



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

City Commission Regular Meeting  
Commission Chambers  
Tuesday, April 14, 2020 7:00 p.m.

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

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Planning & Community Development Director Julie Hurley, and City Clerk Carla Williamson.

**Other members participating via teleconference:** Public Works Director Mike McDonald, and City Attorney David Waters.

Mayor Griswold called the meeting to order.

Mayor Griswold read the following notice:

*Due to the restriction of social distancing and prohibition of gathering of 10 or more people to mitigate the spread of COVID-19, the City Commission meeting is not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live. Citizens were offered the opportunity to submit questions for the City Commission to be read during public comment unless they are related to an agenda item. Questions on agenda items will be read during discussion on that topic. Questions were to be submitted to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on April 14th.*

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

**PROCLAMATIONS:**

The following proclamations were read by the Mayor.

National Library Week April 19-25, 2020  
National Child Abuse Prevention Month  
Fair Housing Month  
National Public Safety Tele-Communicator's Week April 12-18, 2020  
Arbor Day April 24, 2020

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the March 24, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

## **NEW BUSINESS:**

**Public Comment:** *emails received by the public for public comment on non-agenda items will be read at this time.* None received.

## **General Items:**

**Mayor's Appointments Leavenworth Preservation Commission** – Mayor Griswold moved to re-appoint to the Leavenworth Preservation Commission Richard L Gibson and Edward Otto to terms ending April 15, 2023. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Public Hearing for Fire Damaged Structure 1109 Spruce Street Postponed** – City Clerk Carla Williamson announced that the public hearing set for tonight by Resolution B-2241 is further postponed to May 12, 2020. Staff has been in contact with the owner and monitoring the property and repairs are being done on the structure.

Commissioner Wilson moved to postpone the public hearing on the fire-damaged structure at 1109 Spruce Street as unsafe or dangerous until May 12, 2020. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Consider Cereal Malt Beverage License – 300 N. 4<sup>th</sup> Street** – City Clerk Carla Williamson presented for consideration a request for 2020 off-premise Cereal Malt Beverage License by Leavenworth Operations, LLC. (Conoco) located at 300 N 4<sup>th</sup> Street due to new ownership. The application was approved by the Police Department. The Fire Department, who also serves as the City Health Inspector, has not inspected the facility due to the suspension of such inspections during the COVID-19 orders to reduce contact. City Clerk Staff spoke with Shawn Kell, the Health/Safety Officer and there have been no issues with this establishment regarding health or sanitation under the previous ownership. Staff recommends approval of the license. A health and safety inspection of the premise will be completed as soon as it is possible.

Commissioner Preisinger moved to approve the 2020 off premise Cereal Malt Beverage License for Conoco/Leavenworth Operations, LLC, at 300 N 4<sup>th</sup> Street, Leavenworth, Kansas. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Approval of the Bureau of Justice Assistance (BJA) 2020 Coronavirus Emergency Supplemental Fund Grant** – City Manager Paul Kramer presented for approval, authorization by the Commission for the Police Department to apply for the BJA grant in the amount of \$76,918.00. The grant is retroactive to January 1, 2020 and will have a two-year cycle. The funds are to assist in preventing, preparing for, and responding to the coronavirus.

Commissioner Leonhard moved to authorize the Police Department to apply for the Bureau of Justice Assistance (BJA) 2020 Coronavirus Emergency Supplemental Fund Grant on behalf of the City of Leavenworth for \$76,918.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Acceptance of Dedicated Land for Public Use – West Glen 3<sup>rd</sup> Plat** - Planning & Community Development Director Julie Hurley presented for consideration the acceptance of dedicated land for public purposes of

the final plat, West Glen 3<sup>rd</sup> Plat. The plat was reviewed and approved unanimously by the Planning Commission at their April 6, 2020 meeting.

Commissioner Bauder moved to accept the dedication of land for public purposes as part of the final plat. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Acceptance of Dedicated Land for Public Use – Moonlight Lake Plat** - Planning & Community Development Director Julie Hurley presented for consideration the acceptance of dedicated land for public purposes of the Moonlight Lake final plat. The plat was reviewed and approved unanimously by the Planning Commission at their April 6, 2020 meeting.

Commissioner Wilson moved to accept the dedication of land for public purposes as part of the final plat. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

### **Resolutions:**

**Resolution B-2246 One-Time Amendment to Resolution B-1185** – City Manager Paul Kramer presented for consideration and adoption Resolution B-2246 as a one-time amendment to Resolution B-1185 to allow for the transfer of \$35,000.00 from the Housing Trust Fund set up by Resolution B-1185; to the Catholic Charities or Northeast Kansas (CCNEKS). The funds are to be used for families at or below 150% of the poverty guideline who have lost employment during the COVID-19 period from March 18, 2020 forward. Any funds remaining After December 15, 2020 will be returned to the City.

Commissioner Leonhard moved to [adopt Resolution B-2246] authorizing the transfer of \$35,000.00 from the Housing Trust Fund to (CCNEKS) used for families at or below 150% of the poverty guideline who have lost employment during the COVID-19 period from March 18, 2020 forward. Any funds remaining after December 15, 2020 will be returned to the City. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

### **Review and Assessment for Consensus:**

**Dangerous Structures Review and Assessment** - Planning & Community Development Director Julie Hurley Reviewed the following structures to be evaluated by the Commission based upon the criterion established for unsafe and dangerous structures:

1. 109 Allen– Single family house
2. 407 N. 20th – Single family house
3. 1033 Osage – Detached garage
4. 1152 Randolph – Detached garage
5. 1186 Randolph – Single family house and shed (this item is a shed only)
6. ~~1320 Spruce – Single family house~~ *Structure removed by Community Development*
7. ~~315 Sheridan – Single family house~~ *Structure removed by Community Development*
8. 519 Marshall – Single family house
9. ~~1016 2nd Avenue – Single family house~~ *Structure removed by Community Development*

10. 1612 W. 7th – Single family house
11. 1914 W. 7th – Single family house
12. 306 N. 3rd – Single family house
13. 420 Ottawa – Single family house
14. 504 Miami – Single family house
15. 513 Lawrence Ave – Single family house
16. 515 N. 5th – ~~Single~~ Multi-family house *(Noted that this is a multi-family house not a single)*
17. 525 Pawnee – Single family house and shed
18. 701 S. 2nd – Single family house
19. 708 Kiowa – Single family house
20. 714 Kiowa – Single family house
21. 718 Dakota – Single family house and detached garage
22. 824 Osage – Single family house and detached garage
23. 836 Pottawatomie – Single family house
24. 934 Ottawa – Single family house
25. 719 N. 9th – Detached garage

Pending consensus by the City Commission to move forward with the list of dangerous structures as presented, staff will prepare a resolution to set a public hearing for the structures. The Resolution is tentatively anticipated to be brought to the Commission for approval at the May 26, 2020 City Commission meeting, with the public hearing anticipated to take place in July. Prior to approval of the Resolution setting the public hearing, staff will prepare a Remediation Agreement for each property and notify property owners, giving property owners the opportunity to make needed repairs.

Ms. Hurley briefly discussed the land bank. There are five (5) septate properties that Community Development is reviewing and possibly available for the land bank program. Those will come back to the Commission.

Commissioner Wilson asked about the possibility of 519 Marshall being added to the land bank. City Attorney Waters commented that there could be some difficulties in adding to the land bank and getting title.

There was a consensus for the list of dangerous structures, as presented, and to be formally placed on a list for public hearing, review and consideration for Resolution of demolition.

### **Bids, Contracts and Agreements:**

**Consider Unified School District (USD) 453 Land Swap Agreement – David Brewer Park/10<sup>th</sup> Avenue Park** – City Manager Paul Kramer presented for consideration a land exchange agreement between the City of Leavenworth and USD 453. The properties to be swapped are David Brewer Park owned by USD 453 and a portion of 10<sup>th</sup> Avenue Park owned by the City. The contract is contingent upon a public protest period as outlined in K.S.A. 12-1301 and adopted by the USD 453 School Board.

Mayor Griswold moved to accept Land Swap contract with the USD 453 School Board as presented by Mr. Kramer. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Consider Bid for Independence Court Bank Stabilization Project** – City Manager Paul Kramer presented for consideration the low bid received from Kissick Construction for the Independence Court Bank Stabilization Project in the amount of \$362,000.00. Bids were opened on April 1, 2020. Bids received were as follows:

<b>Company</b>	<b>City</b>	<b>Base Bid</b>
Kissick Construction	Kansas City MO	\$362,000.00
Mega KS	N Kansas City MO	\$438,158.00
Linaweaver Construction	Lansing KS	\$465,088.00
LEXECO	Leavenworth KS	\$640,305.70
Engineer's Base Bid Estimate		\$548,866.00

Commission Leonhard moved to approve the low bid submitted by Kissick Construction for the Independence Court Bank Stabilization Project, in the amount of \$362,000.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**First Consideration Ordinances:**

**First Consideration Ordinance Amending Chapter 20 to Adopt International Fire Code** – City Manager Paul Kramer presented for first consideration an ordinance to amend Chapter 20, Article II of the City of Leavenworth Code of Ordinances. The recommendation by Chief Birch and Fire Marshal Brooks is to adopt the 2018 International Fire Code with the exclusion of Chapter 11 titled “Construction Requirements for Existing Buildings” except for sections 1103.8 “Single and multiple-station smoke alarms” and sections 1103.9 “Carbon monoxide alarms”. The City is currently using the 2006 International Fire Code.

There was a consensus to place the ordinance on first consideration.

**First Consideration Ordinance Amending Chapter 10 Buildings & Construction** – City Manager Paul Kramer presented for first consideration an ordinance to amend Chapter 10, Buildings and Construction of the City of Leavenworth Code of Ordinances. Chief Building Inspector Hal Burdette and Director of Planning and Community Development Julie Hurley first discussed the adoption of new international and national codes at the December 3, 2019 Study Session. Those codes include the following:

- 2018 International Building Code
- 2018 International Residential Code
- 2018 International Existing Building Code
- 2018 International Fuel Gas Code
- 2018 International Mechanical Code
- 2018 International Plumbing Code
- 2018 International Swimming Pool and Spa Code
- 2017 National Electrical Code
- 2018 International Property Maintenance Code

The City is currently using the 2006 International codes for building related guidance and the 1985 Uniform Housing Code for the purposes of assessing and enforcing violations related to property maintenance and unfit structures.

There was a consensus to place the ordinance on first consideration.

**CONSENT AGENDA:**

Commissioner Leonhard moved to approve claims for March 21, 2020 through April 10, 2020 in the amount of \$1,964,961.95; Net amount for Payroll #7 effective March 27, 2020, in the amount of \$339,290.61; (Includes Police & Fire Pension in the amount of \$11,839.36) and Payroll #8 effective April 10, 2020 in the amount of \$315,603.69; (no Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

- At 8:42 the connection with Commissioner Preisinger was lost and left the meeting
- At 8:44 the connection with Commissioner Preisinger was re-established and rejoined the meeting

**Adjournment:**

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

Time Meeting Adjourned 8:47 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC