



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

City Commission Regular Meeting  
Commission Chambers  
Tuesday, March 12, 2024 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 Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

**Staff members present:** Assistant City Manager Penny Holler, Finance Director Roberta Beier, Information Technology Director Marvin Sommerfeld, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the February 27, 2024 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8236 Special Use Permit for Gas Station Use in North Neighborhood Redevelopment Overlay District at 300 N 4<sup>th</sup> Street** – Assistant City Manager Penny Holler reviewed the Ordinance. There have been no changes since first introduced at the February 27, 2024 regular meeting.

Mayor Martin called the roll and Ordinance No. 8236 was unanimously approved.

**Second Consideration Ordinance No. 8237 Special Use Permit 920 N 14<sup>th</sup> Street for Two-Family Dwelling in R1-6 Zoning District** – Assistant City Manager Penny Holler reviewed the Ordinance. There have been no changes since first introduced at the February 27, 2024 regular meeting.

Mayor Martin called the roll and Ordinance No. 8237 was unanimously approved.

**Second Consideration Ordinance No. 8238 Development Regulations Text Amendments** – Assistant City Manager Penny Holler reviewed the Ordinance. There have been no changes since first introduced at the February 27, 2024 regular meeting.

Mayor Martin called the roll and Ordinance No. 8238 was unanimously approved.

**Second Consideration Ordinance No. 8239 Amending Chapter 2, Article II of the Leavenworth Code of Ordinances** – Assistant City Manager Penny Holler reviewed the Ordinance. There have been no changes since first introduced at the February 27, 2024 regular meeting.

Mayor Martin called the roll and Ordinance No. 8239 was unanimously approved.

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

Darrell Spratt, 721 Michigan:

- Emergency/crisis preparedness is important
- Concerned about infrastructure crises; banks closing, people losing their life savings, stock market crashing, etc.
- Asked about plans for infrastructure crisis
- Mentioned AT&T outage and inability to make contact with anyone

**General Items:**

**Cancellation of Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project)** – Assistant City Manager Penny Holler presented for consideration approval of the Certificate of Termination for the Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project). The City of Leavenworth issued Taxable Industrial Revenue Bonds, Series 2021 (Luxury & Imports Project) (the “Bonds”) in the aggregate maximum principal amount of \$2,750,000 on February 24, 2021. The project financed with the proceeds of the Bonds has been completed and in accordance with the Bond Trust Indenture, *that upon completion of the project and the payment of all costs thereof, the Bonds were cancelled.* The Bonds are deemed paid and discharged, and the City must consent to and certify that the Base Lease and Lease Agreement and all associated financing statements and obligations are deemed satisfied, and all liens and obligations are fully terminated and released. Since the Project is complete and the Trust Indenture requires the cancellation of the Bonds, the approval of the Certificate of Termination completes this project and officially cancels the Bonds. The Bonds are not a financial obligation of the City, but the City did serve as the conduit issuer of the Bonds on behalf of the Borrower.

Commissioner Bauder moved to approve the Certificate of Termination for the Taxable Industrial Revenue Bonds, Series 2021, as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Cereal Malt Beverage License for Little Bar at 1431 10<sup>th</sup> Avenue** – City Clerk Sarah Bodensteiner presented for consideration approving the issuance of a 2024 Cereal Malt Beverage (CMB) License to Little Bar, located at 1431 10<sup>th</sup> Avenue. Due to the recent passing of Little Bar owner Michael Malec, a new Cereal Malt Beverage License is required for the new owner to continue the locations operations. New owner, Stephen Malec has submitted the application for an on premise consumption Cereal Malt Beverage License for the location in town. The Police Department has reviewed and approved the application.

Commissioner Pittman moved to approve the issuance of a 2024 on premise consumption Cereal Malt Beverage License for Little Bar, located at 1431 10<sup>th</sup> Avenue. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Finance Department Policy Updates and Grant Management Policy** – Finance Director Roberta Beier reviewed the updates to the Finance Department Policies and a new Grant Management Policy.

- Budget Policy
  - Updated to include Revenue Neutral Rate Hearing requirements
  - Timeline was updated to meet the State's budget timeline requirements

- Budgetary Reserve Policy
  - Added a 30% reserve target for the General Fund
  - Added a 16% minimum reserve and 30% reserve target for the Refuse Fund
- Capital Asset Policy
  - Added a reference to restatement of leases and subscription based IT arrangements to be in compliance with GAAP
  - Updated approval amount in accordance with the updated Purchasing Policy
- Debt Management Policy
  - No notable changes
- Investment Policy
  - No notable changes to policy, though a system of written internal controls for the investment process was developed. It has been reviewed by the City Manager
- Revenue Control Policy
  - Shortened the introduction to remove unnecessary language meant to justify the need for a Revenue Control Policy
- Capital Improvement Planning and Equipment Replacement Policy
  - Changed the name to include Equipment Replacement
  - Updated approval amounts in accordance with the updated Purchasing Policy
  - Removed excerpt from the Budgetary Reserve Policy
  - The reference to the Budgetary Reserve Policy is sufficient
  - Removed the CIP Calendar and referred to the Budget Policy, which includes the CIP process

A Grant Management Policy was drafted. The primary purpose of the policy is to ensure the Finance Department and City Manager are aware of all new grant requests. In addition, the policy requires City Commission approval of new grants that have matching requirement over \$50,000. A fillable pdf form was created that must be completed for all new grant requests.

Commissioner Wilson moved to approve the updated Finance Policies and the new Grant Management Policy to be effective March 12, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

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

**Consider Award of Bid for CDBG Sidewalk Improvements Project** – Public Works Director Brian Faust presented for consideration approval of the 2024 CDBG Sidewalk Improvements Project on Dakota Street. This project is part of the on-going sidewalk repair and replacement work funded by the City’s portion of the countywide sales tax. The project will complete a section of sidewalk on Dakota Street from 4<sup>th</sup> Street to Cheyenne Curve. In addition to dedicated sidewalk funding, Community Development is providing CDBG funding to assist with the project. By using CDBG funding, this project is subject to federal regulations and environmental review and request for release of funds from HUD. Project plans were prepared and advertised for bid. Bids were opened on February 20, 2024. The project is expected to begin no later than April 1<sup>st</sup> with completion in 30 calendar days. The project consists of new ADA compliant ramps, sidewalks, curbs and drive entrances along the north and south sides of Dakota Street from 4<sup>th</sup> east to the Cheyenne Curve. The total project cost is \$69,415.00. There is CDBG funding available in the amount of \$73,816.57. The CDBG Funds will cover the entire cost of the project.

Mayor Martin:

- Asked what disqualified one of the bidders from the project

Mr. Faust:

- Bidders needed an active registered UEI number due to this project utilizing CDBG Funds

Commissioner Bauder moved to award the 2024 CDBG Sidewalk Improvements Project to Linaweaver Construction, in an amount not to exceed \$69,415.00. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid to Replace #2 Grit Classifier** – Public Works Director Brian Faust presented for consideration approval of the bid to replace the Grit Screw Classifier #2. The Grit Classifier is used to clean and remove inorganic material from the waste stream. The classifier carries the inorganic material from the cyclone separator and drops it into a roll off dumpster. There are two different grit systems in the treatment system for Leavenworth. We are currently running on one grit system which is putting unnecessary stress on the overall grit removal system. The current Grit system was installed as part of the 2004 Phase 1 project and is obsolete. Replacement parts and installation for current system will cost approximately \$90,000 with limited warranty. If there is another failure, parts will be extremely hard to obtain. By upgrading to the new system, parts will be easily accessible and a warranty is included. Bids were requested for replacement of the grit classifier and opened on February 29, 2024. The 2024 CIP included \$150,000 for replacement of the Grit Classifier. Anticipated delivery time is fourteen to sixteen weeks after the order is placed.

Commissioner Hingula moved to approve the bid for the replacement of Grit Classifier #2 with JCI Industries, LLC, in an amount not to exceed \$139,530.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for Cab and Chassis with Aerial Device** – Public Works Director Brian Faust presented for consideration approval of the bid for the new bucket truck for the Traffic Division. The 2024 CIP included funding for the purchase of a new bucket truck. This truck will be used to maintain our traffic signals as well as City-owned street lights. The vehicle currently being used is a 2012 truck with a shorter aerial length that limits our ability to maintain City-owned street lights. Specifications were prepared and bids were requested. The bid opening was held on March 1, 2024. The CIP included \$195,525 for the bucket truck, with the low bid coming in under the budgeted amount. The anticipated delivery time is six to eight weeks after the order is placed.

Commissioner Bauder moved to approve the bid for one new 2023 Cab and Chassis with a 40-ft. aerial device from Crane Works, in an amount not to exceed \$189,909.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for Crack Seal Machine** – Public Works Director Brian Faust presented for consideration approval of bid for the purchase a new Crack Seal Machine for the Street Division. The 2024 CIP included funding for a new crack seal machine to replace the 2005 model currently in use. Specifications were prepared and bids were requested. The bid opening was held on March 1, 2024. The CIP included \$103,262 for the crack seal machine, with the low bid coming in under the budgeted amount. The anticipated delivery time is six weeks after the order is placed.

Commissioner Wilson moved to approve the bid for one new Crack Seal Machine from Sealmaster KC, in an amount not to exceed \$86,893.65. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for 2024 Pavement Management Program (Mill & Overlay Project)** – Public Works Director Brian Faust presented for consideration award of bid for the Mill & Overlay program of the 2024 Pavement Management Project. Many of the streets selected were on the verge of needing complete reconstruction if a mill/overlay was not performed in the very near future. The streets were evaluated using both actual field observation and their Pavement Condition Index. The components of the 2024 program include mill and overlay and minor upgrades to a parking lot. The Mill & Overlay Program for 2024 includes the City streets:

- Shrine Park Road (McDonald Road to Limit Street)
- 10<sup>th</sup> Avenue (180' North of Eisenhower Road to 65' South of Muncie Road)
- 10<sup>th</sup> Avenue (200' North of Limit Street to 100' North of Vilas Street)
- Limit Street (50' West of Broadway Terrace to Shrine Park Road)
- Oregon Street (Lakeview Circle to Lakeview Drive)
- 17<sup>th</sup> Terrace (Dead End to Thornton Street)
- 5<sup>th</sup> Avenue (Michigan Street to Middle Street)
- Oak Street (West 7<sup>th</sup> Street to 7<sup>th</sup> Street)
- Short Street (65' South of Intersection of West 7<sup>th</sup> Street to 7<sup>th</sup> Street)
- 2<sup>nd</sup> Street (120' North of Chestnut Street to 3 Mile Creek Bridge)
- Shawnee Street (20<sup>th</sup> Street to 15<sup>th</sup> Street)
- 7<sup>th</sup> Street (Shawnee Street to Seneca Street)
- 7<sup>th</sup> Street (Delaware Street to Shawnee Street)
- 7<sup>th</sup> Street (Cherokee Street to Delaware Street)
- 7<sup>th</sup> Street (3 Mile Creek Bridge to Cherokee Street)
- Kiowa Street (7<sup>th</sup> Street to 4<sup>th</sup> Street)
- Dakota Street (Broadway Street to 7<sup>th</sup> Street)
- Pawnee Street (Broadway Street to 7<sup>th</sup> Street)
- Cheyenne Street (13<sup>th</sup> Street to 11<sup>th</sup> Street)
- City Park Lot (Kiowa Street & 4<sup>th</sup> Street – Richard Allen Cultural Center & Museum)

The project plans were prepared and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on March 6, 2024. Little Joe's Asphalt met all the bidding requirements and has previously performed mill & overlay work for the City.

Commissioner Bauder moved to award the base bid and three (3) alternates for the 2024 Pavement Management Program – Mill & Overlay Project to Little Joe's Asphalt in an amount not to exceed \$1,804,176.98. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Approval of Network Switches Replacement and Installation Project** – Information Technology Director Marvin Sommerfeld presented for consideration approval of purchase and installation of the Network Switches replacement. The current Cisco switches are reaching end of life end of support. End of life hardware means vendors stop creating and delivering updates for end of support hardware. These

network switches will become a security risk for the City and we will not be able to purchase maintenance or support. City policy authorizes leveraging cooperative contracts to streamline the acquisition process and receive competitive pricing. ISG was awarded and installed the current switches. The ISG team has the experience and knowledge of our network to complete this upgrade. This item was budgeted for in the 2023 CIP for \$86,000.00. The NASPO contract pricing is \$105,907.98. The additional cost will be funded by reserves in the CIP sales tax fund. Completing this project will allow us to increase our bandwidth between City Hall and the Justice Center.

Commissioner Bauder:

- Asked when was the last switch update
- Will there be downtime

Mr. Sommerfeld:

- 5 or 6 years ago
- There will be down time; we'll work evenings/weekends to accommodate the downtime

Commissioner Hingula:

- Asked how long will the new switches last or become obsolete

Mr. Sommerfeld:

- That hasn't been announced yet, but about 5 or 6 years

Mayor Martin:

- Asked what the difference in the costs from 2023 to now can be attributed to

Mr. Sommerfeld:

- The hardware cost increased considerably

Commissioner Pittman:

- Asked if there was enough to cover the difference

Ms. Holler:

- The CIP sales tax fund can cover the additional cost

Commissioner Hingula moved to approve the Network Switches Replacement and Installation Project with ISG Technology, in an amount not to exceed \$105,907.98. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Approval of Storage Area Network (SAN) Replacement Project** – Information Technology Director Marvin Sommerfeld presented for consideration approval to replace the Nimble SAN and host servers with the Alletra SAN. A SAN is a highly efficient, organized service for storing all our virtual servers and data. A SAN combines servers, hard drives, networking switches, software and services. The SAN is the hard drive and servers for most of the city applications. The current HPE Nimble storage SAN are reaching end of life end of support. End of life hardware means vendors stop creating and delivering updates for end of support hardware. These servers and storage will become a security risk for the City. The ISG team has the experience and knowledge of our network to complete this upgrade. This item was budgeted for in

the 2024 CIP for \$400,000. The NASPO contract pricing is \$448,122.98. The additional cost will be funded by reserves in the CIP sales tax fund.

Mayor Martin:

- Asked if anything will be noticeably different
- Asked if there is anything we can look at for other options in the future from the vendor

Mr. Sommerfeld:

- There will be more encryption on the backend, but the front end won't see a difference
- Having staffing would help with that and we can look at other options for future projects

Commissioner Bauder moved to approve the Storage Area Network (SAN) Replacement Project with ISG Technology, in an amount not to exceed \$448,122.98. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

### **Staff Report:**

**Emergency Management Briefing** – Leavenworth County Emergency Management Director Chuck Magaha provided a briefing on emergency preparedness and response functions in Leavenworth. Items of discussion included:

- Department of 3 for Emergency Management with 50 volunteers: help during severe weather and communications
- Charged with planning of emergency management plans
- State of Kansas only recognizes the County's Emergency Management Plan
- Any plan the City would put in place, must mesh into the County Plan
- Looking at what they can do in terms of communications, most notably the AT&T outage
- How prepared is your house, family, business, etc.
- Ask folks to have 72 hours of a preparedness kit for families
- Discussed the Linwood tornado and how preparedness worked for that incident
- Continuity of services plan

Commissioner Pittman:

- Asked how Emergency Management works for example when the river floods

Mr. Magaha:

- It is a joint coordinated effort
- Met with the Public Works Director at City Hall and also brought in county resources to help with sandbags

Commissioner Wilson:

- Asked what he would have done different with the Linwood tornado

Mr. Magaha:

- Consistency is key, between text alerts, weatherman, outdoor warning system
- Better sheltering process when shelter options were limited

Mayor Martin:

- Asked what happens when emergency services (Police and Fire) are exhausted, who helps out

Mr. Magaha:

- He can deploy teams from all over the state to come to an area to provide services and assistance

Commissioner Hingula:

- Asked if the Fort is included with any emergency plans with the City or County

Mr. Magaha:

- For fire yes, but police is different with rules/regulations
- If there is a life or death situation we can get access from the Fort

**Consent Agenda:**

Commissioner Hingula moved to approve claims for February 23, 2024, through March 7, 2024, in the amount of \$1,507,251.40; Net amount for Payroll #4 effective February 23, 2024, in the amount of \$406,035.97 (Includes Police & Fire Pension in the amount of \$7,491.38). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Other:**

Commissioner Hingula:

- Noted the St. Patrick's Day Parade is on Sunday, starts at 1pm

Commissioner Pittman:

- Wished everyone a fun and safe time at the parade

Commissioner Bauder:

- Mentioned the Stand Up for Children bracelet for Child Abuse prevention month in April
- Be thinking of service agencies who protect our children

Commissioner Wilson:

- Wished everyone a happy St. Patrick's Day

Mayor Martin:

- Wished everyone a great week and happy St. Patrick's Day

**Executive Session – Security Measures that Protect a Public Body or Agency** – Mayor Martin moved to recess into executive session for a period of 15 minutes for the purpose of discussing security measures pursuant to the *discussion of matters relating to security measures that protect a public body or agency, public building or facility or the information system of a public body or agency* exception per K.S.A. 75-4319 (b) (12) (C). The City Commission, Assistant City Manager and Director of Information Technology will be present. The open meeting will resume in the City Commission Chambers at 7:29 p.m. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

The City Commission returned to open session at 7:29 p.m.

**Adjournment:**

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

Time Meeting Adjourned 7:29 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC