



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, September 14, 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. Not present: Mayor Nancy D. Bauder.

**Staff members present in the commission chambers:** Police Chief Patrick Kitchens, Public Works Director Brian Faust, Parks Superintendent Brian Bailey, Planning and Community Development Director Julie Hurley, City Attorney David E. Waters and City Clerk Carla K. Williamson.

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

**Proclamation Constitution Week September 17-23, 2021** – Betsey Ruitter was present to accept the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Preisinger moved to approve the minutes from the August 24, 2021 regular meeting and September 7, 2021 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8174 – Rezoning 410 S. 2<sup>nd</sup> Street from Light Industrial (I-1) to Central Business District (CBD)** – City Clerk Carla Williamson presented the ordinance for second consideration. Since first consideration on August 24, 2021 there has been no changes to the ordinance.

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

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

- **TerriLois Mashburn Leavenworth County Register of Deeds** 300 Walnut Street addressed the Commission to discuss the Property Fraud Alert Program.

**Public Hearing:**

**Public Hearing Unsafe and Dangerous Structures**

**Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Review of Properties by Staff and Public Comments:**

Planning and Community Development Director Julie Hurley reviewed the following properties. Property owners within a 200' radius were also notified of the public hearing date and were invited to provide comment.

**619 Ottawa** – Single family house, last water service 7/15/2020. No change, no contact from owner.

**Owner: Tywan Poole 619 Ottawa**

- There is running water and utilities
- Would ask that it not be on the demolition list
- Mr. Poole stated he has put windows and doors on the house
- Mr. Poole stated that he is living in the house and has been since the last week of July
- Water service was turned back on September 2021
- Has shingles for the roof just has not done yet

There was discussion among the Commissioners if the property could be removed from the demolition list and be addressed through the code violation process.

There was a consensus by the Commission to remove the property from the demolition list.

**620 Osage** – Single family house and accessory structure, active water service. Active building permit for repairs after fire issued on 10/7/2020. Owner spoke with staff on 6/18/2021 and stated he was going to repair the property, no contact since.

**Owner Edward C Randolph 620 Osage**

- Had a contractor who went off with money and no repairs
- Mr. Randolph stated that he was bit by a spider and has trouble working
- Plans to fix the house and he is living there now
- Looking for a new contractor and additional funding
- Stated that he can have some work done in 60 days
- Has windows and doors that are ready to be put in and shingles
- The house was lit on fire and has a problem with the police department who have not arrested the person who lit the fire

Mr. Waters reiterated to the action being taken by the Commission tonight is determining if the property is unsafe or dangerous and an amount of time to have work to be done.

Commissioner Preisinger asked Mr. Randolph that he take into consideration the neighbors and clean up the back yard.

There was a consensus by the Commission to extend to November 9, 2021.

**733 Pawnee** – Accessory structure only, bank-owned foreclosed property. No change, no contact from owners other than an open records request submitted on 8/31/2021.

**Owner not present.**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**869 Sherman** – Single family house and accessory structure, last water service 4/3/2019. Active building permit for renovations issued on 8/2/2021. Previously approved Special Use Permit to allow a two-family dwelling in a single-family district approved in 2019. Property has recently changed ownership, current owner has indicated intent to complete repairs.

**Owner not present**

There was a consensus by the Commission to extend to November 9, 2021.

**910 Sherman** – Single family house, last water service 4/17/2020. Owner has indicated that he does not intend to repair the property.

**Owner not present**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**918 Pottawatomie** – Single family house, last water service 8/25/2014. Owner indicated his intent to repair the property. No change, no active building permits.

**Owner Williams Wallace 1415 Marion Street**

- House was rental property
- Had a family member with cancer and flying to California to check on her for many years
- Plans to move into the property after the repairs are complete; estimates 6 months
- Has neighbors and family that are assisting with the work

There was a consensus by the Commission to extend to November 9, 2021.

**919 Pottawatomie** – Single family house and accessory structure, last water service 10/15/2020. No change, no contact from owner.

**Richard Peeler Counselor for Mid First Bank (lender of the property)**

- Property was under foreclosure by the bank
- Redemption period ended Sept 3<sup>rd</sup> and sent to Sheriff for deed
- Bank plans to repair as soon as deed is finalized and work to begin next month
- Work will be well underway by November 9, 2021
- Mid First Bank is the new owner

There was a consensus by the Commission to extend to November 9, 2021.

**927 Pottawatomie** – Accessory structure. Owner indicated his intent to repair the property. No change, no active building permits. Ms. Hurley stated that the structure was demolished on Sept 13 and it will be removed from the list.

There was a consensus by the Commission to remove the property from the demolition list.

**706 Garfield** – Single family house, last water service 12/19/2014. Owner signed remediation agreement and has indicated intent to repair, no change, no active building permits. Owner has

provided written plan for repair and cost estimates. Staff would recommend giving the November 9, 2021 for repair.

**Owner not present**

There was a consensus by the Commission to extend to November 9, 2021.

**767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Owner indicated his intent to self-demo property.

**Owner Clayton Bollin 620 Birch Lane**

- Mr. Clayton stated that he plans to demolish the structure and rebuild or sell the property

There was a consensus by the Commission to extend to November 9, 2021.

**1921 5th Ave** – Single family house, last water service 3/16/2011. No change, no contact from owner. This property was previously considered for demolition in 2017. Staff has been informed that the owner is deceased but has no other information.

**Traci Brown & Maurice Brown 2303 4<sup>th</sup> Ave - Owners of the property behind the house**

- They would like to purchase the property
- Stated that the owner passed away and are trying to contact the brother to find out about the possibility of purchasing the property

There was a consensus by the Commission to extend to November 9, 2021.

**204 N. 17th** – Single family house, last water service 6/9/2015. Building permit for interior renovations issued on 9/2/2021. Owner signed remediation agreement and indicated intent to complete repairs.

**Mr. Gary Nelson ASIX LLC**

- Obtained a permit for siding and windows in 2020 the windows
- The windows were not boarded up, it is siding around the sides of window
- Had renters that were evicted
- Rotten studs under the windows working with a contractor and pending the start of the work

There was a consensus by the Commission to extend to November 9, 2021.

**1050 10th Ave** – Multi family structure, last water service 1/22/2014. No change, no contact from owner.

**Owner not present**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Resolution B-2292 Approval to Demolish or Repair Structures Reviewed:**

Mayor Pro-Tem Leonhard moved to adopt Resolution B-2292 proceeding with demolition or giving extension as agreed to by consensus of the commission after review of each property and as annotated by the City Clerk. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Bids, Contracts and Agreements:**

**Consider Bids for Riverfront Park Water Line Replacement Project** – Parks Superintendent Brian Bailey reviewed the single bid received from J. F. Denny on September 8, 2021 in the amount of \$49,801.00 for the project. There is \$57,500.00 of American Rescue Plan Act (ARPA) funds allocated for the project. Staff recommends approval of the bid.

Commissioner Griswold moved to accept the bid from J. F. Denny in the amount of \$49,801.00 for the Riverfront Park Water Line Replacement Project No. 2021-RFWATER. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Award of the 2021/2022 Salt Bid** - Public Works Director Brian Faust presented for consideration approval for the purchase of 1,500 tons of salt for the 2021/2022 season from Independent Salt Company at a rate of \$54.26 per ton. Leavenworth County bids the purchase of salt each year and allows in the bid specification for all cities within the county to purchase salt from the winning bidder at the awarded price. The county’s bid opening was held on August 23, 2021 and Independent Salt, Kanapolis Kansas was the winning bidder.

Commissioner Wilson moved to approve the purchase of salt from the Leavenworth County bids for rock salt at \$54.26 per ton for 1,500 tons, totaling \$81,390.00 with Independent Salt Company. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Bids for Lakeview Drive Street Improvement Project** - Public Works Director Brian Faust presented for consideration the low bid received from Linaweaver Construction in the amount of \$150,636.00 for the base bid amount for the Lakeview Drive Street Improvements Project. This project will construct and improve a section of road to extend just past the new Culver’s Restaurant entrance. The project will be paid through funds set aside for economic development. Bids were opened on September 8, 2021 and were as follows:

<b>Company</b>	<b>City</b>	<b>Base Bid</b>
Linaweaver Construction	Lansing KS	\$150,363.00
Amino Brothers Construction	Kansas City KS	\$184,805.50
Lexeco Inc.	Leavenworth KS	\$189,841.90
Baker Construction	Leavenworth KS	\$207,913.54
Mega KC Corporation	Kansas City MO	\$210,259.00
Primetime Contracting	Riverside MO	\$222,929.00
Base Bid Engineer's Estimate		\$184,345.00

Commissioner Preisinger moved to award the Lakeview Drive Street Improvements Project to Linaweaver Construction for the base bid amount of \$150,363.00. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Adopt Uniform Public Offense Code 37<sup>th</sup> Edition** – Police Chief Patrick Kitchens presented for consideration the adoption of the 37<sup>th</sup> Edition of the Uniform Public Offense Code as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

**First Consideration Ordinance to Adopt Standard Traffic Ordinance 48<sup>th</sup> Edition** – Police Chief Patrick Kitchens presented for consideration the adoption of the 48<sup>th</sup> Edition of the Standard Traffic Ordinance as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

**First Consideration Ordinance to Adopt the 2021 Traffic Control Device Master List** – Police Chief Patrick Kitchens presented for consideration the adoption of the 2021 Traffic Control Device Master List as prepared by the City of Leavenworth. The 2021 list includes updates from the West Glen Subdivision.

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

**Consent Agenda:**

Commissioner Wilson moved to approve claims for August 21, 2021, through September 10, 2021, in the amount of \$2,228,080.59; Net amount for Payroll #17 effective August 27, 2021 in the amount of \$363,488.01 (includes Police & Fire Pension in the amount of \$8,856.38) and Payroll #18 effective September 10, 2021 in the amount of \$379,976.80 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Adjournment:**

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

Time Meeting Adjourned 8:33 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC