



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

City Commission Regular Meeting
Commission Chambers
Tuesday, January 10, 2023 6:00 p.m.

CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Jermaine Wilson, Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder and Edd Hingula. Absent: Commissioner Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning & Community Development Director Julie Hurley, Leavenworth Housing Authority Manager Andrea Cheatom, Public Works Director Brian Faust, Parks & Recreation Director Steve Grant, Parks & Recreation Superintendent Brian Bailey, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the December 13, 2022 regular meeting and the December 20, 2022 special meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

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

Louis Klemp 1816 Pine Ridge Dr:

- Handed out pictures of since torn down/rebuilt locations in Leavenworth
- Mentioned voting for a Mayor and that the City should change the form of government
- Mentioned the request from Sister Vickie to build duplexes for the homeless and the valuation of that entity

General Items:

Mayor's Appointment:

Mayor Wilson moved to reappoint to the Airport Advisory Board Jeffery Bouma, Greg Kaaz, Bob Euler and Lisa Haack to terms ending December 31, 2025; to reappoint to the Deer Management Advisory Committee Clay McDaniel, Ed Menard and Jamie Whitworth to a term ending December 31, 2025; to reappoint to the Parks & Community Activities Board David Davis, Wendy Sachen, Edna Wagner and Esteban Zamora to terms ending January 15, 2026; and to reappoint to the Sister City Advisory Board Maxine Hunter and Terry Weakley to a term ending December 31, 2025. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Cereal Malt Beverage License for Leavenworth Operations LLC (K-7 Stop), 300 N 4th Street – City Manager Paul Kramer presented for consideration a request for an off premise Cereal Malt Beverage License for Leavenworth Operations LLC, doing business as K-7 Stop located at 300 N 4th Street. The request has been reviewed and approved by the Police Department.

Commissioner Martin moved to approve the issuance of a 2023 off premise Cereal Malt Beverage License for Leavenworth Operations LLC (K-7 Stop) at 300 N 4th Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Planters II Flooring Project Floors 2 through 10 – Leavenworth Housing Authority Manager Andrea Cheatom presented for consideration award of the bid for the replacement of flooring and cove base at Planters II to include hallways, laundry rooms and elevator lobbies on floors 2 through 10. This item was tabled at the last meeting in order to address the sales tax item. The Leavenworth Housing Authority contacted five companies to supply a proposal for the specified work. Three companies responded and two provided a quote. This procedure was performed in accordance with HUD’s procurement policy and in compliance with Davis-Bacon wages. There are sufficient funds available in the Capital Fund Program grant for this project. The flooring was last updated 12 and half years ago.

Commissioner Bauder moved to award the bid for the removal and installation of all flooring on floors 2 through 10 of Planters II to Seifert’s Flooring, Inc., in an amount not to exceed \$99,755.72. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Award of 4-Ton Trailer Mounted Falcon Hotbox – Public Works Director Brian Faust presented for approval the purchase of a 4-Ton Trailer Mounted Falcon Hotbox through Sourcewell. The 2023 CIP included a new trailer mounted hotbox for the Streets Division. The hotbox is crucial for operations and will allow two (2) crews to pothole patch Citywide. After reviewing available purchase options, department staff chose to utilize the cooperative purchase available through Sourcewell. This program allows the City to purchase the hotbox that meets our needs while guaranteeing that standard governmental purchasing practices are followed. The actual cost is higher than budgeted in the CIP; however the difference will be made up by the reserves in the CIP Sales Tax Fund.

Commissioner Bauder:

- Asked what is life expectancy of this

Mr. Faust:

- At least 10 years and used frequently throughout the year

Commissioner Hingula:

- Asked how old is the current one

Mr. Faust:

- We plan to keep the current one, but it doesn’t have the heater and is a smaller unit

Commissioner Martin moved to approve the purchase of a 4-Ton Trailer Mounted Falcon HotBox from Kirby-Smith Machinery, in the amount not to exceed \$54,279.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Award of Design Services Contract for Vilas Street ADA and Sidewalk Upgrades Project – Deputy Public Works Director Earl Wilkinson presented for approval the contract with Bartlett & West for the development of the Vilas Street ADA and Sidewalk Upgrades Project plans and specifications. The City of Leavenworth initially submitted two (2) Transportation Alternatives (TA) Grants to KDOT, and during the review process KDOT asked that the two projects be combined into one grant application. The City was notified that the project had been selected to receive federal funds from the TA Program. The estimated cost for the construction of the project is \$1,582,300 and the Federal TA award is for \$1,265,840 and the local share will be \$316,460. The Federal TA Funding is only available for construction and construction inspection, therefore the City will be responsible for the costs associated with the preliminary engineering, design, right-of-way and utility relocation along with the 20% local construction match. Once design begins, it will take approximately 14 months for the project to go through the KDOT design and review requirements before it can be finalized and ready to advertise for construction. The cost will be funded with Federal Fund Exchange Dollars.

Commissioner Martin:

- Asked when will we see conceptual design

Mr. Wilkinson:

- In about 4 months

Commissioner Bauder moved to approve the design services contract with Bartlett & West for the Vilas Street ADA and Sidewalk Upgrades Project in an amount not to exceed \$198,666.00. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Bids for Water Pollution Control Division Chemicals – Public Works Director Brian Faust presented for consideration the bids for WPC chemicals. Staff recommends approval of the low bids for the following chemicals Ferrous Chloride, in an amount not to exceed \$1.29/lb, Sodium Hypochlorite, in an amount not to exceed \$3.30/gal and Polymer, in an amount not to exceed \$2.77/lb. The two (2) chemicals where no bids were received will be purchased separately. The quantity of these two (2) chemicals is small enough to only require quotes based on the City’s Purchasing Policy.

Chemical	Price Paid 2021	Price Paid 2022	Cost for 2023	Vendors for 2023
Ferrous Chloride	\$0.96/lb. Fe	\$0.95/lb. Fe	\$1.29/lb. Fe	OFS, Inc.
Hydrogen Peroxide	\$0.31/lb.	\$0.35/lb.	No Bid	No Bid
Sodium Hypochlorite	\$1.50/gal	\$1.66/gal	\$3.30/gal	Edwards Chemicals
Sodium Hydroxide	\$0.235/lb.	\$0.329/lb.	No Bid.	No Bid
Polymer	\$1.92/lb.	\$2.53/lb.	\$2.77/lb.	Atlantic Coast Polymers

Commissioner Bauder:

- The rising costs is to be expected but it’s gone up considerably

Commissioner Martin:

- Asked is this delivered pricing

Mr. Faust:

- Yes it is

Commissioner Bauder moved to accept the low bids for chemicals as presented. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Award of Contract for 2023 Biennial Bridge Inspection Services – Public Works Director Brian Faust presented for consideration the award of contract for the 2023 Biennial Inspection Services to Alfred Benesch & Company. The Federal Highway Administration (FHWA) issued National Bridge Inspection Standards (NBIS) that both states and localities must comply with. Cities that own bridges that are not on the state system are responsible for inspection of those structures at least every two (2) years. There are 39 bridges located within the City limits that are to be inspected with this project. In 2021, the City selected Alfred Benesch & Company based on their experience and response to our Request for Qualifications. As part of their work, Benesch inspected the bridges and imported the data into electronic format that can be used moving forward to create an asset management component, similar to what we are doing with streets and traffic signals. Using the same firm for several inspection cycles creates consistency in the inspections and reduces cost as a new firm will need to familiarize their staff with our bridges and prior evaluations. The adopted CIP contains \$40,000 for the biennial bridge inspections.

Mayor Wilson:

- Asked when an issue is identified who makes the repairs

Mr. Faust:

- These are City owned bridges, so the City is responsible for the repairs

Commissioner Hingula moved to approve the contract with Alfred Benesch & Company for the 2023 Biennial Bridge Inspection services, in an amount not to exceed \$35,535.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Award of Contract for Wollman Aquatic Center Revitalization Project – Parks & Recreation Director Steve Grant presented for consideration award of the contract for the revitalization project at Wollman Aquatic Center. Through the City's ARPA funding, a project to revitalize the Wollman Aquatic Center was approved by the Commission during ARPA discussions. The aquatic center has just completed its 20th season of operation and staff suggested a project to provide a new look and opportunities for patrons. The revitalization will include:

- Rebuild/overhaul of existing main pool pump and slides pumps
- Refurbish existing Starburst water feature in main pool
- Replace water features in the youth pool with more interactive features
- Replace missing tiles, re-grout tile, and repaint the youth pool
- Replace canopy fabric of existing shade structures
- Install three (3) new cantilever shade structures.

Staff has selected the Greenbush Cooperative Purchasing program for execution of this project. This program allows for the purchase of specific items and services that meet our standards through a manufacturer with a proven record of customer service in the region. Staff recommends Playscape

Recreation LLC for the execution of this project. The City's experience with Playscape Recreation LLC was a very positive one as they installed the new splash pad at Hawthorne Park in 2022. Total cost for purchase and installation, as well as maintenance items, is \$155,523.00. The City Commission approved ARPA funds to be utilized for the purpose of revitalizing Wollman Aquatic Center.

Commissioner Bauder:

- Do we not have to do the cooperative bid

Mr. Grant:

- This is through the Cooperative Purchasing program

Commissioner Bauder:

- I bet the shade structures are costly due to the climate we are in and needing a product to withstand it

Commissioner Hingula:

- Asked about the Contingency line item on the bid

Mr. Grant:

- Explained if they don't need to do some of those labor intensive things, we can get some or all of that amount back

Commissioner Martin moved to award the contract for the Wollman Aquatic Center Revitalization Project to Playscape Recreation LLC on the Greenbush Cooperative Purchasing contract in an amount not to exceed \$155,523.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Purchase of New Features for the Youth Pool at Wollman Aquatic Center – Parks & Recreation Director Steve Grant presented for consideration award of the contract for the purchase and installation of new features for the youth pool at Wollman Aquatic Center. As part of the aquatic center revitalization project, staff consulted with the Wollman Aquatic Center design firm, as well as our current aquatics maintenance consultant, as to potential replacement features in the youth pool to provide patrons a new experience with interactive features. Water Odyssey was recommended, as the current features and controls are manufactured by Water Odyssey. Staff is recommending purchase of the following features: Devan Dolphin Water Slide and Billy Box Turtle play forms. Each play form will be custom made to fit the youth pool. Staff has selected the Omnia Partners Cooperative Purchasing program for these items from Water Odyssey. This program allows for the purchase of specific items and services that meet our standards through a manufacturer with a proven record of customer service in the region. Cost of the two features to include delivery is \$27,764.44. The City Commission approved ARPA funds to be utilized for the purpose of revitalizing the Wollman Aquatic Center

Commissioner Hingula:

- Asked can we ensure timing is discussed with the contracts so everything is ready to go at the same time

Mr. Grant:

- Yes that is the intent

Commissioner Martin:

- Asked about the freight cost and that it seemed high

Mr. Grant:

- The play form features are good sized items and freight costs are up at this time

Commissioner Bauder moved to award the contract for the purchase of the two water features for Wollman Aquatic Center youth pool to Water Odyssey on the Omnia Cooperative Purchasing contract in an amount not to exceed \$27,764.44. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Purchase and Installation of Stubby Park Shelter – Parks & Recreation Director Steve Grant presented for consideration award of the contract for the purchase and installation of the shelter facility at Stubby Park. In 2020, the playground equipment at the park was replaced. The overall footprint was widely expanded to multiple play features and composite play structures. The parking lot was also expanded along with additional access walkways installed. This expansion has made the site a destination playground, making it readily apparent for the need of a permanent restroom and larger shelter. In 2022 the City issued temporary notes in the amount of \$800,000 to fund the following park projects:

- Splash Pad at Hawthorne Park
- Stubby Park Restroom
- Havens Park Restroom
- Stubby Park Shelter; pending availability of funds

The shelter will be of wood construction and similar in style to the park shelters at Hawthorne and Cody Park. Staff elected to utilize the Sourcewell Cooperative Purchasing contract with BKM Construction. The work by BKM in 2020 and in 2022 was very professional and staff feels confident with their ability to construct a high quality shelter at Stubby Park. The final contract amount for the shelter project is \$70,316.43. All four park projects will total approximately \$790,000 and will exhaust the issued temporary notes.

Mayor Wilson:

- Asked how many people can occupy this shelter

Mr. Grant:

- We will probably keep 10 picnic tables out there because it is larger than our other ones

Commissioner Hingula:

- The Policy Report states we have a shelter at Stubby will we have 2

Mr. Grant:

- No, that is a misprint and should be Cody Park

Commissioner Bauder moved to award the contract for the purchase and installation of the park shelter at Stubby Park to BKM Construction, LLC on the Sourcewell Cooperative Purchasing contract in an amount not

to exceed \$70,316.43. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

First Consideration Ordinance:

First Consideration Ordinance for Special Use Permit for a Residential Home Stay at 723 S 10th Street – Planning and Community Development Director Julie Hurley presented for first consideration an ordinance that would allow a Residential Home Stay at 723 S. 10th Street. Residential Home Stays are allowed in the R1-6 zoning district with the approval of a Special Use Permit. Per the applicant, they intend to utilize the single-family structure for short-term rentals with a focus on providing housing for military families while locating to and from Leavenworth, as well as anyone visiting the area. The property provides a driveway for off-street parking and a fenced back yard for privacy. The Commission may recommend issuance of a special use permit whenever it finds that:

- The proposed special use complies with all applicable provisions of this ordinance.
- The proposed special use at the specified location will contribute to and promote the economic development, welfare or convenience of the public.
- The special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The Planning Commission considered this item at their December 5, 2022 meeting and voted 4-0 to recommend approval of the Special Use Permit.

Commissioner Bauder:

- How many Airbnb's do we have in town

Ms. Hurley:

- Those in the downtown don't require a Special Use Permit, but they do in residential areas and this is the 3rd one in a residential area

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

First Consideration Ordinance Electric Franchise Agreement Evergy Kansas Central, Inc. – City Manager Paul Kramer presented for first consideration an Electric Franchise Agreement with Evergy Kansas Central, Inc. On August 26, 2003 the City of Leavenworth and Westar Energy, Inc., now Evergy Kansas Central, Inc., entered into a Contract Franchise Agreement via Ordinance as required by Kansas Statute K.S.A. 12-2001 et. seq. The contract became effective upon passage by the governing body of the City and its publication in the official City newspaper and continued to be in effect until September 30, 2013, and per the terms of the agreement could be renewed automatically for ten (10) additional one (1) year terms. On October 18, 2022 the City received notice from Evergy of their intent to negotiate a new Contract Franchise Agreement, in advance of the expiration of the 2003 agreement. The proposed agreement has been reviewed by the City Attorney and City Staff. There are no substantive changes to the agreement. The following are some of the highlights of the agreement:

- Evergy Kansas Central, Inc. will continue to remit to the City a franchise fee of 5% of Gross Receipts as is currently in place
- Evergy Kansas Central, Inc. is still required to obtain necessary permits and licenses
- Use of Public Right-of-Way – The City still maintains its home rule powers in administration and management of public right-of-way
- The Franchise ordinance shall be in effect for ten (10) calendar years, unless terminated sooner as provided in the ordinance. Thereafter, this Franchise ordinance will renew automatically for ten (10) one (1) year terms

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

Consent Agenda:

Commissioner Bauder moved to approve claims for December 10, 2022 through January 6, 2023, in the amount of \$3,393,447.02; Net amount for Payroll #25 effective December 16, 2022, in the amount of \$395,312.17 (Includes Police & Fire Pension in the amount of \$9,888.71) and Payroll #26 effective December 30, 2022 in the amount of \$381,388.53 (No Police & Fire Pension). Mayor Wilson seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Visited Havens Park to look at the restroom installation
- Will get dates out for Goal Setting to the Commission soon
- Stubby Park Restroom opens on March 1st
- Centennial Bridge presentation will be next week

Commissioner Hingula:

- Recognized Law Enforcement Appreciation Day and mentioned his appreciation for the Leavenworth Police Department

Commissioner Martin:

- Enjoy the nice weather, have a nice week and God bless

Commissioner Bauder:

- The Lions Club is doing a service project for plastics that can't be taken to the service center; you can take it to Leavenworth Paper Supply and when you raise a certain number of pounds of material, you can get a composite bench; looking forward to helping beautify Havens Park
- Noted that there are 17 cities of the 1st class that have the same form of government as Leavenworth
- People have asked about digging on 20th, and AT&T is putting in fiber, it's a good thing for our community

Mayor Wilson:

- Next week is MLK Day in support of MLK Day the NAACP will be hosting a health and wellness fair at the Haymarket Event Center on Monday from 11am to 4pm

Adjournment:

Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was approved and the meeting was adjourned.

Time Meeting Adjourned 6:59 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC