



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 and Commissioner Mark Preisinger. The following commission members were present via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Patrick Kitchens, Planning and Community Development Director Julie Hurley, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Other members participating via teleconference: Deputy Public Works Director Mike Hooper and Finance Director Ruby Maline

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 no later than 4:00 pm on September 22. Seats will be available on a first come first serve 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 no later than 6:00 pm on September 22. For call in options related to commenting on agenda items, submit your inquiry to cwilliamson@firstcity.org

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

Fire Prevention Week Proclamation:

The Mayor read the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the September 8, 2020 regular meeting and September 15, 2020 special meeting as presented. 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 8144; 2020 Uniform Public Offense Code – Police Chief Pat Kitchens presented the ordinance for second consideration and recapped the amendments. There have been no

changes since placed on first consideration at the September 8, 2020 meeting. The City Clerk read the following comments submitted via email:

- Daniel Spratt, 102 Santa Fe Street
 - Dear City Council, as a citizen of our fair city of Leavenworth, I would encourage you to not adopt section 10.29 of the 2020 Uniform Public Offence Code. You have already opt out of some other sections that you did not think good for our town. Please listen to the citizens who trusted you represent them, and trust us to make wise choices for ourselves and our families. We do not want an unelected official making health decisions for us. Thank you for your service to our wonderful town.
- Sarah Spratt, 102 Santa Fe Street
 - In phone conversations with various individuals on Monday Sept. 21st, Mayor Myron Griswold, commissioner Mark Preisinger, and commissioner Jermaine Wilson acknowledged the overwhelming majority of feedback from Leavenworth citizens has been against adopting the code section 10.29 which states "It shall be unlawful for any person to violate, refuse, or fail to comply with a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.". If you adopt section 10.29, instead of opting out of it, as you have other sections of the same code, how are you serving and representing the expressed will of your constituency?

Comments by Public Present at the Meeting:

- Dawn Weston 34074 167th Street
 - Objects to wearing a mask
 - What medical exceptions would be made
 - What about those with religions and 1st amendment and 2nd amendment arguments
- Michael Jones 1600 Broadway Street
 - Our choice to take care of our selves
 - Decision should be by the people on how they want to protect their own health

Mayor Griswold asked City Attorney David Waters to provide information about the state statute. Mr. Waters provided the following:

- The issue before the commission is not a facemask requirement.
- There is a statewide order by the Governor and Leavenworth County has opted out and has not issued a facemask order.
- Adoption of this UPOC is not a facemask order.
- Leavenworth County Commission is the state health board and they have the power to hire a local health officer per state statute and has powers since 1920's. The KSA was last updated in 1976 so the authority of the County Health Department and County Health Officer is not new.
- State Statute grants the power of the County Health Department and or Health Officer to limit public gatherings.
- Other examples are statutes that allow the County Health Officer to mandate quarantine and to use all measures to prevent the spread of disease.
- Statutes also allow the county to seek assistance by the sheriff or law enforcement to enforce violations of a state statute; a misdemeanor under state law.

- The League of Kansas Municipalities drafted section 10.29 in the UPOC to clarify what has been on the books for many years.
- If the county officer were to reissue the limitation of mass gatherings, this will allow the police to issue citations and to be heard in the municipal court.

Michael Jones 1600 Broadway Street (follow up)

- Ask if there would be “carve outs” (exemptions) to the order

Mr. Waters explained that there is no order by the county in place at this time. The County could just not exempt them self from a state order then it becomes a state order and Section 10.29 would not apply and it would be a civil matter.

Dawn Weston 34074 167th Street (follow up)

- Still question on medical exemption officer cannot ask what their medical condition is under HIPPA

Mayor Griswold called the roll on ordinance 8144 and the ordinance passed 4-1. Commissioner Wilson voting no.

Second Consideration Ordinance 8145; 2020 Intersection Traffic Control Devices Master Index - Police Chief Pat Kitchens presented the ordinance for second consideration. There have been no changes since placed on first consideration at the September 8, 2020 meeting.

Mayor Griswold called the roll on ordinance 8145 and the ordinance passed unanimously 5-0.

Second Consideration Ordinance 8146; Condemnation of Lands for 16th Street Terrance & Thornton Street Phase 2 & Phase 3 Drainage Project – City Manager Paul Kramer presented the ordinance for second consideration.

There have been no changes since placed on first consideration at the September 15, 2020 special meeting.

Mayor Griswold called the roll on ordinance 8146 and the ordinance passed unanimously 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

General Items:

Update Unsafe Structure 723 S 10th Fire Damaged Property – City Manager Paul Kramer reviewed the fire damaged house at 723 S 10th Street. The City received insurance proceeds in the amount of \$22,753.74 to insure the property was repaired or removed. A public hearing was held on August 11, 2020 and the Commission passed Resolution B-2259 granting time for the owner to make necessary repairs. Staff recommends that the Commission determine that the structure is no longer considered unsafe or dangerous, and authorizes the return of the insurance proceeds.

Commissioner Preisinger moved to return the insurance proceeds in the amount of \$22,753.74 to the owner of 723 S 10th. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review Unsafe & Dangerous Structures given 60-Day Extensions - Planning and Community Development Director Julie Hurley reviewed the following properties:

407 N 20th Street-Single family house – No Change. No contact from owner and no one present at the meeting.

Consensus by the Commission to proceed with demolition

1033 Osage-Detached garage – No Change

Owner Linda Conley 810 Kickapoo

- Stated that the property is under contract to sell; contract to sell was signed September 18th

Consensus by the Commission to review at the October 27, 2020 meeting

1612 W. 7th-Single family house – Owner obtained demolition permit on June 29, 2020 – no change. No contact from owner and no one present at the meeting.

Consensus by the Commission to proceed with demolition

1914 W. 7th-Single family house – No Change

Trisha Alton 609 South Hickory Trail Lansing KS (local investor/realtor)

- Had under contract at the last meeting but had problems with title,
- Title is now transferred and she is the owner
- Will start rehab this week
- Plan to completely rehab interior and exterior

Consensus by the Commission to review at the October 27, 2020 meeting

420 Ottawa-Single family house – No Change

Trisha Alton 609 South Hickory Trail Lansing KS (local investor/realtor)

- Had under contract at the July meeting
- Still has under contract but difficulties getting paperwork since there is a contact for deed between owner and an incarcerated individual
- Unsure if she is going to be able to get title and understands the City needs to do what they think is best

Consensus by the Commission to proceed with demolition

504 Miami-Single family house – No Change

Michelle (unable to understand last name) Olathe KS (not the owner but representing the owner Ramon Muhammad)

- Owner had problems with financing need more time to complete repairs
- Mr. Muhammad unable to attend this evening and asked her to come on his behalf
- She will relay the Commissions comments about the need to see work within the next 30 days or will proceed with demolition

Consensus by the Commission to review at the October 27, 2020 meeting

513 Lawrence Ave-Single family house – Active building permit for interior and exterior renovations, work ongoing. No one present at the meeting staff recommended additional 30 days since work is being done.

Consensus by the Commission to review at the October 27, 2020 meeting

701 S 2nd –Single family house – No active building permits, work ongoing
Calvin Locket, Owner 800 S. Esplanade

- Had foundation checked
- Has been working on the back side of house where work is less obvious
- Can have the work done in 30 days

Consensus by the Commission to review at the October 27, 2020 meeting

708 Kiowa-Single family house – Building permit issued on August 13, 2020 for new roof; roof completed-work ongoing. No one was present at the meeting however, Ms. Hurley said significant improvement has been made. Would support removal from the list and code enforcement could monitor the remainder of work needed.

Consensus by the Commission to remove from demolition list

824 Osage-Single family house and detached garage - No Change
Darlene Derringer 112 East Kay Lansing

- Husband not well
- Repairs are expensive trying to work on them
- Talked to daughter and she is going to help with finances and repairs
- Has purchased shingles but need to find someone to install
- Knows a couple people who do roofs and will ask them for help
- Wants to repair and move back into the home

Commissioner Preisinger stated that this has been a problem and the last meeting Mr. Derringer stated there had been renters but found that there had been no water for years. Feels the commission is being played. Also stated that the roof needs more than just shingles, will require completely new roof. Debris and trash is still on the property. Mayor Griswold stated that he is willing to give 30 days but progress has to be done and it is going to take a lot of money.

Consensus by the Commission to review at the October 27, 2020 meeting

934 Ottawa-Single family house-No Change. No one present at the meeting

Consensus by the Commission to proceed with demolition

719 N 9th-Detached garage-No Change. No one present at the meeting

Consensus by the Commission to proceed with demolition

Commissioner Preisinger moved to proceed with the properties as discussed and agreed to by the commission and as annotated by the City Clerk. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2262 Set Public Hearing Redevelopment Project Plan (Price Chopper) – City Manager Paul Kramer reviewed the resolution to set the public hearing for October 27, 2020.

Commissioner Preisinger moved to adopt Resolution B-2262 to the set the public hearing for October 27, 2020. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2263 Set Public Hearing to Establish a Community Improvement District (Price Chopper) - City Manager Paul Kramer reviewed the resolution to set the public hearing for October 27, 2020.

Commissioner Preisinger moved to adopt Resolution B-2263 to the set the public hearing for October 27, 2020. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2264 Leavenworth Housing/Planters II 2020 Capital Fund Program (CFP) Grant - Planning and Community Development Director Julie Hurley presented the resolution accepting the 2020 CFP Grant #KS01P06850120 in the amount of \$145,880.00.

Commissioner Preisinger moved to adopt Resolution B-2264 accepting the 2020 CFP grant for Planters II in the amount of \$145,880.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2265 Leavenworth Housing/Planters II Capital Fund Program Five-Year Action Plan and Capital Fund Annual Statement/Performance & Evaluation Report - Planning and Community Development Director Julie Hurley presented the resolution adopting and submitting the 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report to the U.S. Department of Housing & Urban Development (HUD).

Commissioner Preisinger moved to adopt Resolution B-2265 the 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Contract to Replace Fire Panel at Planters II - Planning and Community Development Director Julie Hurley presented for consideration approval of the bid from Progressive Electronics Inc in the amount of \$37,543.00 for replacement of the fire panel at Planters II. The following proposals were received:

National Fire Suppression	\$56,350.00
Progressive Electronics Inc.	\$37,543.00
Keller Fire & Safety	\$60,640.00

Commissioner Preisinger moved to accept the low bid from Progressive Electronics Inc. for the fire panel replacement at Planters II for \$37,543.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bid for Demolition Project CD 2020-01 - Planning and Community Development Director Julie Hurley presented for consideration approval of the bid from Denton Excavating dba Midland Wrecking for the demolition of six structures in the amount of \$60,718.00. This was the only bid received.

Commissioner Preisinger moved to accept the bid from Denton Excavating dba Midland Wrecking for \$60,718.00. Commissioner Wilson 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 September 5, 2020 through September 18, 2020 in the amount of \$383,997.21; Net amount for Payroll #19 effective September 11, 2020 in the amount of \$332,681.58 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Adjournment:

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

Time Meeting Adjourned 9:00 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC