



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, June 8, 2021 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 Nancy D. Bauder, Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold, Mark Preisinger and Jermaine Wilson.

**Staff members present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Director of Planning and Community Development Julie Hurley, Public Works Director Brian Faust, Project Manager Michael Stephan, City Attorney David E. Waters and City Clerk Carla K. Williamson.

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

**Proclamation-Juneteenth 2021** – Joana Scholtz was present to accept the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Leonhard moved to approve the minutes from the May 25, 2021 regular meeting and June 1, 2021 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Second Consideration Ordinances:**

**Second Consideration Ordinance 8163 Rezoning 711 Marshall Street from R1-6 to GBD** – City Manager Paul Kramer presented the ordinance for approval. The ordinance was introduced at the May 25, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on May 25, 2021.

Commissioner Leonhard read the following statement regarding her employment with Leavenworth County and this issue:

*“In the interest of full disclosure, I am employed by the Council on Aging, which is an agency of the applicant, Leavenworth County, Kansas. As I understand from our City Attorney, as this application is a non-contractual matter, but rather a legislative matter, I am permitted to act on this matter so long as I have disclosed my interest as a County employee on the State-required Statement of Substantial Interest. I have done so. Nevertheless, I still want to assure the Commission that I have not pre-judged this application.”*

City Attorney David E. Waters noted for the record that this rezoning is considered based on the finding of fact as stated during the first consideration.

Mayor Bauder called the roll and Ordinance 8163 passed 5-0.

**Second Consideration Ordinance 8164 Text Amendments to Development Regulations** – City Manager Paul Kramer presented the ordinance for approval. The ordinance was introduced at the May 25, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on May 25, 2021.

Mayor Bauder called the roll and Ordinance 8164 passed 5-0.

**Second Consideration Ordinance 8165 Special Use Permit for Child Care Center at 2137 Birch Street** – City Manager Paul Kramer presented the ordinance for approval. The ordinance was introduced at the May 25, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on May 25, 2021.

Mayor Bauder called the roll and Ordinance 8165 passed 5-0.

**Second Consideration Ordinance 8166 Rescinding Special Use Permit 1700 10<sup>th</sup> Avenue** – City Manager Paul Kramer presented the ordinance for approval. The ordinance was introduced at the May 25, 2021 meeting with a consensus to place on first consideration. There have been no changes since introduced on May 25, 2021.

Mayor Bauder called the roll and Ordinance 8166 passed 5-0.

#### **NEW BUSINESS:**

**Public Comment:** (*emails received by the public for public comment on non-agenda items will be read at this time limited to 2-3 minutes*) -- No emails were received.

#### **Williams Bentley (1912 Evergreen)**

- November 10<sup>th</sup> addressed the City Commission to discuss pickleball courts
- Back to discuss the refurbishing of the Cody Park tennis courts and six dedicated pickleball courts
- Would like to look at the drawing of the new pickleball courts
- Wants to be included in review of access points of the new courts
- Would like to re-emphasize to put in 2022 CIP/Budget

#### **Mark Grisham (25174 Woodridge Drive)**

- When the project is complete would like a ribbon cutting
- Hopes the renovations would be sooner rather than later
- Is also a part of the Sometimers Plane Club – thank you to the city for the use of the land

#### **General Items:**

**Review 504 Miami Street Unsafe & Dangerous Structure Given Extension at the April 13, 2021 Meeting** - Director of Planning and Community Development Julie Hurley provided an update and photos of the property. As a reminder the owner passed away and staff has been working with the family about plans to complete repairs. As of this time there has been no more contact with the sister regarding the property.

Code Enforcement has written up the property for grass and weeds. Roof and windows are still in need of repair. Staff has made attempts to contact the family.

Commissioner Wilson stated that he spoke to the sister about a month ago but no contact since.

Commissioner Preisinger moved to immediately take steps to take down 504 Miami as it is an unsafe and dangerous structure. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Mayor’s Appointment**

Mayor Bauder moved to appoint to the 1<sup>st</sup> Judicial District Juvenile Corrections Advisory Board Kelly Meyer to an unexpired term ending February 14, 2024. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Resolution:**

**Resolution B-2284 Set Public Hearing for Unsafe & Dangerous Structure; Fire Damaged House 1006 Kickapoo** – Public Works Director Brian Faust presented for approval a resolution to set a public hearing for July 27, 2021 regarding the unsafe & dangerous house located at 1006 Kickapoo. The structure was significantly damaged by fire on April 3, 2021.

Commissioner Preisinger moved to adopt Resolution B-2284 setting July 27, 2021 as the date for the public hearing regarding the unsafe structure located at 1006 Kickapoo Street. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Bids, Contracts and Agreements:**

**Consider Bids for the 2021 Sidewalk Improvements on Esplanade and Water Pollution Control (WPC) -** Public Works Director Brian Faust presented for consideration and approval the low base bid in the amount of \$149,696.50 from Kaaz Construction for the project. Bids were opened on June 2, 2021 as were as follows:

<b>Company</b>	<b>City</b>	<b>Total Base Bid</b>
Kaaz Construction	Leavenworth KS	\$149,696.50
BKM Construction	Leavenworth KS	\$171,336.75
Baker Construction	Leavenworth KS	\$188,813.50
Engineer's Estimate		\$178,332.50

Commissioner Griswold moved to award the 2021 Sidewalk Improvements on Esplanade & WPC to Kaaz Construction for the base amount of \$149,696.50. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Bids for 2021 Pavement Management Mill and Overlay** – Public Works Director Brian Faust presented for consideration and approval the low base bid in the amount of \$1,876,530.00 from J. M. Fahey Construction for the project. Bids were opened on June 2, 2021 as were as follows:

<b>Company</b>	<b>City</b>	<b>Total Base Bid</b>
J.M. Fahey Construction	Grandview MO	\$1,876,530.00
Little Joe's Asphalt	Bonner Springs KS	\$2,044,108.35
Superior Bowen Asphalt	Kansas City MO	\$2,264,580.95
Engineer's Estimate		\$1,937,946.20

Commissioner Preisinger moved to award the 2021 Pavement Management Mill, Overlay and Restriping contract to J.M. Fahey Construction for the base amount of \$1,876,530.00. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Sole Source Contract for Airport Fuel System Replacement** – Assistant City Manager Tylour Tedder presented for consideration the sole source contract with Hoidale in the amount not to exceed \$38,357.52 for the Airport Fuel System Replacement. The Kansas Department of Transportation (KDOT) awarded a grant to the city a 90% matching grant up to \$35,500 for the project. The grant has a time limit of 120 days from the contract date to complete the work. The project may result in additional expense of freight and extra charges and staff asks that the commission approve up to an additional \$10,000.00 for these costs.

Commissioner Griswold moved to approve the sole source quotation and contract with Hoidale in the amount of \$38,357.52 plus up to an additional \$10,000.00 in costs incurred for freight and extra charges that may arise. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Adopt the 2030 Comprehensive Plan** - Director of Planning and Community Development Julie Hurley presented for first consideration an ordinance to adopt the 2030 Comprehensive Plan. The City Planning Commission held a public hearing on June 7, 2021 and adopted Leavenworth Planning Commission Resolution 2021-01 approving the 2030 Comprehensive Plan and submitting to the Governing body for consideration and approval.

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

**First Consideration Ordinance Establishing a Land Bank** - Director of Planning and Community Development Julie Hurley presented for first consideration an ordinance creating the Leavenworth Land Bank and determining the membership, duties and function of the Board of Trustees.

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

**Consent Agenda:**

Commissioner Wilson moved to approve Claims for May 22, 2021, through June 4, 2021, in the amount of \$554,649.54; Net amount for Payroll #11 effective June 4, 2021 in the amount of \$334,770.60 (No Police

& Fire Pension). Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Other:**

**City Manager Paul Kramer:**

- 3 new adopt a park organizations
- 3 mile creek cleanup program has been filled for the year
- Set a record of 350 young boys and girls in sports program this year
- Wolman pool 6,300 free passes
- Lifeguard pay has been increased

**Commissioners Wilson, Leonhard and Preisinger:**

- Thank you to city staff and free pool time

**Mayor Bauder:**

- Participated in laying of the wreaths at Memorial Day
- Friday attended the interment of the medal of honor soldier buried in a potters field and moved to the national cemetery

**Adjournment:**

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

Time Meeting Adjourned 7:51 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC