Report.

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

First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 701 Pottawatomie Street – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently vacant. Depaul USA, the applicant, intends to construct a two-family

dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance for Special Use Permit to Allow a Two-Family Dwelling at 711 Ottawa Street – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to approve a special use permit to allow a two-family dwelling in the R1-6 zoning district. Two-family dwellings are allowed in the R1-6 zoning district with the approval of a special use permit. The property is currently vacant. Depaul USA, the applicant, intends to construct a two-family dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the Special Use Permit.

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

First Consideration Ordinance to Rezone 711 Ottawa Street from Office Business District to High Density Single Family Residential District – Planning & Community Development Director Kim Portillo presented for first consideration an ordinance to rezone the property located at 711 Ottawa Street from Office Business District to High Density Single Family Residential District. Two-family dwellings are not allowed either by-right or with a special use permit in OBD. Depaul USA, the applicant, intends to construct a two-family dwelling, similar to the structure they constructed after approval of a Special Use Permit at 728 Pottawatomie. The Planning Commission considered this item at their December 2, 2024 meeting and voted 5-0 to recommend approval of the rezoning request. Ms. Portillo reviewed the Conditions of Determination that were referenced in the Policy Report.

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

Consent Agenda:

Commissioner Martin moved to approve claims for December 6, 2024 through January 9, 2025, in the amount of \$4,576,655.49; Net amount for Longevity Pay effective December 6, 2024 in the amount of \$42,128.05; Net amount for Payroll # 25 effective December 13, 2024 in the amount of \$437,197.59 (No Police & Fire Pension); and Payroll #26 effective December 27, 2024, in the amount of \$429,354.84 (Includes Police & Fire Pension in the amount of \$7,491.38). Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

Other:

City Manager Scott Peterson:

- Discussed cars remaining on streets on emergency snow routes
- Discussed sidewalks needing to be cleared by residents
- Answered a question about trash pickup after the snow storm

Commissioner Martin:

- Asked Mayor Pittman about a vote earlier in the meeting
- Asked about the Mayoral appointment process

- Thanked staff and contractors for clearing of the roads after the storm
- Wished Commissioner Bauder a Happy Birthday

Commissioner Bauder:

- Leavenworth NAACP is putting on a play at the University of Saint Mary about the Oblate Sisters who started the first black orphanage in Leavenworth

Commissioner Hingula:

- Thanked the Public Works Department and contractors for all their hard work during the snow event

Commissioner Wilson:

- Martin Luther King Jr. Day is on Monday. Serve your neighbors and community

Mayor Pittman:

- Thanked city crews and contractors for their efforts on the snow event

Adjournment:

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

Time Meeting Adjourned 7:00 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC