



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Nancy D. Bauder, Mayor Pro-Tem Mark Preisinger, Commissioners Larry Dedeke, Myron J. (Mike) Griswold and Jermaine Wilson.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, WPC Superintendent Chuck Staples, Finance Director Ruby Maline, Fire Chief Gary Birch, IT Director Carol Charity, Code Enforcement Admin Assistant Michelle Baragary, Code Enforcement Officer Chris Mills, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, City Planner Julie Hurley, Public Information Officer Melissa Bower, City Attorney Tom Dawson, Deputy City Clerk Cary Collins and City Clerk Carla K. Williamson.

Mayor Bauder opened the meeting with the pledge of allegiance followed by silent meditation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the December 12, 2017 regular meeting as presented. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Nominations:

Nominations for Mayor – January 9, 2018 to January 8, 2019 - Mayor Bauder called for nominations for Mayor.

Commissioner Dedeke moved to nominate Mayor Pro-Tem Preisinger as Mayor January 9, 2018 to January 8, 2019. Mayor Bauder seconded and was unanimously approved. The Mayor declared the motion carried 5-0.

Nominations for Mayor Pro-Tem - January 9, 2018 to January 8, 2019 - Mayor Preisinger called for nominations for Mayor Pro-tem.

Commissioner Bauder moved to nominate Commissioner Wilson to serve as Mayor Pro-tem. Commissioner Griswold seconded and was unanimously approved. The Mayor declared the motion carried 5-0.

Nominations for Financial Claims Reviewer - January 9, 2018 to January 8, 2019 – Mayor Preisinger called for nominations for Financial Claims Reviewer.

Mayor Preisinger moved to nominate Commissioner Griswold to be the Financial Claims Reviewer. Commissioner Bauder seconded and was unanimously approved. The Mayor declared the motion carried 5-0.

Citizen Participation:

Howard Kietzman 2013 High Street

- Problem with his boat
- Boat has been parked in side yard for 15 years
- Boat was parked out front for 4 years and cited many years ago
- City Inspector advised Mr. Kietzman on how a pad could be poured to be legal
- Pad was poured and boat has been on the pad for several years on the side yard
- In December was cited for code violation of where his boat was parked
- Requesting a variance or change to the City Code
- Would like to see inspectors have more flexibility

Mayor Preisinger asked City Manager Kramer to have staff bring this back to a study session for discussion.

City Manager Kramer stated that he would not recommend allowing individual variances.

Mayor Preisinger told Mr. Kietzman that the case will be on hold until the City Commission reviews this at a later date.

Amanda Reed 604 N. 2nd Lansing KS

- Addressed the City Commission regarding the property at 1214 Pottawatomie which is on the demolition list
- Ms. Reed came before the Commission during Public Comments on November 14, 2017
- Wanted to let the City Commission know that the property on the demolition list has been sold
- Deed has been transferred

City Manager Kramer stated that review of this property is scheduled for the January 23, 2018 City Commission meeting and will be heard at that time. All action of demolition by the City is on hold until the issue is heard by the City Commission at that time.

Jon Hall 3014 Shrine Park Road

- Would like to know what the City thinks of the County holding meetings on Tuesdays in conflict with City Commission meetings
- Does the City have a position

Mayor Preisinger said the County Commission meetings are evolving and the City is waiting to see where they go.

Agenda items change:

Mayor Preisinger moved item number 6 (**First Consideration Ordinance Special Use Permit 2115 Ridgeview Drive**) on the agenda to the next item as there were many citizens in the audience to hear this item.

First Consideration Ordinance Special Use Permit 2115 Ridgeview Drive – City Planner Julie Hurley presented for consideration a Special Use Permit for 2115 Ridgeview Drive for a Residential Home-Stay. The owner currently utilizes the property as a short term rental. Short term rentals and home-sharing sites such as Airbnb, requires a Special Use Permit in R1-9 zoning districts. The Planning Commission considered the request on December 4, 2017 during Public Hearing. The Planning Commission voted 5-0 to recommend denial of the Special Use Permit. A protest petition was submitted to the City Clerk’s Office. The petition has been evaluated by the City Attorney to be invalid. City Planner Julie Hurley reviewed the four elements that the Commission may use when considering the special use. This subdivision, The Oakwood Estates Homeowners Association, does have an HOA covenant that prohibits this type of use. The City cannot consider HOA covenants in their evaluation of a proposal, however, the HOA document is provided as it was submitted at the Planning Commission public hearing and is now considered a public record.

The City Commission discussed the issue and the number of neighbors in attendance in opposition to the Special Use permit. All members were in favor of not moving this forward to ordinance and supporting the Planning Commission's recommendation to deny.

Doug Waters Law office at 433 Shawnee

- Mr. Waters represents the Oakwood Estates Homeowners Association
- Asked for a show of hands of those who are in favor of the city commission not moving forward
- There were a large majority of the people present who raised their hands
- Police were called to a party involving minors, drugs and alcohol
- The owner of the property is aware of the HOA covenants

There was no one present to speak in favor of the SUP.

There was no consensus by the City Commission to move this forward – the proposed ordinance dies and the Special Use permit is denied.

Commissioner Dedeke said he was very dissatisfied with the police response on the incident that occurred at the property. Commissioner Dedeke would like to see an investigation on why the Police Department did nothing on such a severe crime.

General Items:

Public Hearing to Vacate Street – Linn Street at 2nd Street & Linn

Open Public Hearing:

Commissioner Dedeke moved to open the public hearing. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Staff and Public Comments:

Public Works Director Mike McDonald reviewed the application that was submitted by Blaine Weeks on behalf of Geiger Ready Mix Co., Inc. The request is to vacate a portion of Linn Street. Mr. McDonald gave a brief history of this section of town. There is no current plan to extend Linn Street in the location requested to be vacated. The topography is severe and would take considerable resources of the City to make a roadway for public travel. Staff would support the request as Geiger has been at this location since the mid-1950's and has invested millions of dollars in a new plant and other equipment. Staff sent notifications to all local utility companies. Westar Energy proposed that an easement and/or agreement be created with Geiger that allows them to continue using the Right-of-Way for Westar purposes.

Billy Daniels of Geiger Ready Mix addressed the Commission:

- No immediate plans
- Something they have been wanting to do
- Just cleaning up some loose ends
- They have been mowing and maintaining the property for many years
- Business is growing; this would give more room for trucks to turn around

Close Public Hearing:

Commissioner Bauder moved to close the public hearing. Commissioner Griswold seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinance:

There was a consensus among the Commission to place on first consideration

Bids, Contracts and Agreements:

Consider Bids for Chemicals – Water Pollution Control – Public Works Director Mike McDonald presented for consideration the bids for chemicals for Water Pollution Control (WPC). Staff recommends approval of the low bids to the following vendors:

Bids were opened on January 3, 2018 and were as follows:

Bidder	Address (City/State)	Sodium Hypochlorite	Sodium Hydroxide	Hydrogen Peroxide	Ferrous Chloride	Polymer
NALCO	Naperville, IL					Acrylamide \$2.25 lb/ \$31,500.00
Atlantic Coast Polymers	Austin, TX					ACP-300 \$1.489 lb/ \$20,846.00
Fort Bend Services	Stafford, TX					FBS 480C \$1.56 lb/ \$18,720.00
PVS Technologies	Detroit, MI				\$0.92lbs/ \$28,520.00	
UNIVAR	Kent, WA	\$123.75 Per Drum / \$371.25 \$40.00 Deposit for drum	\$143.70 Per Drum/ \$287.50 \$40.00 Deposit for drum	\$175.00 Per Drum/ \$4,025.00		
Brenntag Mid-South, INC	Kansas City, MO	\$1.95 lb/ \$3,264.30	\$0.35 lb/ \$384.80	\$0.325 lb/ \$3,834.68		

Staff recommends the approval of the low bids as follows not to exceed \$55,000 in total.

Chemical	Cost	Vendor
Ferrous Chloride	\$0.92/lb. Fe	PVS Technologies
Hydrogen Peroxide	\$0.325/lb.	Brenntag Mid-South
Sodium Hypochlorite	\$2.25/gal	Univar USA
Sodium Hydroxide	\$2.44/lb.	Univar USA
Polymer	\$1.489/lb.	Atlantic Coast Polymers

Commissioner Bauder moved to approve the low bids for Chemical Bids not to exceed \$55,000. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Vacate Easement in Tract C, The Branches Addition 2 – Public Works Director Mike McDonald presented for consideration a request to vacate an easement. When the property was platted in 2010 the easement was to be owned and maintained by Larkin Homes, Inc. and intended to be used for landscaping, monuments, drainage, and public open space.

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

First Consideration Ordinance to Remove 225 Delaware from the Downtown Town Square Redevelopment District – Assistant City Manager Taylour Tedder reviewed the request from Clint Francis, of Bramlage Properties, LLC & Francis Paramount, Inc. to remove the property from the Redevelopment District. The property is the Landing 4 Theater and the developer plans to rehab and renovate the property to a five screen theater. If the Commission approves the removal from the Redevelopment District they will request placing it back into the Neighborhood Revitalization Area (NRA). A feasibility study of the original Hotel Project area was updated and the incremental property tax revenue will be available to pay the reimbursement costs to the City without this property in the Redevelopment District.

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

CONSENT AGENDA:

Mayor Preisinger moved to approve claims for December 9, 2017 through January 5, 2018 in the amount of \$3,617,753.87; Net amount for Pay #26 effective December 22, 2017 in the amount of \$330,622.96 (Including Police & Fire Pension of \$ 11,401.34) and Net amount of Pay 1 effective January 5, 2018 in the amount of \$312,516.25 (No Police & Fire Pension). Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Executive Session:

Executive Session - Consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2. (Eisenhower Rd Improvement Project)

Commissioner Bauder moved to recess into executive session pursuant to the consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2 to discuss the Eisenhower Road Improvement Project Three Party Agreement. The open meeting to resume in the City Commission Chambers at 8:25 by the clock in the City Commission Chambers. City Manager Paul Kramer and City Attorney Tom Dawson are requested to be present during the Executive Session. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:25 p.m. with no action taken.

Executive Session - Consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2. (Leavenworth County Port Authority)

Commissioner Griswold moved to recess into executive session pursuant to the consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2 to discuss the operations of the Leavenworth County Port Authority. The open meeting to resume in the City Commission Chambers at 8:42 by the clock in the City Commission Chambers. City Manager Paul Kramer and City Attorney Tom Dawson are requested to be present during the Executive Session. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:42 p.m. with no action taken.

Adjourn:

Commissioner Dedeke moved to adjourn the meeting. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor declared the motion carried and the meeting adjourned.

Time Meeting Adjourned 8:42 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC