



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, August 10, 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 Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold, Mark Preisinger and Jermaine Wilson. Absent: Mayor Nancy D. Bauder.

**Staff members present in the commission chambers:** City Manager Paul Kramer, Police Chief Patrick Kitchens, Deputy Finance Director Roberta Beier, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

Mayor Pro-Tem Camalla Leonhard asked everyone to stand for the pledge of allegiance followed by silent meditation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to approve the minutes from the July 27, 2021 regular meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8170 – Illegal Camping** – Police Chief Patrick Kitchens presented the ordinance for second consideration. Since first consideration on July 27, 2021 there has been one change to the ordinance. The Federal Court in the 9th District has ruled that an ordinance is not valid if shelters are full as that would violate the 8th amendment to the constitution. The following language has been added to reflect the required statement:

(f) *Affirmative defense.* It shall be an affirmative defense to this charge if all the local homeless shelters defendant would qualify to attend were full on the date of the offense.

Mayor Pro-Tem Leonhard called the roll and the ordinance passed 4-0.

**Second Consideration Ordinance 8171 – Amending Chapter 6 Alcoholic Beverage and Cereal Malt Beverage** – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since first introduced on July 27, 2021. As a reminder, Pursuant to K.S.A. 41-2911 (b)(1)(A), any change made to expanded Sunday sales must be done through an updated ordinance. The City may draft an ordinance without an election but it is subject to a 60-day waiting period during which a petition for an election can be filed. A summary of the ordinance will be published on August 13 and August 20, 2021. All provisions of the ordinance will go into effect on day 61 (October 21, 2021) following the second publication if a petition is not filed in protest. Ordinance No. 8171 is now presented for second consideration and requires a roll call vote.

Mayor Pro-Tem Leonhard called the roll and the ordinance passed 4-0.

**NEW BUSINESS:**

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

None

**General Items:**

**2020 Audit Presentation** – City Manager Paul Kramer introduced Michael Keenan, CPA from Cochran, Head, Vick & Co., P.A. Mr. Keenan reviewed the 2020 Audit performed by his firm.

- Reviewed the Comprehensive Annual Financial Report (CAFR) and the single audit
- No material weaknesses or deficiencies
- No illegal acts
- No difficulties or disagreements with management
- Best Practices suggestions
  - Accounts reconciliation of cash and prepaids
  - Bond premiums and discounts
  - Cyber Security
  - Future Accounting Pronouncements

**Mayor’s Appointment** - Mayor Pro-Tem Leonhard moved to re-appoint to the Leavenworth Main Street Program Board, Melissa Bower to a term ending August 15, 2024. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Consider Cereal Malt Beverage License for 7-Eleven located at 609 Metropolitan Avenue** – City Clerk Carla Williamson presented for consideration an application for an off premise consumption Cereal Malt Beverage license received from ASAD, Inc. This is the new 7-Eleven convenience store moving from 701 Metropolitan Avenue to 609 Metropolitan Avenue. At this time, final inspection of the building is pending by both the State of Kansas and the City’s Health & Safety Officer. The opening date of the new store is set for September 16, 2021. The City’s Health & Safety Officer has been monitoring the progress of the new construction and does not anticipate any problems that would prevent approval of the City Health Permit and CMB license upon final inspection. The Police Department has reviewed and approved the application. Staff recommends approval of the CMB license contingent upon final inspection and approval by the City’s Health & Safety Officer.

Commissioner Preisinger moved to approve the 2021 off premise Cereal Malt Beverage Licenses for 7-Eleven at 609 Metropolitan Avenue contingent upon final inspection and approval of the facility by the City Health & Safety Officer. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Levy Special Assessment for Demolition Costs** – City Clerk Carla Williamson presented for first consideration an ordinance levying special assessments for the City’s cost to

demolish certain structures. As a note, fees for 1612 W 7<sup>th</sup> Street are pre-demo costs incurred by the City. The owner of the property hired a private contractor to demolish the structure. The ordinance presented provides for the assessment of demolition costs. The owners of the properties have been billed for the charges with notification also mailed to lending institutions if applicable. Liens have been placed on all properties for the amount of demolition costs.

The properties being assessed are: 934 Ottawa Street, 407 N 20<sup>th</sup> Street, 420 Ottawa Street, 1612 W. 7<sup>th</sup> Street, 1033 Osage Street, 714 Kiowa Street, 525 Pawnee Street, 715 Dakota Street, 515 N. 5<sup>th</sup> Street and 306 N. 3<sup>rd</sup> Street. Payments will still be accepted at the Office of the City Clerk until the ordinance is filed with the County Clerk's office.

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

**First Consideration Ordinance to Levy Special Assessment for Nuisance Abatement Costs** – City Clerk Carla Williamson presented for first consideration an ordinance levying special assessments for the City's costs of abating nuisances such as mowing, tree removals, and lot cleanup and administrative fees. The owners of the properties listed on Exhibit "A" Consolidated List beginning July 11, 2020 through July 12, 2021 have been billed for the charges and were given 30 days in which to compensate the City. In many cases, more than one mowing was required. Payments will still be accepted at the Office of the City Clerk until the ordinance is filed with the County Clerk's office.

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

**Consent Agenda:**

Commissioner Wilson moved to approve Claims for July 24, 2021, through August 6, 2021, in the amount of \$2,231,332.40; Net amount for Payroll #15 effective July 30, 2021 in the amount of \$368,715.53 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Other:**

**City Manager Kramer:**

- New recreation program – pilot program for gymnastics
- Camp Leavenworth Update- site layout, vendors, fireworks, Melissa Etheredge, kids activities, a lot of activities are free

**Commissioner Griswold:**

- Update/awareness on COVID-19

**Commissioner Wilson:**

- Thank you all for supporting the Unity Day event

**Mayor Pro-Tem Leonhard:**

- International Officers Honorary Citizens Day was today and attended on behalf of the Mayor

**Adjournment:**

Commissioner Griswold moved to adjourn the meeting. Commissioner Wilson 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