



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present: Mayor Myron J. (Mike) Griswold, Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard, Mark Preisinger and Jermaine Wilson.

Others present: Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Fire Chief Gary Birch, Deputy Fire Chief Mike Shore, and Battalion Chief Christopher Wolters, Finance Director Ruby Maline, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

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

Proclamation:

Susan B. Anthony Day February 15, 2020 – Samantha Poirier from the Leavenworth County Historical Society was present to accept the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to approve the minutes from the January 28, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8122 Special Use Permit 869 Sherman Avenue – City Clerk Carla Williamson presented Ordinance 8122. There have been no changes since the ordinance was placed on first consideration at the January 28, 2020 City Commission meeting.

- Mayor Griswold called the roll and the ordinance passed 5-0.

NEW BUSINESS:

Public Comment:

Brian Visocsky – 400 N 5th Street

- Property owner of the property at 400 N 5th Street on the demolition list
- Would like to have the property removed from the demolition list

Mayor Griswold stated that the Commission is unable to remove the property at this meeting but it will be back for review in two weeks.

Buddy Wooten – 220 Arch Street

- Discussed the Waggin Tails dog park
- Represents concerned citizens regarding the park
- There was a dog park committee and Parks Department representative would attend meetings and listen to recommendations
- Parks and Recreation Department has since taken over the park
- Recently have been a lot of incidents at the dog park
- Has expressed concerns with City Manager and Parks Department
- Sign was installed to direct people to call the police regarding incidents
- Would like security cameras, more city presence
- Would like better working relationship with the city
- Would like to re-form the Dog Park Committee

Commissioner Preisinger

- 14 calls to the dog park last year (not all dog related)
- 2 people have been banned
- Facebook reports are not the way to report incidents
- Incidents have to be reported directly to the Police Department-they cannot respond to Facebook postings
- Encourage everyone to call if there is a problem
- Encourage members to attend the Parks and Recreation Advisory Board meetings

General Items:

Request Waiver of Distance Requirement for Temporary Liquor Licenses St. Joseph & Immaculate Conception Church Events – City Clerk Carla Williamson presented for consideration a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital. The waiver is requested for the events at Immaculate Conception Church, located at 711 N. 5th St on Sunday, March 15, 2020 for the St. Patrick's Corned Beef and Cabbage Dinner and St. Joseph Church, located at 306 N. Broadway St on Saturday, June 13, 2020 for the Annual Germanfest Dinner and Dance. The City of Leavenworth Code of Ordinances, Chapter 6, Article III, Section 6-97 (d) allows the governing body to grant such a waiver, if they find that the proximity of the establishment is not adverse to the public welfare or safety. Mr. Leo Fink was present on behalf of the Church.

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

Public Comment – None

Commissioner Preisinger 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 and the public hearing closed.

Commissioner Leonhard moved to approve the request to waive the 300-foot requirement from any church, school, nursing home, library or hospital. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review Draft 2019 Kansas Department of Health and Environment (KDHE) Annual Report for Stormwater – Public Works Director Mike McDonald reviewed the draft report. The report is required to be submitted annually and it is suggested by KDHE and EPA that the report be available for review in a public forum and allow time for public comment. The report will come back to the City Commission for approval at the February 25, 2020 meeting to allow time for public comments. No action is needed by the Commission at this time.

Resolutions:

Resolution B-2242 Section Eight Management Assessment Program (SEMAP) – Assistant City Manager Taylour Tedder presented for approval by the City Commission acting as Public Housing Authority the 2019 SEMAP.

Commissioner Preisinger moved to adopt Resolution B-2242. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2243 Authority to Finance Purchase of Fire Apparatus with Proceeds of Bonds – City Clerk Carla Williamson presented Resolution B-2243 authorizing the City to acquire a fire department aerial truck, apparatus and accessories and finance the purchase with the proceeds of general obligation bonds under the authority of Home Rule Ordinance 7942 of the City. The general obligation bonds are to be issued by the City in the maximum principal amount of \$1,430,000.00.

Commissioner Preisinger moved to adopt Resolution B-2243 authorizing the City to acquire a fire department aerial truck, apparatus and accessories and finance the purchase with the proceeds of general obligation bonds. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2244 Setting Limit for General Improvement Bonds 2020 – City Clerk Carla Williamson presented Resolution B-2244 related to the City's 2020 Asphalt Overlay-General Improvement Project Bonds in the maximum amount of \$1,949,726.00. This amount is set by Charter Ordinance 56, which authorizes the City to issue and sell its general obligation bonds in an amount not to exceed 28% of the amount of revenue produced for the tax year one year preceding the year of bond issuance by the City of Leavenworth's tax mill levies as certified by the County Clerk, Leavenworth County Kansas.

Commissioner Wilson moved to adopt Resolution B-2244 setting the limits for general improvement bonds for 2020. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Design Contract with Wilson & Company for 2nd & Chestnut Project – Public Works Director Mike McDonald presented for consideration the contract with Wilson & Company for the design work for the 2nd & Chestnut Stormwater Project in the amount not to exceed \$218,600.00

Commissioner Leonhard moved to approve the design contract submitted by Wilson & Company for the 2nd & Chestnut Stormwater Project in the amount not to exceed \$218,600.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Purchase of Fire Apparatus – Fire Chief Gary Birch presented for approval the purchase of a Pierce Aerial Platform truck through Conrad Fire Equipment utilizing the HGAC Cooperative Purchasing program in the amount of \$1,397,528.15.

Commissioner Bauder moved to approve the purchase of a Pierce Aerial Platform truck through Conrad Fire Equipment utilizing the HGAC Cooperative Purchasing program in the amount of \$1,397,528.15. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance to Amend Section 8-63 Human Exposure to Zoonotic Diseases – City Clerk Carla Williamson presented for first consideration an ordinance to amend Section 8-63 of the City Code of Ordinances. It was identified that the title of Section 8-63 of the Code of Ordinance is incorrect. During the recodification in 2019 two sections of the ordinance were combined. One was specific to dogs and cats and one was for all other animals. Both sections said the same thing. This amendment is necessary to change the title of Section 8-63 from “Human exposure to zoonotic diseases by animals other than dogs and cats” to “Human exposure to zoonotic disease by animals”.

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

State Legislative Issue – Assistant City Manager Tedder reviewed SB 294 that has been proposed by the Legislature. The bill is loosely based on the Utah Truth-in-Taxation (TNT) statute. The bill would require taxing entities to either set a mill levy based on levying the same amount of property tax in dollars or go through the process to have a truth-in-taxation hearing. In order to have the truth-in-taxation hearing, a taxing entity is required to have the County Clerk send a notice to every property taxpayer listing, among other things, exactly how much their property tax would increase. The taxing entity would be required to reimburse the county clerk for their costs. Taxing entities would be required to notify the County Clerk by August 1st of the need for a hearing and hold the hearing by September 15th. The governing body is then required to vote at that meeting on the tax increase after the hearing concludes. A recent study by the Tax Foundation recommended that Kansas adopt the Utah TNT model and repeal the tax lid.

SB 294 is flawed for the following reasons:

- It is not the Utah model - it does not let taxing entities account for new growth.
- It creates a complicated process where the Division of Administration is responsible for checking taxing entities' math on the certified mill levy.
- Only one taxing entity can have a TNT hearing at one time. There are 89 different taxing jurisdictions in Sedgwick County alone.
- There is no exemption for Law Enforcement, Fire, or EMS.

- There is no exemption for CPI increases.
- There is no exemption for new growth or expiring tax abatements.
- Senate Bill 294 does not remove the current tax lid, and the TNT process does not work with a tax lid election.
- The bill requires any excess tax revenue to be returned to taxpayers, so it is possible for the cost of the mailing to exceed the refund.

Commissioner Preisinger moved to give the assistant city manager authority to get with our legislation delegation to oppose Senate Bill 294. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for January 25, 2020 through February 7, 2020, in the amount of \$2,214,096.16; Net amount for Payroll #3 effective January 31, 2020, in the amount of \$357,680.70; (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Executive Session:

Commissioner Bauder moved to recess into executive session to discuss the acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception per K.S.A. 75-4319 (b) (6). The open meeting to resume in the City Commission Chambers at 8:40 by the clock in the City Commission Chambers. Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald and City Attorney David Waters are requested to be present during the Executive Session. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0 and the Commission moved in to executive session.

The City Commission returned to open session at 8:40 with no action taken.

Adjournment:

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

Time Meeting Adjourned 8:40 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC