



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

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, MAY 21, 2019 7:00 P.M.

Welcome - Please turn off or silence all cell phones during the Study Session.

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube

Study Session:

1. Discuss American Legion Baseball Request (pg. 2)
2. Development Proposal Presentation (pg. 3)
3. Review 1421 Independence Court Bank Erosion Report (pg. 4)
4. Discuss Date of Elected Officials Taking Office (pg. 8)

Policy Report
American Legion Baseball Request
May 21, 2019

Prepared by:



Paul Kramer
City Manager

Issue:

At the April 23 City Commission meeting, representatives from the American Legion spoke to the Commission on behalf of the organization's baseball program. Specifically, the organization had multiple requests of the City Commission. The Commission provided consensus to review two requests at a study session. Those items are:

1. The American Legion requested to have priority reservation status for the baseball field at the Eagles location. In addition to having priority over any other group or resident of the City, the American Legion requested that they not be required to pay the standard field reservation fee.
2. The American Legion requested to have a special exception that would allow them to enter Sportsfield Park 1 hour before game time, rather than the 30 minutes that is customary for all other users of the complex.

The Parks and Recreation Advisory Board considered these items at its May 13 board meeting and had the following recommendations.

Item #1 – Priority reservation and no-cost use of Eagles field for practice:

- The Board voted "No" for both of these items.

Item #2 – Special access to Sportsfield Park

- The Board voted to let the Legion in ½ hour earlier for their games at Sportsfield, but only if they pay a regular field rental for that extra ½ hour to cover the extra personnel and field maintenance cost. The fields at Sportsfield rent for \$25/hour; the Board discussed that ½ of this would be \$12.50, and they recommended rounding this up to \$15 for the extra wear on the field.

Parks and Recreation Board members will be at the meeting to discuss their meeting and the determinations made at the May 13 board meeting.

Commission action:

The item is before the Commission for consideration.

Policy Report
Development Proposal Presentation
May 21, 2019

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer
City Manager

Issue:

Representatives from Cadence/Fishman and the Polsinelli law firm will brief the City Commission on a development proposal for projects on both the east and west sides of Seventh Street along Metropolitan Avenue.

Staff has been working with the developers since mid-2018 and are at a point now that the Commission will need to review and comment on the current status of the project before any additional steps are taken.

Commission action:

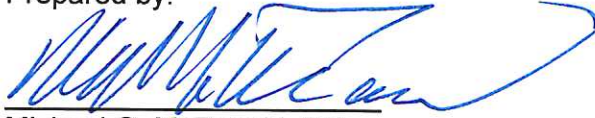
Staff is looking for Commission comments and a general consensus to move ahead in drafting a development agreement for Commission consideration.

**POLICY REPORT PWD NO. 19-26
REVIEW REPORT REGARDING BANK EROSION AT 1421 INDEPENDENCE COURT
PREPARED BY WATER RESOURCE SOLUTIONS**

City Project 2018-896

May 21, 2019

Prepared by:



Michael G. McDonald, PE
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Review report prepared by Water Resource Solutions (WRS) regarding bank erosion and stability at 1421 Independence Court.

BACKGROUND:

City staff was contacted by the owner of 1421 Independence Court in August of 2018. She was concerned over the continued erosion and movement of a branch of Five-Mile Creek toward her house. Staff explained that the City did not own or control creeks on private property, but did visit the site.

A review by City staff determined that the top of the creek bank has moved 20 - 30 feet in the last 20+ years toward the houses on Independence Court. This is a common occurrence in both Three-Mile and Five-Mile Creeks. The City does not generally become involved in these situations due to the ownership of the creek being private. The City does take steps to protect infrastructure such as culverts, bridges and sewer lines that are on easements.

This location (1421-1425 Independence Court) also has a sanitary sewer "at risk" from the continued erosion. Continued erosion and creek bank stability issues provide an increasing risk of a significant sanitary sewer break that would require emergency action to repair.

Staff contacted WRS that has extensive experience in evaluating these types of stream situations in Kansas and Missouri to provide insight and guidance. They have prepared a report that looked at the general situation between 14th/New Lawrence Road upstream to 19th Terrace/Thornton. The report is available on-line at the link below: https://www.lvks.org/egov/documents/1557954675_48912.pdf

Ultimately, the entire length of this branch of Five-Mile Creek (approximately 6,500 feet) has similar problems. Small repairs should not be considered to be permanent or long-lived. The recommendations below are for durable repairs:

- 1. Tributary Improvements (apx. 6,500 feet): in excess of \$2 Million**
Develop a project to stabilize entire length of stream through a series of grade control structures (rock dams), selected widening, and selected rip-rap embankments
- 2. Stabilize Reach 6 (apx. 850 feet) – Option 1: approximately \$600,000**
Focused repairs in the vicinity of Independence Court with grade control and rip-rap
- 3. Stabilize Reach 6 (apx. 850 feet) – Option 2: approximately \$1.4 Million**
Focused repairs in vicinity of Independence Court by returning creek to a more natural alignment and environment, with grade control.

Reach 6 - Option 2

Figure 28. Proposed streambed realignment for option 2



**POLICY REPORT
DISCUSS
DATE FOR ELECTED OFFICIALS TAKING OFFICE**

MAY 21, 2019

Prepared by:


Carla K. Williamson, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

ISSUE:

Discuss date for elected officials to take office as a result of Senate Bill No, 105.

BACKGROUND:

On April 8, 2019, Governor Kelly signed Senate Bill No. 105 allowing cities to establish an alternate date for elected officials taking office. That date must be between December 1 and the second Monday in January. The bill will become law and go into the statute books on July 1, 2019.

The change was proposed due to various issues that came up in 2018.

Some cities had trouble holding meetings. Officials who were not re-elected in November stopped attending meetings and they were unable to conduct business without a quorum.

The statute also required that all elected officials take office the second Monday in January. In the case of Leavenworth and many other cities, this requires a special meeting to be called for the purpose of swearing in the officials taking office.

OPTIONS:

- Take no action and elected officials will take office on the second Monday in January by statute.

- Establish an alternate date between December 1 and the second Monday in January.

ACTION:

Consensus by the Commission. Any change would come back to the Commission at a regular meeting for formal action after July 1, 2019.

ATTACHMENT:

Senate Bill No. 105

SENATE BILL No. 105

By Committee on Ethics, Elections and Local Government

2-6

1 AN ACT concerning cities; relating to elections; amending K.S.A. 25-313
2 and K.S.A. 2018 Supp. 25-2120 and repealing the existing sections.
3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 25-313 is hereby amended to read as follows: 25-
6 313. (a) *Except as provided in subsection (b), the regular term of office of*
7 *all state, district, county-and, township and municipal officers shall begin*
8 *on the second Monday in January next after the election, except as*
9 *otherwise provided by law.*

10 (b) *The regular term of office for all city officers shall begin on a*
11 *date established by resolution of the city. The date shall be on or after*
12 *December 1 following the certification of the election and no later than*
13 *the second Monday in January following the certification of the election. If*
14 *a city does not establish an alternative date for elected officials taking*
15 *office, the term shall begin on the second Monday in January.*

16 Sec. 2. K.S.A. 2018 Supp. 25-2120 is hereby amended to read as
17 follows: 25-2120. The county election officer who conducts the city
18 election shall promptly certify to the city governing body the
19 determination of election results made by the county board of canvassers.
20 The term of office shall commence on a date established by resolution of
21 the city on or after December 1 following the certification of the election
22 and no later than the second Monday in January following certification of
23 the election. *If a city does not establish an alternative date for elected*
24 *officials taking office, the term shall begin on the second Monday in*
25 *January.*

26 Every person elected or appointed to city office, before entering upon
27 the duties of such office, shall take and subscribe an oath or affirmation as
28 specified in K.S.A. 54-106, and amendments thereto, and every such oath
29 or affirmation shall be filed with the city clerk.

30 Sec. 3. K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 are hereby
31 repealed.

32 Sec. 4. This act shall take effect and be in force from and after its
33 publication in the statute book.