



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Mayor Pro-Tem Myron J. (Mike) Griswold, Commissioners Nancy Bauder, Larry Dedeke and Mark Preisinger.

Others present: City Manager Paul Kramer, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Chief Building Inspector Harold D. Burdette, Planning and Community Development Director Julie Hurley, Finance Director Ruby Maline, Public Information Officer Melissa Bower, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson called the meeting to order and opened the meeting with the pledge of allegiance followed by silent meditation

PROCLAMATION:

Proclamations:

Military Retiree Appreciation Day – Norm Greczyn was present to accept the proclamation.

100th Anniversary Veterans Day Parade – Ed Gunnels, Charley Shoemaker were present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Griswold moved to approve the minutes from the October 8, 2019 regular meeting as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8113 to Adopt and Enact a New Code of Ordinances – City Clerk Carla Williamson stated there have been no changes to the ordinance since it was first introduced on October 8, 2019. Ordinance No. 8113 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8113 was unanimously approved 5-0.

Second Consideration Ordinance 8114 Amending Chapter 38 Solid Waste; Sec. 38-32 Service Fees – City Manager Paul Kramer presented Ordinance No. 8114 for second consideration.

Mayor Wilson called the roll and Ordinance No. 8114 was unanimously approved 5-0.

Second Consideration Ordinance 8115 Amending Chapter 46 Utilities; Sec. 46-113 Levy – City Manager Paul Kramer presented Ordinance No. 8115 for second consideration.

Mayor Wilson called the roll and Ordinance No. 8115 was unanimously approved 5-0.

NEW BUSINESS:

Citizen Participation:

David Jaster-932 Dakota Street and Sam Sanford-620 Muncie Road

Members of Rock of Ages Church 1017 Randolph:

- Referenced Ord 8077
- Property has history of flash flooding
- Four bad flash floods on property and neighboring properties; last was in 2015
- Has contacted the City and worked with City Engineering
- Waiting on Black and Vetch study
- Has had FEMA Flood insurance since 2011
- Was not aware of the budget hearing earlier this year or would have attended
- Petition and pictures submitted with signatures of church members and neighbors requesting the City to remedy the flash-flooding situation

Mayor Wilson stated that the study is still ongoing with Black & Vetch and will have more answers after it is complete.

General Items:

Approve City Fee Schedule – City Clerk Carla Williamson presented for approval the City Fee Schedule. With the adoption of the new city code, the fee schedule is no longer an appendix but rather a stand-alone document that requires approval by the Commission. Proposed changes include increase in surrender fee per animal from \$20.00 to \$50.00; decrease in Vehicle for Hire Owner License from \$100.00 to \$50.00 per vehicle and the Driver’s License fee reduction from \$35.00 to \$25.00; adding in Parks & Recreation fees and Sewer and Refuse fees to the fee schedule.

Commissioner Bauder moved to approve the city fee schedule as presented. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review Unsafe and Dangerous Structures Given Extensions – Planning and Community Development Director Julie Hurley reviewed the properties on the demolition list that were given extensions by the Commission at the August 13, 2019 meeting, to allow for the completion of needed work.

905 Washington – Single family house: Owner previously stated he would demolish property on his own-no change

Consensus by Commission to move forward with demolition

1605 Terry – Single-family house: All repairs complete

Consensus to remove from demolition list

514 Linn – Single-family house: All repairs complete
Consensus to remove from demolition list

1021 S 2nd Street – Single-family house: Under new ownership. Roof permit issued and roof installed, plumbing permit issued. Owner indicated new windows will be installed within the next couple of weeks. Some exterior painting complete.
Consensus to give a 30-day extension

305 N 2nd Street – Single-family house: No visible change. Permits issued for interior renovations and siding.
Consensus to give a 30-day extension

326 Osage – Single-family house: Work ongoing. Active permit for electrical work and interior renovations. Windows have been replaced.
Consensus to give a 30-day extension

400 N 5th – Two-story residential structure; Active permit for siding, roof and windows. No visible work done.

Mark Swope and Dakota Toon were present to represent owner

- Some work on stairs
- Has some of the materials to repair
- Has two new windows to be installed
- Still needs roofing materials
- Paint was purchased but was stolen from the property
- Very time consuming working on a ladder
- Working on a budget
- Owner will be back at end of the month and should be able to help
- Could absolutely make a difference in 30 days and could have everything except paint done in 60 days

Commissioner Preisinger stated that they are not the property owners and at the last meeting they stated all would be done in 60 days. There was a 40 foot hole in the structure and it's only been half-way repaired since it was last reviewed.

Consensus to give a 30-day extension

787 Shawnee Street – Single-family house: All repairs complete.
Consensus to remove from demolition list

Commissioner Preisinger moved to proceed with the consensus of the Commission on each property as discussed. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Public Hearings:

Public Hearing for Unsafe or Dangerous Structure – Fire Damaged Structure at 228-230 Ottawa Street

Open Public Hearing:

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

Staff and Public Comments:

- Public Works Director Mike McDonald provided the following information:
 - On June 25, 2019 the structure was damaged by fire
 - On July 22, 2019 property owners James and Frances Patterson were issued a building permit to commence repairs
 - The City received a check in the amount of \$11,250.00 (15% of the insurance proceeds as required by city ordinance)
 - Staff recommends the owner be given 90 days to complete the repairs
- Public Comments:
 - Larry Patterson owner resides at 1205 S 15th Street**
 - Is a builder and obtained the permits to complete the repairs
 - Has met all inspections to date
 - Waiting on Electrical and then sheet rock

Close Public Hearing:

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

Consider Resolution B-2238

- Commissioner Bauder moved to approve Resolution B-2238 giving the owner 90 days to complete the repairs. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

7:51 -- City Manager Kramer asked for a five minute recess to set up some video for the next items.

7:56 -- The Mayor called the meeting was back to order following the recess

Public Hearing to Consider the Adoption of a Redevelopment Project Plan North Gateway Redevelopment District; Project Area 3**Open Public Hearing:**

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

Staff and Public Comments:

- City Manager Paul Kramer provided the following information:
 - Explained the Tax Incremental Finance (TIF) district that was put in place in 2011
 - On projects numbers 1 and 2 the City issued debt and used the income generated from the new businesses to pay the debt
 - One of the primary goals in the project was to add the Commanders Inn property to the project due to several issues to include criminal activities on the property
 - We do not know what properties are going into this property tonight

- For the developers to secure financing they need the project plan to be signed off on by the City
- The primary purpose for creating the redevelopment district was to initiate the process upon which the City may proceed in establishing redevelopment projects within the district in order to generate incremental taxes (tax incremental revenues) for the funding of permissible infrastructure and property acquisition within the established redevelopment district. Tax incremental means the amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.
- September 9, 2019 the Leavenworth Planning Commission reviewed the plan and found it to be consistent with the Comprehensive Plan
- The submitted plan includes the requirements of the state statutes
- A Preliminary Site Plan is included in the plan
- The Development Agreement is currently be worked on by the Developer and will be presented at the November 12, 2019 Commission Meeting for review and approval
- Other Comments:
- Developers
 - Kevin Lee: with Polsinelli Law Firm representing the Developers
 - Have closed on all properties on the site as a commitment to the project
 - Property is in the hands of Cadence (the developer)
 - Is following all the statutory requirements
 - Working on the Development Agreement
 - Will bring back to the Commission with a rendition of the property
- Commission Comments
 - Commissioner Bauder stated she would like to see a grocery store in the area
 - Commissioner Preisinger thanked the developers for taking on the project, removal of the Commanders Inn and the investment they are taking on
- Scott Cunningham 211 Arch Street
 - Recommend or endorse the project with a condition that the city does not issue a blank check without a guarantee
 - Appearance should take in to account the historic area and Gateway areas
 - Supports the project but make sure these key areas are addressed
- City Manager Kramer
 - Development Regulations address landscaping requirements
 - We do not have any existing overlay districts
 - Development Regulations will govern allowed uses and appearance
- John Karrasch 2404 S. 15th Street (Member of the City Planning Commission)
 - During the Planning Commission meeting, the developer provided the information
 - Did not think the site plan would be the final site plan but now looks like it will be
 - Opposed on how it is being arranged on the site and the Comprehensive Plan
 - Does not represent what we want for a Gateway area and a welcome to the community
 - Does not think an ATM and gas station is the look we want
 - The bank required an ATM on the corner as part of the agreement

- Not the image that the city wants for international visitors at the Fort
- Using creativity could group and redesign the area to create more social spaces rather than cash and gas
- Ask the Commission not to lose site of the vision of the City
- Commissioner Griswold:
 - Were told that the planning commission agreed 6-0 in favor and asked Mr. Karrasch if he voted for it
 - Mr. Karrasch said he did but thinks it would be more thought out
- Kevin Lee:
 - What is present is a likely potential for this development
 - Still needs to come back to planning and development to meet code requirements
 - The visual appearance will be drastically improved on what is currently there
- Danielle Wells – 606 Pawnee Street
 - Lives in the area and would appreciate that property owners in the area are notified
 - High criminal activity in the apartments in the area
 - Does not want her house torn down
- Tripp Ross – Cadaence Leasing and Management
 - Was at the planning commission
 - Plan will continue to change and evolve as users commit
 - Quality of the project needs to be high to entice users
 - Will make the area as attractive as possible so users will want to be in the area and stay there
 - Cannot dictate to national users on what their buildings will look like
 - Needs a mixture of uses that will best bring people to the site
- City Attorney David Waters:
 - The plan before the commission is very general in the types of uses and business in the area
 - Beyond that the development regulations will govern
- Justin Kaufman (Fort Gate Properties)
 - The plan is consistent with what will be on the property
 - Will be putting over a million dollars into the project just to move dirt before beginning the development
 - Anticipates starting demolition work on the site in the spring
- **Citizen 813 N 8th Street**
 - Sees Cars coming off post and heading off post going across the bridge
 - Makes her angry that they will still spend their money else were
 - Do not need a day care
 - Does not enhance the neighborhood
 - Concerns about the amount of traffic
 - Problem keeping restaurants in that area

- On FaceBook people are talking about the need for a family sit-down restaurant, small businesses and grocery store in the area

Close Public Hearing:

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

Consider and Place Ordinance on First Consideration:

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

Public Hearing to Consider Creation of Community Improvement District (CID)

Open Public Hearing:

- Commissioner Bauder move to open the public hearing. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Staff and Public Comments:

- City Manager Paul Kramer provided the following information:
 - The issue before the Commission is a public hearing for the creation of a Community Improvement District (CID) in the area generally located at the southwest and southeast corners of North 6th Street and Metropolitan Avenue in the City of Leavenworth. The estimated cost of the project is \$7,099,864.00 plus interest accrued and borrowed money.
 - The petition requests that the City levy a CID sales tax within the Improvement District. The petitioner is requesting a 1.25% sales tax CID for 22 years.
- Public Comments: None

Close Public Hearing:

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

Consider and Place Ordinance on First Consideration:

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

Public Hearing to Consider Petition to Vacate a Portion of an Alley in Block 97 of Day & Macaulay's Subdivision

Open Public Hearing:

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

Staff and Public Comments:

- Public Works Director Mike McDonald provided the following information:
 - On September 24, 2019 a petition from Justin Kaufman, Manager of Fort Gate Properties LLC to vacate the alley in Block 97 Day and Macaulay Subdivision was received by the City Clerk
 - All utility companies were notified. Utility companies are permitted to use the public alleys for their infrastructure and several utility lines exist on this property and must be addressed
 - Evergy and ATT both had issues with lines in the area

- The property owner is responsible for facilitating relocation and or easements
- City Attorney David Waters:
 - Brought to the attention Section 2 of the proposed ordinance which is blank
 - Will be worked out or reserve back to the utility rights of the utilities when brought back for second consideration
- Kevin Lee:
 - Does not have an issue with the language of utility rights reserved
- Public Comments: None

Close Public Hearing:

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

Consider and Place Ordinance on First Consideration:

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

CONSENT AGENDA:

Commissioner Bauder moved to approve claims for October 5, 2019 through October 18, 2019, in the amount of \$1,715,787.27; Net amount for Payroll #21 effective October 11, 2019, in the amount of \$331,482.94; (No Police & Fire Pension). Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Mayor Wilson:

- Invited everyone to Bob Dougherty Park on Saturday for the ribbon cutting of the new basketball court

Commissioner Griswold:

- Appreciates all the community comment on the redevelopment plan

Commissioner Preisinger:

- Veterans Day parade November 11th
- Last meeting before the election; urge everyone to vote
- Commission Dedeke not running again; has served on the Commission with him for 11 years
- Commissioner Dedeke does what he feels is correct for the community and integrity never to be questioned

City Manager Kramer:

- Meeting on November 12th is not officially canceled; if anything comes up we will hold a study session

Adjourn:

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

Time Meeting Adjourned 9:11 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC