



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold, Mayor Pro-Tem Nancy Bauder and Commissioner Camalla Leonhard. The following commission members attended via teleconference: Commissioners Mark Preisinger and Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder and City Clerk Carla K. Williamson.

Other members participating via teleconference: Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline, Community Development Coordinator Mary Dwyer, Planning and Community Development Director Julie Hurley, Chief Building Inspector Harold (Hal) Burdette, Rental Property Coordinator Lawrence Levine and City Attorney David E. Waters.

Mayor Griswold read the following notice:

Due to the restriction of social distancing to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live. Questions on agenda items will be read during discussion on that topic. Submit your question to cwilliamson@firstcity.org no later than 6:00 pm on June 23. Members of the public wishing to receive agenda notifications can contact the city clerk cwilliamson@firstcity.org to be added to the agenda email distribution list. Agendas are available for viewing on the city website www.leavenworthks.org.

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

Mayor's Award:

Mayor Griswold presented the Mayor's Award to Father David McEvoy

New Employee Welcome:

Mayor Griswold announced the following newly hired City of Leavenworth employees:

- Sylis Bohannon-Police Officer
- Brittany Swanbeck-Police Officer
- Timothy Moore-WPC Operator I
- Ronald Gunter-Stormwater Equipment Operator I
- Jesse Breen-Firefighter
- Garrett Kruger-Firefighter
- Grace Kortchmar-Police Officer
- Mitchell Braget-GIS Technician
- Heidi Walther-PT HR Administrative Clerk
- Matthew Weis-Police Officer

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the June 9, 2020 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance 8129 Vacation Meadow Lane Street Right of Way – City Clerk Carla Williamson presented ordinance 8129 for second consideration. The ordinance was presented at the June 9, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 5-0.

Other Old Business:

Correct Claims Consent Agenda from June 9, 2020 – City Manager Paul Kramer presented for correction to the consent agenda from the June 9, 2020 the corrected amount for net payroll #12. The amount was reported as \$224,165.26. The correct amount was \$330,493.75. A motion is required to correct the claims previously approved.

Commissioner Bauder moved to correct the claims approved on June 9, 2020 to read as follows: Claims for May 23, 2020, through June 5, 2020, in the amount of \$2,707,406.20; net amount for payroll #12 effective June 5, 2020 in the amount of \$330,493.75 (no police & fire pension). Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None received.

General Items:

1145 Vilas Street Right of Way Appeal – City Manager Paul Kramer presented to the Commission the issue of modular block wall being constructed in the street right-of-way in front of the residence at 1145 Vilas Street.

City Attorney David Waters gave an overview of public right-of-way and the purpose of the use of right-of-way and easements.

The matter was brought to the attention of the Public Works Department on June 8, 2020. The owner of the property, Mr. Stewart was notified by city staff that the construction of the wall was not allowed in the public right-of-way. Mr. Stewart was informed of his ability to seek an exception for the construction and he was informed that Public Works would not support an exception/variance. Public right-of-way is reserved for public infrastructure, designed to provide a buffer between vehicles and pedestrian traffic and private improvements such as walls create a safety/liability issue to the public and private owner. In addition, the owner's construction is located in an easement.

Staff recommends that the Commission deny the appeal to allow construction in the right-of-way.

Jayson and Alice Stewart owners of 1145 Vilas Street attended virtually via GoToMeeting.

- Does not feel they are impeding anything
- Safety Concerns with driveway
- Wanted to install a landscaping elements
- Had conversations with Public Works regarding the project

Commissioner Wilson asked Mr. Stewart if he felt there was miscommunications with public works. Mr. Stewart stated that there was due to the fact that he made changes that were not in compliance.

Commissioner Preisinger

- Met with the Stewart's at their house and discussed the situation
- Many properties have easements but the property in questions is not an easement it is city property
- The work that has been done is very nice work but has an issue with the work done on city property
- Perhaps there could be a compromise on landscaping further east and would have to hold the city harmless if allowed to use
- Retaining wall goes right through the right-of-way and does not think we should allow and too much of a permanent structure and not in favor of allowing a retaining wall

City Attorney said if allowed it should be put in writing, filed, and recorded with the property for the use of the right-of-way and any future owners on notice of the agreement and property owners hold harmless to the city.

Commissioner Leonhard:

- In favor of a compromise.

City Manager Kramer overview:

- Landscaping is something that is movable and can be removed at a moment's notice for use of the property
- Possible border for the mulch or border for the area is an example of a movable item
- Recommends one landscaping block in the ground and one block visible to hold the landscaping would be acceptable
- The area along the driveway with a retaining wall would be excessive and should not be allowed
- Hold harmless should be prepared by the Stewarts at their cost and approved by our City Attorney

Commissioner Preisinger moved to compromise on the appeal of the Stewart's at 1145 Vilas to direct staff to work directly with the Stewarts to arrange landscaping as discussed tonight and come to an agreement. Request for the retaining wall on east side of driveway is denied. This will include authorizing staff to work with the Stewarts to enter into a hold harmless agreement to be recorded and filed with the property. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Request for Cereal Malt Beverage License 501 Limit – City Clerk Carla Williamson presented for approval a request for a 2020 off-premise Cereal Malt Beverage license for Shop Smart LLC at 501 Limit due to change in ownership.

Commissioner Leonhard moved to approve the off premise Cereal Malt Beverage License for Shop Smart LLC at 501 Limit Street Leavenworth Kansas. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2254 Community Development Block Grant (CDBG) 2020-2021 Annual Action Plan – Community Development Coordinator Mary Dwyer presented for consideration Resolution B-2254 adopting the 2020-2021 Annual Action Plan for the City of Leavenworth CDBG.

Commissioner Bauder moved to adopt Resolution B-2254 authorizing the submission of the 2020-2021 Annual Action Plan. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2255 Setting the Public Hearing for Fire Damaged House at 723 S 10th Street – Public Works Director Mike McDonald presented for consideration Resolution B-2255 Setting the public hearing date as August 11, 2020 regarding the unsafe structure located at 723 S 10th Street.

Commissioner Leonhard moved to adopt Resolution B-2255 setting August 11, 2020 as the date for the public hearing regarding the unsafe structure located at 723 S 10th Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolution B-2256 Setting the Public Hearing to Consider Establishing a Redevelopment District (Price Chopper) – City Manager Paul Kramer presented for consideration Resolution B-2256 setting July 28, 2020 for the public hearing to consider creating the Price Chopper Tax Incremental Financing (TIF) District. Pete Heaven, representing Super Market Developers, attended the meeting virtually via GoToMeeting.

Commissioner Leonhard moved to adopt Resolution B-2256 setting July 28, 2020 as the public hearing date to consider the Price Chopper Redevelopment District. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Cody Park Sewer Crossing & Bank Stabilization Project – Public Works Director Mike McDonald presented the bids for the Code Park Sewer Crossing & Bank Stabilization Project. Staff recommends accepting the low bid from Linaweaver Construction in the amount of \$200,200.00. Bids were opened on June 17, 2020 and were as follows:

<u>Company</u>	<u>City</u>	<u>Total Bid</u>
Linaweaver Construction	Lansing KS	\$200,200.00
Mega KS	North Kansas City MO	\$203,146.00
Westland Construction	Basehor KS	\$213,982.00
Kissick Construction	Kansas City MO	\$332,020.00
	Engineer's Estimate:	\$278,660.00

Commissioner Bauder moved to accept the low bid from Linaweaver Construction in the amount of \$200,200.00 for the Cody Park Sewer Crossing & Stream Bank Stabilization Project. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit 1373 Sherman Street Duplex - Planning and Community Development Director Julie Hurley presented for a consensus to place on first consideration an ordinance to allow for a Special Use of a two-family dwelling in an R1-6 zoning district.

There was a consensus to place on first consideration.

First Consideration Ordinance Special Use Permit 625 Pawnee Street Duplex - Planning and Community Development Director Julie Hurley presented for a consensus to place on first consideration an ordinance to allow for a Special Use construction of a two-family dwelling in an R1-6 zoning district.

There was a consensus to place on first consideration.

First Consideration Ordinance Development Regulations Text Amendments - Planning and Community Development Director Julie Hurley presented for a consensus to place on first consideration an ordinance amending sections 2.02, 4.03, 4.04, 6.08, 8.11, Article 12 and Appendix A of the Development Regulations.

There was a consensus to place on first consideration.

Other Agenda Items:

Tenant Based Rental Assistance Funds - Rental Property Coordinator Lawrence Levine presented for consideration authorization for city staff to apply for Tenant Based Rental Assistance (TBRA) grant funds from the Kansas Housing Resources Corporation.

Commissioner Leonhard moved to authorize city staff to apply for Tenant Based Rental Assistance funds from the Kansas Housing Resources Corporation. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for June 6, 2020, through June 19, 2020, in the amount of \$2,567,622.33; Net amount for Payroll #13 effective June 19, 2020, in the amount of \$336,402.30 (Includes Police & Fire Pension in the amount of \$11, 839.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Adjournment:

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

Time Meeting Adjourned 8:49 p.m.
Minutes taken by City Clerk Carla K. Williamson, CMC