



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

City Commission Regular Meeting  
Commission Chambers  
Tuesday, August 11, 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, Mayor Pro-Tem Nancy Bauder, and Commissioners Mark Preisinger and Jermaine Wilson. Absent: Commissioner Camalla Leonhard

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Finance Director Ruby Maline, Deputy Finance Director Brandon Mills and City Clerk Carla K. Williamson.

**Other members participating via teleconference:** City Attorney David Waters, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Operations Superintendent Curtis Marks Sr., Chief Building Inspector Harold D. Burdette and City Attorney David E. Waters.

Mayor Griswold read the following statement from the agenda index:

The Leavenworth City Commission meeting will be open to the public with limited seating capacity. To reserve a seat, email [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 4:00 pm on August 11. Seats will be available on a first come first service basis. To mitigate the spread of COVID-19 face coverings and social distancing are REQUIRED to attend the meeting. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to continue to view the meeting via Facebook Live or Channel 2 and to submit public comments to be read during the Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or questions to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on August 11. For call in options related to commenting on agenda items, submit your inquiry to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org)

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

#### **OLD BUSINESS:**

##### **Presentation:**

The Mayor, City Commission and the City presented a Mayor's Award and a sword to Master Sgt. David Royer. Royer heroically stopped an active shooter on the Centennial Bridge on May 27, 2020. Royer saved countless lives that day with his quick action when a gunman opened fire on the bridge.

##### **Consideration of Previous Meeting Minutes:**

Commissioner Preisinger moved to approve the minutes from the July 28, 2020 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

##### **Second Consideration Ordinances:**

**Second Consideration Ordinance 8135; Establishing a Redevelopment District (Price Chopper)** – City Manager Paul Kramer presented ordinance 8135 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading. Pete Heaven representing Price Chopper called in via teleconference to answer any questions.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8136; Special Use Permit 1019 Ottawa Street** – City Manager Paul Kramer presented ordinance 8136 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

**Citizen Comment:**

Robert Patzwald 514 N 11<sup>th</sup> Street:

- Issuance of duplexes has become more of a formality rather than a study
- Does not see that the area needs additional duplexes
- It's hard to maintain a neighborhood with rental rather than owner occupied homes

City Attorney David Waters wanted to clarify the process to over-ride the planning commission recommendation and the options available. Would need a 2/3<sup>rd</sup> vote to override the Planning Commission's recommendation.

Mayor Griswold called the roll and the ordinance passed 3-1 with Commissioner Bauder voting no.

**Second Consideration Ordinance 8137; Special Use Permit 1906 Cleveland Terrace** – City Manager Paul Kramer presented ordinance 8137 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8138; Special Use Permit 4320 Hughes Road** – City Manager Paul Kramer presented ordinance 8138 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8139; CARES Act Funding** – City Manager Paul Kramer presented ordinance 8139 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8140; Special Assessments Unpaid 2018 Stormwater Fees** – City Clerk Carla Williamson presented ordinance 8140 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8141; Special Assessments Unpaid Demolition Costs** – City Clerk Carla Williamson presented ordinance 8141 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

**Second Consideration Ordinance 8142; Special Assessments Unpaid Nuisance Costs** – City Clerk Carla Williamson presented ordinance 8142 for second consideration. The ordinance was presented at the July 28, 2020 Commission meeting and placed on first consideration. Attachment A has been updated to reflect properties that have paid or been removed. The full ordinance with attachment A will be published in the Leavenworth Times.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

#### **NEW BUSINESS:**

**Public Comment:** *emails received by the public for public comment on non-agenda items will be read at this time.*

Email received.

City Clerk Carla Williamson read an email that was received by John B. Baragary for public comment. Mr. Baragary “expressed concern about building a public sidewalk in front of his residence at 1101 Michigan Street. The sidewalk would lead to dead-end on both ends to dead-end not joining to other sidewalks in the neighborhood. Not building the sidewalk would provide a little more dollars to the Leavenworth City budget bringing increase growth by myself and concerned citizens of Leavenworth and thus provide a better economy to our City.”

City Manager Kramer will provide information to the Commission on the issue.

No public comment from in-person attendees.

#### **General Item:**

**Review Unsafe Structure 1109 Spruce Street Damaged by Fire** – Public Works Director Mike McDonald reviewed the progress of work completed on the property. The City Commission granted a 90-day extension at the public hearing held on May 12, 2020. At the time of the writing of the policy report staff reported that exterior repairs are close to being completed and interior work has progressed but not all of the electrical, mechanical and plumbing work has been completed and recommends granting an additional 90-day extension to complete the repairs. Staff reviewed the status of the repairs on August 11, 2020 and

now recommends to the commission to release the insurance proceeds as work has progressed to an acceptable point.

Commissioner Bauder moved to release the insurance proceeds in the amount of \$10,500.00 to previous owner and remove the property from the unsafe/dangerous list. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

### **Public Hearing – Unsafe/Dangerous Fire Damaged Structure 723 S. 10<sup>th</sup> Street**

- **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 4-0.
- **Staff Comments:** Public Works Director reviewed the property at 723 S 10<sup>th</sup> Street that was damaged by fire on April 3, 2020. On June 23, 2020, the City Commission approved Resolution B-2255 setting the public hearing for August 11, 2020. The City received \$22,753.74 in insurance proceeds from the insurance company. The money will be returned to the property owner when repairs have been completed to the point the City typically releases the funds. A building permit as issued on May 13, 2020 and significant work has been completed. Roof structure has been replaced, windows installed and interior works has progressed to the point that wall finish has been installed and painting has begun. Exterior siding not yet available due to manufacturing delays. Staff recommends 90-days be granted to complete repairs.
- **Public Comments:**  
**Christopher Miller with ATP Restoration (contractor)**
  - Has siding will be in next week
  - Within 14 days all siding complete
  - All work completed by September 1
- **Close Public Hearing:** Commissioner Wilson moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.
- **Adopt Resolution B-2259** - Commissioner Preisinger moved to adopt Resolution B-2259 giving owners 90 days to complete the repairs. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**Consider Diagonal Parking 400 Block of Chestnut Street; First United Methodist Church** - Public Works Director Mike McDonald presented for consideration a request from the First United Methodist Church to construct new off-street diagonal parking in the street right-of-way in the 400 block of Chestnut Street. The new parking will require the granting of a sidewalk easement for the new sidewalk to be installed on the north side of the Chestnut Street parking. The construction of the new parking will meet current City standards to include new sidewalks and ADA ramps as required. City Staff will provide construction inspection of all improvement in the right-of-way.

### **Ed Garven Director of Operations for the Church:**

- Has submitted the easement paperwork to the city
- This will expand the parking space for the church
- They plan to improve the sidewalk in the area as well and will submit an with application for a cost share with the City

Commissioner Bauder moved to approve the conversion of the on-street parallel parking to diagonal parking in the right-of-way on Chestnut Street and accept the sidewalk easement as presented in the attached documents. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

### **Public Hearing – 2021 Budget & Capital Improvement Plan (CIP)**

- **Open Public Hearing:** Commissioner Preisinger moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.
- **Staff Comments** City Manager Paul Kramer presented the 2021 Operating Budget (January 1, 2021 to December 31, 2021) and 2021-2025 CIP. Per state statute, a public hearing must be held before adopting the budget. The following items were highlighted:
  - July 10, 2020 open meeting budget work session was held
  - 2021 budget was crafted in the most fiscally uncertain period in recent history due to the pandemic
  - 2020 sales tax shortfalls to take into consideration with limited data
  - Balance budget as required by state law
  - 2021 sales tax unknown; however Leavenworth has not been impacted as much as some neighboring cities
  - CARES Act funding not counted on until received but can use them for shortfalls if/when funds are received
  - Reserves maintained to preserve bond ratings
  - No rate increase for refuse for 2021
  - Small rate increase for wastewater of 3% for 2021
  - No cuts to police, fire, code enforcement and other departmental budgets
  - Focus on roads and a few parks programs but will keep roads projects budget at \$2 million
  - Police data storage
  - Fire and police fleet
  - Debt payment allocations
  - Tiered approach of CIP if funds are available
- **Close Public Hearing:** Commissioner Preisinger moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.
- **Adopt 2021 Budget and 2021-2025 CIP:** Commissioner Preisinger moved to adopt the 2021 Budget and 2021-2025 CIP as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

- **Adopt Resolution B-2260; 2021 Housing Budget-** Commissioner Preisinger moved to adopt Resolution B-2260; 2021 Housing Budget. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

#### **Resolution:**

**Resolution B-2261 Declaring Necessity to Appropriate Private Property Connected with the 16<sup>th</sup> Terrance & Thornton Phase 2 and Phase 3 Drainage Project** – Public Works Director Mike McDonald presented for consideration Resolution B-2261 to start the process of appropriation of private property for public purposes on the 16<sup>th</sup> Terrance & Thornton Phase 2 and Phase 3 Drainage Project. The project is expected to begin construction in fall 2020. The plans have identified thirty (30) properties with thirty (30) temporary and four (4) permanent easements necessary to allow construction of the project. Staff has mailed packets containing information with easement diagrams to all property owners on record and had at least one on-site meeting with property owners to discuss the project. Several documents have been returned by the owners however, seventeen (17) property owners with nineteen (19) easements have not been signed. The remaining easements are necessary for the construction of the project to begin.

Commissioner Preisinger moved to adopt Resolution B-2261 regarding the appropriation of private property for public purpose. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

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

**Consider Contract with SCS Engineers; Soil Testing Former City Garage Site North of 3<sup>rd</sup> and Marion Streets** - Public Works Director Mike McDonald presented for consideration a contract with SCS Engineers for an Action Plan to enter the Kansas Department of Health & Environment (KDHE) Voluntary Cleanup Program. Staff recommends approval of the action plan in an amount not to exceed \$33,248.00.

Doug Dreiling with SCS Engineers participated in via teleconference. Mr. Dreiling reviewed the history of the property and discussed the project. The analysis of the property came about as a result of the Price Chopper redevelopment property transaction.

Commissioner Preisinger moved to approve the action plan submitted by SCS Engineering for the soil testing at the former City garage site north of 3<sup>rd</sup> and Marion Street in an amount not to exceed \$33,248.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**Consider Award of the 2020/2021 Salt Bid** - Public Works Director Mike McDonald presented for consideration the award of the 2020-2021 Salt Bid with Independent Salt Company using the Leavenworth County bid at \$60.13 per ton for 1,500 tons totaling \$90,195.00. Leavenworth County opened their bids on July 28, 2020 and the County Commission approved the low bid by Independent Salt Company. The bid specification prepared by the County allows Cities within the County to purchase salt at the awarded bid price.

Commissioner Wilson moved to approve the Leavenworth County bid for rock salt at \$60.13 per ton for 1,500 tons, totaling \$90,195.00 with Independent Salt Company. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**CONSENT AGENDA:**

Commissioner Bauder moved to approve claims for July 25, 2020, through August 7, 2020, in the amount of \$1,501,816.90; Net amount for Payroll #16 effective July 31, 2020, in the amount of \$347,231.28 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

**Other:**

**City Manager Paul Kramer:**

- Stubby Park is open and full of patrons; permanent fence being installed today
- Stubby Park restroom will be cleaned twice a week due to the extra usage of the park
- Will go before the Board of County Commissioners to advocate for a fully signalized intersection at 20<sup>th</sup> and Eisenhower
- Current County base bid that went out for the Eisenhower improvement does not contain signal lights at 20<sup>th</sup> & Eisenhower and no pedestrian considerations with no traffic signal
- No Study Session on August 18, 2020. A joint City Commission and Planning Commission meeting was planned with consultants on the comprehensive plan however the consultants are not quite ready
- Working with Senator Moran's office for an event next week regarding the announcement of the new federal medium security prison in Leavenworth. Part of the event will be open to the public.

**Commissioner Preisinger:**

- Asked Mr. Kramer to confirm that there is a signed Memorandum of Understanding (MOU) signed by the County, the City of Leavenworth and the City of Lansing agreeing to signalization at 20<sup>th</sup> and Eisenhower intersection
  - Mr. Kramer stated that without the MOU in front of him the general wording is necessary and appropriate traffic control up to and including a fully signalized traffic signal. In the opinion of the City Manager, traffic signals are both necessary and appropriate.
- Stated that the City did enter into some litigation to enforce the MOU last year and the ruling was since no action had been done there was nothing to sue for because we cannot sue for what someone might do. Commissioner Preisinger asked Mr. Kramer if that was correct.
  - Mr. Kramer and City Attorney David Waters confirmed that was correct, there was no adverse action at the time

**Mayor Griswold:**

- Facebook live tomorrow with USD 435 and school opening and with a Subject Matter Expert on women's suffrage

**Adjournment:**

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

Time Meeting Adjourned 8:42 p.m.  
Minutes taken by City Clerk Carla K. Williamson, CMC