



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

City Commission Regular Meeting
Commission Chambers
Tuesday, February 13, 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 (via telephone call-in).

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Planning & Community Development Director Julie Hurley, Parks & Recreation Director Steve Grant and Parks & Recreation Deputy Director Brian Bailey, Police Chief Patrick Kitchens, 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.

PROCLAMATION:

Susan B. Anthony Day, February 15th – Mayor Martin read the proclamation proclaiming February 15th as Susan B. Anthony Day. The proclamation was accepted by TerriLois Mashburn of the Leavenworth County Historical Society.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the January 23, 2024 regular meeting. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8234 Amending Chapter 8 Animal Control and Regulation of the Leavenworth Code of Ordinances – Police Chief Kitchens reviewed the ordinance and recommended the removal of the last sentence of the first paragraph of Section 8-601 of the proposed ordinance. Staff will further evaluate recommendations provided by the LAWS organization regarding the feral cat issue and bring back any recommendations to the City Commission.

Commissioner Bauder moved to approve Ordinance No. 8234, to include the removal of the last sentence of the first paragraph of section 8-601. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0

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

TerriLois Mashburn, 300 Walnut St:

- Noted that the Register of Deeds Office was recently recognized as a top register to the property fraud program
- A flyer will be going out March 1st about the property fraud program

Michael Lay, 907 Columbia:

- Addressed issues with sealing of the streets
- Addressed boxes not being picked up, requested boxes to be picked up without being bagged

Public Hearing:

Public Hearing for Waiver of Distance Requirement for Temporary Liquor Permits for St. Joseph Church & Immaculate Conception Church:

Open Public Hearing:

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

Staff and Public Comment:

City Clerk Sarah Bodensteiner reviewed the request for the waiver.

- City Code allows for a waiver to permit alcoholic liquor to be sold or served from a location within 300 feet from any church, school, nursing home, library or hospital
- Immaculate Conception Church located at 711 N 5th is having its annual St. Patrick's Corned Beef and Cabbage dinner on March 10, 2024, and St. Joseph Church located at 306 N Broadway St. is having its Annual Germanfest Dinner & Dance on October 5, 2024, and are requesting waivers to apply for the temporary liquor licenses
- Letters were sent to all property owners within 300 feet of both locations notifying them of the public hearing

John and Theresa Williams:

- Provided history and details of the annual events to the Commission
- Highlighted the church's mission regarding education

Stacy Cotton, 2032 Marjorie Circle:

- Asked about the integrity of a church raising money by serving alcohol

Steffany Trofino, 1710 Randolph Ct:

- Stated they are getting money but they are doing something good with it

Close Public Hearing:

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

Commissioner Bauder moved to approve the request to waive the 300 foot requirement from any church, school, nursing home, library or hospital for the St. Patrick's Corned Beef and Cabbage event at Immaculate Conception Church and the Annual Germanfest Dinner & Dance at St. Joseph Church. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

General Items:

Mayor's Appointments:

Mayor Martin moved to appoint to the Convention & Tourism Committee Jeanie Hazels to an unexpired term ending January 31, 2025. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Consider Special Event Street Closure Request – City Clerk Sarah Bodensteiner presented for consideration a street closure request for a special event occurring on April 27, 2024. The request is to close the 400 to 600 block of Delaware Street and to close 5th Street from Shawnee Street to Cherokee Street from 10:00 a.m. to 6:00 p.m. to accommodate the street event.

Cari Payer, 200 S 5th Street:

- Provided background on the event and the road closure request

Mr. Kramer:

- Staff is neutral and supportive of events that bring attention to our downtown
- Concerns from staff perspective are about traffic, towing cars, awareness of the businesses, and is the area returned to the previous condition after the event
- Touched upon cost components

Mayor Martin:

- Asked if staff had estimates about cost, specifically around towing cars and refuse services

Mr. Kramer:

- Costs can range anywhere between \$600-800 in costs to tow or more
- For refuse it depends on what is needed

Police Chief Kitchens:

- Stated for the motorcycle show held in August towing cost was about \$800 and for Camp Leavenworth it was around \$2,000

Commissioner Pittman:

- Asked for clarification on what would be in the street and on the sidewalk

Ms. Payer:

- Event would encompass both street and sidewalk

Commissioner Bauder:

- Asked if they are working with Main Street on this event

Ms. Payer:

- Advised she is not working with Main Street, just businesses in the downtown working together

Commissioner Hingula:

- Asked about the amount of food trucks possibly participating

Commissioner Wilson:

- Asked if feedback was received regarding the Christmas event

Ms. Payer:

- Positive feedback was received

Mayor Martin:

- Event is a great idea and would like more
- Concern is from a cost standpoint and making sure City is covering its cost

Mr. Kramer:

- Suggested approval be contingent upon the event taking care of its own refuse and if towing occurs, that those costs should be paid for by the event or worked out between the event and City

Commissioner Pittman moved to approve the street closure request for Saturday, April 27, 2024 upon the details of refuse and towing/moving of vehicles being worked out between the City Manager and Event Organizer. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Consider Approval of Updated Purchasing Policy – Finance Director Roberta Beier presented for approval updates to the City’s Purchasing Policy. Reviewing and updating the Purchasing Policy on a regular basis is necessary to maintain adherence to laws, regulations, and best business practices. Since the last update to the Purchasing Policy, the City Commission amended Charter Ordinance 40 with Ordinance No. 8213 which increased the threshold permitted for Design/Build contracts to \$10,000,000 and the Finance Department made several changes to its routine practices to improve internal controls. At the same time, it has become clear that the Purchasing Policy is now outdated with regard to current practices and purchasing limits. Therefore, Staff is bringing an updated Purchasing Policy to the City Commission for approval. The updated Policy has been reviewed and endorsed by the City Manager. Because a number of years have passed since most of the processes and practices in the Purchasing Policy have been updated, this revision of the Purchasing Policy contains several changes. The majority of these changes are minor clarifications to established procedures and responsibilities, but several of the changes are substantive. Ms. Beier reviewed the substantive changes:

- Update and clarification of responsibilities within the Finance Department
- Purchase Cards
- Updated Purchasing Limits
- Addition of Solicited Quote Process
- Increase in City Manager’s Approval Authority
- Increase in Minimum Limit for Requests for Proposals
- Required Forms
- Design/Build Contracts
- Equal Opportunity

Commissioner Bauder moved to approve the updated Purchasing Policy as presented. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Review Draft of 2023 KDHE Annual Report for Stormwater – Public Works Director Brian Faust reviewed the draft report. The report summarizes the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on are set by the revised Stormwater Management Program which was adopted by the City Commission on October 27, 2020 and these guidelines have been used since 2021. The report is required to be submitted annually and it is suggested by KDHE and EPA that the report be available for review in a public forum and allow time for public comment. The report will come back to the City Commission for approval at the February 27, 2024 meeting to allow time for public comments. No action is needed by the Commission at this time. Key narratives in the report are:

- Executive Summary
- Six minimum control measures: Discussion on effectiveness and annual performance measures:
 - Public education and outreach
 - Public involvement and participation
 - Illicit discharge detection and elimination
 - Construction site stormwater runoff and control
 - Post construction stormwater management in new development and post development projects
 - Pollution prevention and good housekeeping

Bids, Contracts and Agreements:

Consider KDOT Agreement for 4th Street Improvements – Rees Street to Poplar Street – Public Works Director Brian Faust presented for consideration approval of the KDOT Agreement for the 4th Street Improvements from Rees Street to Poplar Street. This project is part of the City Connecting Link Improvement Program (CCLIP). In 2023, the City applied for and was awarded a CCLIP grant for the improvements along 4th Street between Rees and Poplar. This project does not involve reconstruction of the pavement, but will include localized base patching and mill/overlay of the pavement. There will also be some ADA ramp, curb and sidewalk upgrades. The City is responsible for design costs along with non-participating items to include sidewalk, curb/gutter and ADA ramps. The City is currently requesting qualifications for interested design consultants and tentatively plan to award the design phase in late March. The project schedule from KDOT shows design completed in late 2024 with bidding in April 2025. Construction of the improvements are tentatively slated for the summer of 2025.

Commissioner Pittman moved to authorize the Mayor to sign KDOT Agreement No. 29-24 for the 4th Street Surface Preservation Project between Rees Street and Poplar Street. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

Consider Award of Bid for Buffalo Bill Cody Park Sports Court Replacement Project – Parks & Recreation Director Steve Grant and Parks & Recreation Deputy Director Brian Bailey presented for consideration award of bid for the replacement of the sports courts at Buffalo Bill Cody Park. The 2024 Capital Improvement Program included the renovation and reconstruction of the sports court area at Cody Park. The design firm was selected in September 2023 for design, plan development, specification development and project administration. Two open house public meetings were held at the Riverfront Community Center to garner input from the public for the project. Both meetings were well attended with extensive input from the public regarding types of preferred recreation activities as well as best utilization of space. Bids were solicited and opened on February 6, 2024. The base bid included the post-tension concrete,

which drastically extends the life of the courts along with dramatically reducing cracking and separation from occurring on the court playing surface. Staff recommends the base bid from Sands Construction LLC, utilizing \$11,000 deduction with alternates number three and five, for a total bid cost of \$713,000.00. There are sufficient funds in the 2024 CIP Reserves to cover the additional cost that was not allocated in the 2024 CIP construction.

Commissioner Hingula:

- Asked for clarification on the alternates
- Asked if both court surfaces will be done in post-tension concrete

Commissioner Bauder:

- Asked about a timeline

Mr. Grant:

- Stated both surfaces will be the post-tension concrete
- This is about a 6 month project, hopefully ready to open in the fall

Commissioner Hingula moved to approve and award the bid for the Buffalo Bill Cody Sports Court Replacement Project to Sands Construction, LLC in an amount not to exceed \$713,000.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Chapter 28, Nuisances of the Leavenworth Code of Ordinances – Planning & Community Development Director Julie Hurley presented for first consideration an ordinance amending Chapter 28, Nuisances of the City of Leavenworth Code of Ordinances. The revisions are intended to bring the City Ordinance into compliance with Kansas Statute and primarily refine internal staff procedures. City Attorney David Waters reviewed the revisions regarding the Nuisances Chapter of the City Code:

- General nuisances: too tall grass, sitting water, vermin, etc. junk yard/auto
- International property maintenance codes are adopted and ensuring they are properly cross-referenced
- Biggest changes are about providing notices and self-help provisions
- More clear provisions on general enforcement
- Worked with City Prosecutor and Municipal Court Judge to ensure processes are aligned and clearly defined
- Expanding junk definition on property regarding inoperable vehicles
- Short hand procedures regarding weed notices

Commissioner Hingula:

- Asked how boats in disrepair or unsightly may be handled under this section

Attorney Waters:

- Replied that scenario could be handled under this section as a general nuisance

Commissioner Pittman:

- Asked if there has been any issue with right of entry

Ms. Hurley:

- If we go onto a property it is done so via a court ordered abatement

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

Staff Report:

Transportation Update – Planning & Community Development Director Julie Hurley and Transportation Director at The Guidance Center Brian Golubski provided an update on the RideLV program, as well as potential areas for improvement and growth for the service. In January 2018, a Transportation Study was completed in partnership with the Mid-America Regional Council (MARC), Kansas City Area Transportation Authority (KCATA), the City of Leavenworth and Leavenworth County. As part of that study, the primary transit alternative suggested for development in Leavenworth was a demand-response service. After the completion of the Transportation Study, the Leavenworth City Commission made a commitment to its implementation through annual goal setting and an annual commitment of funding. In December 2022, a Temporary Transit Committee was convened, comprised of representatives from local service agencies and members of the public. The Committee worked to identify specific transportation needs of the public, as well as the logistical means of how to best meet those needs. In partnership with The Guidance Center and KCATA, the RideLV transportation system launched for service in April 2023. Funding for capital and operating costs is provided through KDOT Grants, administered by The Guidance Center staff, as well as matching funds from the City of Leavenworth. The transportation fleet consists of 3 vans, with all operations being managed by The Guidance Center. Other items of discussion included:

- 618 unique riders
- 6.2 average rides per rider each month
- 10,938 total rides completed
- Approximately 350 unique pick up and drop off locations
- Stats for monthly ridership and shared rides
- Overview of top pickup and drop off locations
- Looking to implement a voucher/coupon option for community service organizations to provide individuals
- Work with City of Lansing and State of Kansas to expand service area
- Look for new ways to promote service
- Continue to emphasize use of app as best option for booking and paying for rides
- Feedback has been overwhelmingly positive

Commissioner Bauder:

- Asked for the schedule/times that rides can be made
- Asked if there is a number for how many calls come in from Lansing residents
- It's a great program and so glad to see it doing so well

Commissioner Wilson left the meeting

Consent Agenda:

Commissioner Hingula moved to approve claims for January 19, 2024, through February 8, 2024, in the amount of \$2,648,038.56; Net amount for Payroll #2 effective January 26, 2024, in the amount of \$424,377.03 (Includes Police & Fire Pension in the amount of \$7,491.38). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 4-0.

Other:

Commissioner Hingula:

- Enjoy the parade if you're going, and be safe

Commissioner Bauder:

- Appreciate the communication regarding the feral cat issue
- Very dedicated people and groups on this matter
- If you call and leave a message, please leave a name and number so I can return your calls

Commissioner Pittman:

- Congratulated the Chiefs on their victory
- Happy valentine's day
- Noted some items/event coming up in the downtown

Mayor Martin:

- Echoed the sentiments about the Chiefs
- Be safe at the parade

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 7:54 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC