



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, July 12, 2022 6:00 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 Camalla Leonhard, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Edd Hingula and Griff Martin (via telephone call-in).

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Police Chief Patrick Kitchens, Public Works Director Brian Faust, Parks and Recreation Superintendent Brian Bailey, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**PROCLAMATION:**

**Parks and Recreation Month** – Mayor Leonhard read the proclamation proclaiming the month of July as Parks and Recreation Month. The proclamation was accepted by Parks and Recreation Superintendent Brian Bailey.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Hingula moved to accept the minutes from the June 28, 2022 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

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

None

**General Items:**

**2022 Edward Byrne Memorial Justice Assistance Grant Application** – Police Chief Patrick Kitchens requested authority to apply for the 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,425. The U.S. Department of Justice released the annual grant local solicitation and identified the City of Leavenworth as eligible for \$31,425. This is an annual grant made available to law enforcement agencies for support and cost of acquiring equipment. Typically, we have used these funds to purchase police equipment. The grant application requires the City of Leavenworth to share this allocation with Leavenworth County Sheriff's Department as they are categorized in the disparate grouping. The City of Leavenworth must apply for this grant on behalf of both entities. There is no impact to the budget to apply for these funds.

Mayor Leonhard:

- Asked if the dollar amount fluctuates from year to year

Commissioner Hingula:

- Asked what the Police Department will buy with the funds

Chief Kitchens:

- The amount fluctuates, but stays around the \$30,000 range
- Replacement computers that are in the police cars

Commissioner Bauder moved to authorize the Police Department to apply for the 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,425 of which \$13,000 will be given to Leavenworth County Sheriff's Office. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

### **Resolutions:**

**Resolution B-2315 Resolution Providing for a Notice of Public Hearing Exceeding Revenue Neutral Rate** – City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the revenue neutral rate for the 2023 budget year. As required by State Statute, the City must hold a public hearing related to the issue. The public hearing date is schedule for August 23, 2022 for the consideration of exceeding the revenue neutral rate.

Commissioner Bauder moved to approve Resolution B-2315 Providing for a Notice of Public Hearing for Exceeding the Revenue Neutral Rate. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

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

**Consider 2022 Police Radio Encryption** – Police Chief Patrick Kitchens requested authority to purchase software and equipment to provide encrypted radio communications. The Leavenworth Police Department operates our communication system using the Metropolitan Area Regional Radio System (MARRS), which is overseen by the MARRS Council. The council has representation throughout the Kansas City Metropolitan Area from Kansas and Missouri and sets the policy. There have been ongoing discussions about encryption of radio communications since January of 2018. However, there was a lot of debate and no sense of a mandate until recently. Over the last couple of years, there have been several high profile incidents, in Kansas City, and across the country, of civil unrest. During the after action review of those incidents, agencies discovered that participants in the civil unrest were monitoring police communications which made it more difficult to get those situations under control. It is based on these incidents that the mandate for encryption was issued. Encryption of police communication would mean the public would no longer be able to listen to or monitor general police communications with a police scanner. It will also be necessary to encrypt the consoles in the dispatch facility and that will be a separate purchase that will be funded by 9-1-1 funds.

Mayor Leonhard:

- Asked who uses this

Chief Kitchens:

- All the public safety agencies within this group, but also those throughout the Kansas City area

Commissioner Wilson:

- Asked do you see the encryption becoming standard nationwide

Chief Kitchens:

- Yes, we have to be able to communicate safely with our other public safety entities

Commissioner Hingula

- Asked do you see a legal problem with this action, transparency, or open records

Attorney Waters:

- This action would not violate any of those open records or transparency issues

Commissioner Martin:

- Asked what advantage do we have in being a part of MARRS

Chief Kitchens:

- The most important part of public safety is being able to communicate
- Everyone in the area uses this system so if a significant event took place, we'd be able to communicate much more effectively in those situations

Commissioner Wilson moved to authorize the Police Department to purchase the software and equipment from Motorola Solutions, in the amount not to exceed \$42,876.64 for encryption of police communications of mobile and portable radios. Commissioner Hingula seconded the motion. The motion passed 4-1 with Commissioner Martin voting no. Mayor Leonhard declared the motion carried 4-1.

**Consider Approval of Bid for 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project** – Public Works Director Brian Faust presented for consideration possible award of the 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project. On February 12, 2020, the City Commission approved a design contract with Wilson & Company Engineers for the design of the project. This project is necessary due to multiple failures in the old system that has created sinkholes along the project limits. These failures continue to worsen and are coming closer to an occupied structure. This location is near the bottom of the drainage basin so a significant amount of water is captured from upstream and conveyed through this area. This results in larger piping and structure sizes to accommodate the volume of storm water that flows through the area and dumps into the Missouri River just downstream of this project. The project includes upsizing/replacement of the storm water conveyance system from 2<sup>nd</sup> & Chestnut to the alley northeast of 4<sup>th</sup> & Spruce. With the extensive excavations along the project, there is a substantial amount of street reconstruction, sanitary line and manhole replacement and other work required to complete this project. Currently there is funding available to complete this project. This includes \$1.9 million in General Obligation Bonds that were issued in 2020, and storm water impact fee funds are available to cover the difference. LEXECO'S bid was under the engineer's estimate and the contractor is extremely well qualified for this work.

Leonhard

- Asked how long does a project like this take

Mr. Faust

- Lead time of acquiring the materials is our biggest hurdle at the moment

- There is a timeframe to get some work done due to a gas line going in, but the project will proceed as necessary in the fall and winter
- Street work will probably take place in spring of 2023

Greg Kaaz with LEXECO, Inc.:

- Receiving the materials is the biggest lag time, but the sooner we can order, the shorter our timeline could be
- Intention is to work the project through the winter months as much as possible, but finish up in the middle of next year

Mr. Kramer

- We will communicate with the property owners impacted by the project

Commissioner Bauder moved to award the 2<sup>nd</sup> & Chestnut Stone Arch Replacement Project to LEXECO, Inc., in an amount not to exceed \$3,534,012.80. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Approval of Bid for 2022 Pavement Management Project (Mill & Overlay Program)** – Public Works Director Brian Faust presented for consideration possible award of the 2022 Pavement Management – Mill & Overlay Program. The components of the 2022 program include mill and overlay, parking lot upgrades, micro-surfacing, and major repair and maintenance work beyond the scope of the Streets Division. The Mill & Overlay program for 2022 includes the following:

- Vilas Street between 10<sup>th</sup> and 15<sup>th</sup>
- 7<sup>th</sup> Street between Metropolitan and Dakota
- 5<sup>th</sup> Street between Shawnee and Oak
- Several smaller street segments (Garland south of Rees and Johnson Street)
- Library Parking Lot

There were several ‘alternate bids’ including:

- Cherokee between Broadway and 4<sup>th</sup>
- Delaware between 6<sup>th</sup> and Esplanade
- 2<sup>nd</sup> Street between Choctaw and Seneca

Work is expected to begin in late summer and be completed by November. The 2022 budget included \$2 million for the Pavement Management Program. In addition, there was unused funding in 2021 that brings the total available to \$2.5 million. Reviewed 2022 Pavement Management Program Cost Summary. The mill/overlay project was bid with an Asphalt Oil Price Adjustment. This means that the actual project cost will vary slightly depending on changes to oil prices at the time the asphalt is purchased. With the uncertainty in the market, bidding with an Asphalt Oil Price Adjustment helps protect both the contractor and the city. J.M. Fahey’s bid was under the engineer’s estimate and the contractor is extremely well qualified for this work.

Commissioner Wilson moved to award the 2022 Pavement Management – Mill & Overlay Program to J. M. Fahey for the base bid amount of \$832,682.50 and authorize the Public Works Director to add Cherokee Street (between Broadway and 4<sup>th</sup>) for \$211,785.30, as funding permits, with the approval of the City Manager. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consent Agenda:**

Commissioner Martin moved to approve claims for June 25, 2022 through July 8, 2022, in the amount of \$1,330,901.58; Net amount for Payroll #13 effective July 1, 2022 in the amount of \$370,913.82 (No Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Other:**

City Manager Paul Kramer:

- The City received the first disbursement from the Opioid Settlement, roughly around \$8,800
- Visited a local business who has signed up as a local vendor for CAMP Leavenworth
- Local vendors are signing up for the event

Commissioner Martin:

- Wished everyone the best and God bless

Commissioner Hingula:

- Invited citizens to attend the city commission meetings and speak during the public comment opportunity if you have a topic you'd like to make the Commission aware of

Mayor Po-Tem Wilson:

- Stated God bless

Commissioner Bauder:

- Asked if Channel 2 is working yet

Mr. Kramer

- I'll send a full update, but I believe we're close to a resolution

Mayor Leonhard

- Budget meetings will be all day on Friday
- Have a great week

**Adjournment:**

Commissioner Bauder moved to adjourn the meeting. Mayor Leonhard seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 6:37 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC