



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

City Commission Regular Meeting
Commission Chambers
Tuesday, May 14, 2024 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 Griff Martin, Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

Staff members present: Interim City Manager Patrick Kitchens, Assistant City Manager Penny Holler, Convention & Visitors Bureau Manager Kristi Lee, Deputy Parks & Recreation Director Brian Bailey, Parks & Recreation Director Steve Grant, Deputy Police Chief Major Dan Nicodemus, Public Information Officer Melissa Bower, 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.

PROCLAMATIONS:

Economic Development Week – Mayor Martin read the proclamation declaring May 6-10, 2024 as Economic Development Week. The proclamation was accepted by Mary Mack with Leavenworth County Development Corporation.

National Police Week – Mayor Martin read the proclamation declaring May 12-18, 2024 as National Police Week. The proclamation was accepted by Deputy Police Chief Major Dan Nicodemus.

Leavenworth Public Works Week – Mayor Martin read the proclamation declaring May 19-25, 2024 as Leavenworth Public Works Week. The proclamation was accepted by Public Works Director Brian Faust.

National Travel & Tourism Week – Mayor Martin read the proclamation proclaiming May 19-25, 2024 as National Travel & Tourism Week. The proclamation was accepted by Convention & Visitors Bureau Manager Kristi Lee.

150th Anniversary of the United States Disciplinary Barracks – Mayor Martin read the proclamation declaring May 21, 2024 as the celebration of the Sesquicentennial Anniversary of the United States Disciplinary Barracks. The proclamation was accepted by Army Corrections Brigade Col. Kevin Payne and USDB Historian Peter Grande.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the April 23, 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. 8243 Rezoning 707 Pawnee Street from Office Business District to High Density Single Family Residential – Interim City Manager Patrick Kitchens reviewed the Ordinance. There have been no changes since first introduced at the April 23, 2024 meeting.

Mayor Martin called the roll and the Ordinance No. 8243 was unanimously approved.

Second Consideration Ordinance No. 8244 Special Use Permit for College or University Use at 4100 S 4th Street – Interim City Manager Patrick Kitchens reviewed the Ordinance. There have been no changes since first introduced at the April 23, 2024 meeting.

Mayor Martin called the roll and the Ordinance No. 8244 was unanimously approved.

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

Rickey Giles, 202 Pottawatomie St.:

- House painting issues
- Receiving letters from Code Enforcement for code violations
- Feels targeted
- Sidewalks that are wheelchair accessible have a lot of dirt and sand in them now

General Items:

Mayor's Appointments:

Mayor Martin moved to reappoint to the Board of Zoning Appeals Kathy Kem to a term ending May 1, 2027, appoint to the Building Code Board of Appeals Brent Motley to a term ending May 1, 2029, reappoint to the Electrical Board of Appeals Craig Schmidling to a term ending May 1, 2029, reappoint to the Leavenworth Planning Commission Kathy Kem, Don Homan, and Bill Waugh to terms ending May 1, 2027, reappoint to the Leavenworth Preservation Commission Richard Jackson to a term ending April 15, 2027, reappoint to the Mechanical Board of Appeals Carl Kreutzer to a term ending May 1, 2029, reappoint to the Plumbing Board of Appeals Michael McCann to a term ending May 1, 2029. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

2024 Edward Byrne Memorial Justice Assistance Grant Application – Deputy Police Chief Major Dan Nicodemus requested authority to apply for the 2024 Edward Byrne Grant in the amount of \$350,000. On April 23, 2024 notification was made to the Police Department that they were eligible to apply. The selection was based upon previous discussions with Congressional leadership regarding law enforcement needs. One area identified and selected for this program is the replacement of aging and problematic bomb unit equipment. The funds would be used in the following areas:

- Bomb Suit Replacement
- Bomb Robot Replacement – current robot is 21 years old and manufacturer no longer supplies replacement parts or support
- Replacement of other outdated bomb equipment

Commissioner Hingula moved to approve the 2024 Edward Byrne Memorial Justice Assistance Grant Application in the amount of \$350,000. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Resolutions:

Resolution B-2370 Resolution of Support for Grant Application for Downtown ADA Sidewalk Ramp Improvements Project – Public Works Director Brian Faust presented for consideration a Resolution of Support for the Transportation Alternatives (TA) Grant Application for the Downtown ADA Sidewalk Ramp Improvements Project. In 2023, the City hired Wilson & Co., to design ADA compliant ramps in the downtown. During the design process, the City was notified that KDOT was accepting ‘concept papers’ for possible 2024 TA projects. The City submitted a concept paper and were notified that the concept is eligible for federal funds for the TA Program. The TA Program is an 80/20 matching program that helps pay for construction and construction engineering. Right of Way acquisition and utility relocation are not covered by the grant. The total estimated construction and construction engineering project cost is \$590,000. An additional \$1,200 is estimated for utility relocation. If the 80% grant is awarded, the cost to the City is \$119,200. If we receive the additional 20% match from Highway Safety Improvement Program, the City’s cost would only be for the utility relocation. Funding is available in the Grant Matching Capital Projects Fund.

Mayor Martin:

- Asked when will we hear if we’re awarded

Mr. Faust:

- Should hear fairly quickly, but no specific date

Commissioner Bauder moved to approve Resolution B-2370 Resolution of Support for the Downtown ADA Sidewalk Ramp Improvements Project, as presented. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Award of Design Services Contract for 10th and Limit Safety Improvements Project – Public Works Director Brian Faust presented for consideration approval of the design services contract for the 10th and Limit Safety Improvements Project funded in Federal Fiscal Years 2025 and 2026. In December of 2021, the City was notified of a grant opportunity for intersection improvements that would improve the safety at high-crash locations. The Police Department identified the intersection of 10th and Limit as one of the City’s high crash locations. The City worked with Midwest Engineering to evaluate options for safety improvements at this location. Based on submittal, the City received a letter from KDOT stating we are eligible for up to \$1,000,000 in funding to help cover the costs of these improvements. The grant is a 90/10 that covers the construction and the construction engineering. The City will need to pay 10% of the construction/construction engineering costs and 100% for the design, right-of-way acquisition (if needed), utility relocations (if needed) as well as any construction costs that exceed \$1M. The traffic signals were identified as reaching their anticipated life and the report recommended that the signals be replaced in 2025 or 2026. The grant will cover 90% of the cost. Six (6) firms were sent the request. Two (2) proposals were received. The engineering design work is a non-participating cost for the Federal-Safety Program,

making the City responsible for the entire cost of the design with a design fee not to exceed \$150,343.62. Funding is available in the Grant Matching Capital Projects Fund.

Commissioner Pittman:

- Asked what the improvements would be

Mr. Faust:

- Reviewed the improvements

Commissioner Hingula:

- Asked if there is any type of schedule

Mr. Faust:

- It is a 14 month process, looking at 2026 for construction

Commissioner Bauder moved to approve the Design Services Contract for the 10th and Limit Safety Improvements Project with Merge Midwest Engineering, in an amount not to exceed \$150,343.62. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Staff Report:

Central Business District Special Event Street Closure Policy – Interim City Manager, Patrick Kitchens presented for consideration a new policy that governs events in the Central Business District that require street closures. Over the past several years the City has received a number of Special Event applications for events held in the Central Business District that are accompanied by street closure requests. In the past City Commissions have not been inclined to allow the closures particularly on Saturdays. Given the increase in requests for more events associated with street closures, staff created a policy proposal to add a Central Business District Street Closure that is an expansion of existing policies associated with Haymarket Square, RFCC and Park Shelters. There is currently no fee for Street Closures within the Central Business District. The proposal of any person or group interested in having an event in the Central Business District shall complete an application and pay a fee of \$25. Additionally, there will be a fee of \$100 per city block for street closure. Finally, any costs associated with towing of vehicles from the event area will be reimbursed by the applicant to the City of Leavenworth. The fee for street closure is based upon City staff time associated with notification and closing of streets. Other logistics, including but not limited to trash, electrical, portable restrooms, picnic tables, or security associated with the event is the sole responsibility of the event coordinator. Parades would not be included in Central Business District Street Closure policy.

Commissioner Bauder:

- Does not recall that the City has ever charged for closing streets and in some cases the entire downtown was closed in the past
- In generating sales tax, we are offsetting those costs from the sales tax generation

Mayor Martin:

- Stated the costs are real
- Asked if transient guest tax dollars can be used

- Wants to bring in events

City Attorney David Waters:

- The City's direction is broad regarding transient guest tax, and transient guest tax dollars are typically used for Convention and Visitor's Bureau

Commissioner Pittman:

- There are still a lot of questions then just money, is there a limit, there is more to this policy then just cost, guidelines and procedures are needed

Commissioner Bauder:

- We'd need to look at transient guest tax and the numbers; that could then determine the number of events

Commissioner Wilson:

- Open to exploring/looking into transient guest tax to support

Mr. Kitchens:

- Recapped the comments/feedback from the Commissioners: find money, first looking at transient guest tax
- Need specifics on numbers; we will have during the budget process
- Fees don't appear to be entirely off the table

Mayor Martin:

- Would like more accurate numbers, provided number of \$100 is very conservative

Mr. Kitchens:

- Suggested the City Commission move forward with First City Creative's applications for events on August 3, 2024 and December 7, 2024 while staff take the feedback from the Commission and come back with more information for the policy development

City Clerk Sarah Bodensteiner:

- Provided details of the events and road closure requests

There was Consensus from the City Commission to approve the special event road closures for the First City Creative's events on August 3, 2024 and December 7, 2024.

Garren Stickelman, N 13th Street:

- Edge of opportunity to grow
- \$100 a block does in no way pay the cost
- Enjoys the recent events and would like to see more
- Get Leavenworth vibrant

Riverfront Community Center Indoor Pool Maintenance Overview – Deputy Parks & Recreation Director Brian Bailey presented an informational comprehensive overview of the Riverfront Community Center

Indoor Pool facility in preparation for the 2025-2029 Capital Improvement Program. The following items needing repair/replacement were discussed, as well as costs associated with the repairs/replacements:

- Electrical
- Pool Masonry
- Pool Furnishings
- Pool Mechanical

Commissioner Pittman:

- Asked what is the number of uses for the pool
- Asked if the Leavenworth High swim team use the pool still

Commissioner Hingula:

- Has heard that people are happy with the updates to the locker rooms

Consent Agenda:

Commissioner Hingula moved to approve Claims for April 19, 2024 through May 9, 2024, in the amount of \$2,331,842.70; Net amount for Payroll #8 effective April 19, 2024 in the amount of \$413,810.27 (Includes Police & Fire Pension in the amount of \$7,491.38) and Payroll #9 effective May 3, 2024 in the amount of \$401,966.66 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Other:

Interim City Manager Patrick Kitchens:

- Mentioned CIP budget study session next week and the CIP binders handed out to the City Commission
- Friday, May 17th from Noon to 2 is the Public Works luncheon at the service center
- Splash pad opens on Friday, May 17th and it's hours are 10:00 a.m. to sundown

Commissioner Hingula:

- Excited so many citizens were at the meeting to participate

Commissioner Pittman:

- Thanked those who reached out in support of the downtown
- The Commission supports events
- Would like to hear from business owners while the policy is being built

Commissioner Bauder:

- Support our businesses and will continue to do so and doesn't like being accused of not supporting business
- Came from retirement of Sister Vickie Perkins and she has done so much for the community and organizations
- Really nice event and we wish you well in your "retirement"

Commissioner Wilson:

- Congratulations to Sister Vickie

- Thanked those who reached out regarding downtown business support
- Happy belated Mother's Day

Mayor Martin:

- Would like to hear from local business owners on how we can make things go
- Recognized the Parks Department for the Skate Park signage, it was a great sign and shows we care

Adjournment:

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

Time Meeting Adjourned 7:22 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC