



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

City Commission Regular Meeting
Commission Chambers
Tuesday, December 11, 2018 7:00 p.m.

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

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline, Deputy Finance Director Brandon Mills, City Attorney David E. Waters, Andrea Cheatom, Planters II Manager and Deputy City Clerk Cary L. Collins.

Mayor Mark Preisinger opened the meeting with the pledge of allegiance followed by silent meditation.

Personnel Matters of Non-Elected Personnel K.S.A. 75-4319 (b) 1; Annual Performance Review of the City Manager – the Mayor stated that this item will not be addressed this evening and will be tabled until the December 18, 2018 Special Meeting.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the November 27, 2018 regular meeting and December 4, 2018 special meeting. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8091 Sec. 541134 Food Service School– City Manager Paul Kramer stated there have been no changes since placed on first consideration at the November 27, 2018 meeting.

Mayor Preisinger called the roll and Ordinance No. 8091 was unanimously approved 5-0.

Second Consideration Ordinance No. 8092 Amending Chapter 26 Article III Massage - City Manager Paul Kramer stated there have been no changes since placed on first consideration at the November 27, 2018 meeting.

Mayor Preisinger called the roll and Ordinance No. 8092 was unanimously approved 5-0.

NEW BUSINESS:

Citizen Participation: none

General Items:

Public Hearing for Amending the 2018 Budget

Open Public Hearing:

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

Staff and Public Comments:

Finance Director Ruby Maline presented the proposed republication of the 2018 budget increasing the expenditure authority to accommodate unanticipated expenditure for the following funds according to K.S.A 79-2929 a. Municipalities are authorized to amend budgets to spend money not in the original budget as long as it does not require additional tax levies.

- Recreation Fund
- Home Depot TIF
- Probation Fund
- Business & Technology Park Fund

Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Recreation Fund	1.822	377,498	1,617,744	1,705,694
Home Depot TIF			255,454	284,704
Probation			185,505	212,850
Business & Tech Park			0	497,043

Close Public Hearing:

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

Consider Amendments:

Commissioner Bauder moved to approve the amendment to the 2018 budget as presented. Commissioner Griswold seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

2019 Cereal Malt Beverage (CMB) Licenses – City Manager Paul Kramer presented for approval the following Cereal Malt Beverage Licenses effective January 1, 2019:

Establishment/Name	Address	Consumption
Abe’s Place	5101 10 th Ave	ON

AZAD Inc dba 7-Eleven Store	701 Metropolitan Ave	OFF
Bill's Kitchen	700 Kiowa St	ON
Casey's Retail Store #1261	2004 Spruce St	OFF
Casey's Retail Store #2609	950 Eisenhower Rd	OFF
Casey's Retail Store #2826	2100 S 4 th St	OFF
Diamond Oil 2	1031 Metropolitan Ave	OFF
Dillon's #40	720 Eisenhower Rd	OFF
Eddie's Grocery	1101 Spruce St	ON
Four B dba Price Chopper	2107 S 4 th St	OFF
GOJRA LLC dba K7 Stop	300 N 4 th St	OFF
Hometown Store	111 N Broadway St	OFF
Little Bar	1431 10 th Ave	ON
Minit Mart LLC	3122 S 4 th St	OFF
Murphy's USA #7486	1050 Eisenhower Rd	OFF
Towne Pub Restaurant	1001 Ottawa St	ON
Walgreens #12923	2900 S 4 th St	OFF
Walmart Store #326	5000 10 th Ave	OFF
Woody's Food Mart	700 Eisenhower Rd	OFF

Commissioner Griswold moved to approve the 2019 Cereal Malt Beverage license as presented. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Motion to Cancel the December 25, 2018 Regular Meeting – City Manager Paul Kramer presented for consideration the cancellation of the December 25, 2018 Regular Meeting due to the Christmas holiday.

Commissioner Bauder moved to cancel the December 25, 2018 Regular Meeting. Commissioner Dedeker seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Resolution:

Resolution B-2211 Planters II Tenant Write-off Accounts – Planters II Manager Andrea Cheatom presented for adoption a resolution to remove six uncollectable accounts.

Commissioner Griswold moved to adopt Resolution B-2211, deleting uncollectable tenant accounts. Commissioner Dedeker seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2212 Planters II Disposed Assets – Planters II Manager Andrea Cheatom presented for adoption a resolution to remove property from the assets inventory of the Leavenworth Housing Authority.

Commissioner Bauder moved to adopt Resolution B-2212 removing disposed property from the Leavenworth Housing Authority's inventory. Commissioner Griswold seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consideration of a Sole Source Design Contract with Water Resources Solutions for 16th Terrace & Thornton Phase 2 Stormwater Project – Deputy Public Works Director Mike Hooper presented for consideration a sole source design contact with Water Resources Solutions in the amount of \$39,190.00.

Commissioner Griswold moved to approve the sole source design contract submitted by Water Resources Solutions, LLC for the 16th Terrace & Thornton Phase 2 Stormwater Project in the amount not to exceed \$39,190.00. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Consider Bids for Library Atrium Replacement Project – Deputy Public Works Director Mike Hooper presented for consideration the bids for the Library Atrium Replacement Project. The City Commission generally rejects the award of a project where bids are over the engineer’s estimate; however, there are funds available to complete the project using the bid submitted by Herner Construction Inc. in the amount of \$66,000.00. All bids were opened on December 5, 2018 and were as follows:



CITY OF LEAVENWORTH
 Project No. 2014-770
 Leavenworth Public Library Sunroom Renovation - Bid Results
 Bid Date: 12/5/2018 Bid Time: 3:00P.M.

BASE BID				Engineer's Estimate		Herner Construction Inc.		Bruner Contracting Co. LLC		BKM Construction LLC	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Library Sunroom Renovation	LS	1		\$46,500.00		\$66,000.00		\$73,000.00		\$98,378.00
TOTAL: BASE BID					\$46,500.00		\$66,000.00		\$73,000.00		\$98,378.00

Commissioner Bauder moved to approve the bid from Herner Construction for the Leavenworth Library Atrium Replacement Project in the amount not to exceed \$66,000.00. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Consider Bids for the Leavenworth Service Center Fuel Island Canopy Project – Deputy Public Works Director Mike Hooper presented for consideration the bids for the Leavenworth Service Center Fuel Canopy Project. The City Commission generally rejects the award of a project where bids are over the engineer’s estimate. Staff would recommend rejection of the bids. The bids were opened on December 5, 2018 and were as follows:



CITY OF LEAVENWORTH
 Project No. 2015-833
 MSC Fuel Island Canopy - Bid Results
 Bid Date: 12/5/2018 Bid Time: 3:00P.M.

BASE BID				Engineer's Estimate		Herner Construction Inc.		Sands Construction LLC		Gunter Construction Co.		BKM Construction LLC	
Item	Description	Unit	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Drilled Piers	EA	4		\$2,418.75		\$9,675.00		\$2,250.00		\$9,000.00		\$3,459.00
2	4 - Column Canopy, Gutter, and Downspouts	LS	1		\$67,899.00		\$67,899.00		\$90,000.00		\$90,000.00		\$114,249.00
3	8" Concrete Replacement	SY	160		\$140.16		\$22,426.00		\$85.50		\$13,680.00		\$100.00
TOTAL: BASE BID					\$65,000.00		\$100,000.00		\$112,680.00		\$144,085.00		\$162,286.00

Commissioner Bauder moved to reject all bids received for the project and have staff work with the designer to design a more cost-effective structure. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Amending Appendix F Schedule of Fees – City Manager Paul Kramer presented for first consideration an ordinance to amend Appendix F, Schedule of Fees of the City's Code of Ordinances. There are three changes presented:

Chapter 26, Article III Massage Therapy

- Massage Therapy Establishment License (new) reduced from \$350.00 to \$300.00
- Massage Therapy Establishment License (renewal) reduced from \$175.00 to \$150.00
- Added language for exception for therapists who own and operate a licensed massage establishment

Chapter 54 Food

- Amended language to reflect change in food handler schools conducted by the City Health Officer
- Added online food handler class fee paid to online provider of \$20.00

Chapter 98 Solid Waste

- Added Plastic Refuse Bags \$7.00
 - Increase effective January 2019 – previously \$6.00

Public Comment:

Susan Pierce (local massage therapist)

Stated that she felt the license fees for massage establishment and massage employees were too high. She felt that the fees should be lower, massage employees should be \$35.00.

After discussion from the Commission it was decided that the fee could be discussed at the December 18, 2018 in detail when Carla Williamson, City Clerk was in attendance.

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

CONSENT AGENDA:

Commissioner Griswold moved to approve claims for November 24, 2018 through December 7, 2018 in the amount of \$2,021,992.50; net amount for Longevity Pay effective November 30, 2018 in the amount of \$46,948.99 and Pay #25 effective December 7, 2018 in the amount of \$350,436.50 (No Police & Fire Pension). Commissioner Wilson seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Mayor Preisinger stated that in addition to the new City Manager's Executive Assistant being related to a former Leavenworth Mayor (Ben Day 1972-1975), the current City Attorney's great grandfather, Martin J. Eggert served as Mayor for the City of Leavenworth in the 1940's.

City Manager Paul Kramer gave an overview of the leaf removal program and explained weather delays causing this years operations to be problematic. He stated that the crews were currently

working in Grid 9 and then would move to Grid 10. It is taking three to four times the effort per hour due to ice buildup on the leaves.

Adjourn:

Commissioner Dedeker moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried and the meeting adjourned.

Time Meeting Adjourned 7:46 p.m.

Minutes taken by Deputy City Clerk Cary Collins