



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, January 28, 2025 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 Holly Pittman, Mayor Pro Tem Nancy Bauder, Commissioners Edd Hingula, Griff Martin (via telephone call-in) and Jermaine Wilson.

**Staff members present:** City Manager Scott Peterson, Assistant City Manager Penny Holler, Planning & Community Development Director Kim Portillo, Public Works Director Brian Faust, Public Works Project Manager Justin Stewart, Assistant Operations Superintendent Becky Beaver, Public Information Officer Melissa Bower, Riverfront Community Center Manager Tammy Metzgar, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

**PROCLAMATION:**

**Black History Month** – Mayor Pittman read the proclamation proclaiming the month of February as Black History Month. The proclamation was accepted by Lakei Evans of the Leavenworth Community Service Organization.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Bauder moved to accept the minutes from the January 14, 2025 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8256 Rezone 711 Ottawa Street from Office Business District to High Density Single Family Residential District** – Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8256 was unanimously approved.

**Second Consideration Ordinance No. 8257 Rezone 701 Pottawatomie Street from Office Business District to High Density Single Family Residential District** - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8257 was unanimously approved.

**Second Consideration Ordinance No. 8258 Special Use Permit to Allow a Two-Family Dwelling at 711 Ottawa Street** - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8258 was unanimously approved.

**Second Consideration Ordinance No. 8259 Special Use Permit to Allow a Two-Family Dwelling at 701 Pottawatomie Street** - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8259 was unanimously approved.

**Second Consideration Ordinance No. 8260 Special Use Permit to Allow a Two-Family Dwelling at 724 Osage Street** - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8260 was unanimously approved.

**Second Consideration Ordinance No. 8261 Special Use Permit to Allow a Two-Family Dwelling at 724 Pottawatomie Street** - Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the January 14, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8261 was unanimously approved.

#### **NEW BUSINESS:**

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

Ray Hillebrand, 1345 Cheyenne St.:

- Having issues with structure/container in his backyard
- Having to go to court on the issue
- Noted issues on other properties with shipping containers

Louis Klemp, 1816 Pine Ridge Dr.:

- Governments need to work together
- Mentioned School District enrollment is down
- Ft. Leavenworth is renting to non-military
- Mentioned high speed vehicles and people running red lights
- Channel 2 has good music
- Mentioned Camp Leavenworth and Buffalo Bill Cody Days

#### **General Items:**

**Consider Transient Merchant Permit Waiver Request for Dark River Artifacts Show at Riverfront Community Center** – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by John Kruid for the use of the Riverfront Community Center on April 11-12, 2025 for an artifact, rock and fossil collectors show. City Code prohibits Transient Merchant permits on city property,

but does allow the City Commission to grant waivers. All fees for the use of the facility and permits would still apply should the waiver be granted.

Commissioner Bauder moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Dark River Artifact Show on April 11-12, 2025. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

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

**Consider Award of Contract for 2025 Camp Leavenworth Event Management** – Assistant City Manager Penny Holler presented for consideration a comprehensive management contract with O’Neill Events and Marketing for the 2025 City of Leavenworth festival. The City’s signature event, Camp Leavenworth, is scheduled for September 26<sup>th</sup> and 27<sup>th</sup>. This will be the sixth year for the festival that brings thousands of residents and visitors together. Last year’s event saw attendees enjoy two days of music, activities and food. Tourists experience the First City through local food trucks, two downtown breweries, twenty local craft vendors, a chalk art activity, a 5k run and local dance performances. O’Neill Events and Management has been the event organizer for several years. They have been integral in finding creative ways to highlight Leavenworth and make the event unique. The 2025 Scope of Work includes the same expectations as last year with the exception of financial management. The City’s Finance Department will take the financial management work in-house. The overall cost increase is \$1,698 compared to the previous year.

Commissioner Bauder moved to approve the comprehensive management contract with O’Neill Events and Marketing for the 2025 City of Leavenworth Camp Leavenworth Festival in an amount not to exceed \$73,000.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for 2025 Pavement Management Program Mill & Overlay** – Public Works Director Brian Faust and Public Works Project Manager Justin Stewart presented for consideration award of bid for the Mill & Overlay program of the 2025 Pavement Management Project. The streets were evaluated using both actual field observation and their Pavement Condition Index. The components of the 2025 program include mill and overlay and minor upgrades to a parking lot. The Mill & Overlay Program for 2025 includes the City streets:

- 10<sup>th</sup> Avenue (Stockton to Spruce)
- 10<sup>th</sup> Avenue (Muncie to Gatewood)
- Limit Street (west side of 20<sup>th</sup> to east side of 20th)
- Limit Street (15<sup>th</sup> to 14th)
- Limit Street (Shrine Park east to concrete east of Cody Park)
- Trailhead Lane (Limit to Montana)
- Montana Court (4<sup>th</sup> Street to Trailhead)
- Idaho Street (4<sup>th</sup> Street to Frontage)
- Frontage Road (4<sup>th</sup> Street to MacDonalds)
- 10<sup>th</sup> Street (Spruce to Sherman)
- 10<sup>th</sup> Street (Cherokee to Shawnee Street)
- Eisenhower Road (Progress to west of 4<sup>th</sup> Street)
- Cody Park Parking Park Lot

- Alternate 1 – 5<sup>th</sup> Avenue (Thornton to Doniphan)
- Alternate 2 – Ottawa Street (20<sup>th</sup> to 17<sup>th</sup>)
- Alternate 3 – 5<sup>th</sup> and Cherokee Parking Lot

The project plans were prepared and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on January 16, 2025. McAnany Paving met all the bidding requirements and has previously performed mill & overlay work for the City.

Commissioner Wilson moved to award the base bid and three (3) alternates for the 2025 Pavement Management Program Mill & Overlay Project to McAnany Paving in an amount not to exceed \$1,384,543.27 with an additional 5% contingency to cover issues that arise in the field. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Consider Award of Bid for 2025 Pavement Management Program Granite Seal** – Public Works Director Brian Faust and Public Works Project Manager Justin Stewart presented for consideration award of bid for the Granite Seal program of the 2025 Pavement Management Project. The streets were evaluated using both actual field observation and their Pavement Condition Index. It is important to protect streets that are in fair to good condition with a surface seal. Surface seals help preserve the pavement and extend its useful life. Applying a surface seal is significantly less expensive than waiting until the pavement degrades further and a mill/overlay or reconstruction is required. The project plans were prepared and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on January 16, 2025. Vance Brothers met all the bidding requirements and has previously performed asphalt sealing project work for the City.

Commissioner Hingula moved to award the bid for the 2025 Pavement Management Program Granite Seal Project to Vance Brothers, Inc., in the amount not to exceed \$470,903.14. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Consider Approval of Final Change Order and Acceptance of Construction for 4<sup>th</sup> Street Improvements Project** – Public Works Director Brian Faust presented for consideration approval of the Final Contract Change Order and acceptance of the construction for the 4<sup>th</sup> Street Project between Choctaw and Seneca. The 4<sup>th</sup> Street Improvements Project was originally planned as a joint City and KDOT project, but based on the higher than expected bids received for this project, the City notified KDOT that we would not be moving forward with the project as designed. Staff worked with the design consultant to modify the design scope for the project that would provide the needed upgrades to the street while limiting the subsurface replacement of the sanitary and storm sewers. The revised scope focused on reducing all construction related costs. The revised design left the street at its current width, but provided for a mill and overlay of the pavement from Choctaw to Seneca along with reconstruction of the Cherokee, Delaware and Shawnee Street intersections. ADA upgrades at all intersections within the projected boundaries were made and the pavement was striped for three lanes as per the original design. The initial purchase order for the construction of the project was \$3,145,630. The City realized that a project of this magnitude through our downtown would likely run into significant unforeseen issues. As a result, the City Commission authorized the City Manager to approve change orders up to \$315,000 or 10% of the original bid amount. During the course of the project, numerous challenges arose including voids under the driving surface and around manholes, stairs and below grade store fronts, as well as significantly more concrete driving surface that needed to be removed and replaced. The net impact of all the increases and decreases for this project is

\$463,117.83 or 14.72% over the original bid. The final change order is being presented in the amount of \$430,742.07. This will allow the final Pay Applications to be processed. The City will continue to hold retainage until traffic signals are fully operational.

Commissioner Bauder moved to approve the Final Change Order for the 4<sup>th</sup> Street Improvements Project Choctaw to Seneca in the amount of \$430,742.07 and grant acceptance of the project. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Consider Award of Bid for Purchase of Front-End Rubber Tire Loader** – Public Works Director Brian Faust and Assistant Operations Superintendent Becky Beaver presented for approval the cooperative purchasing bid through Sourcewell for a 2025 926-14 Wheel Loader. In the 2025 CIP, the Solid Waste Division budgeted \$214,000 for a front-end rubber tire loader to replace the 2001 loader currently in use. The loader is used at the brush site to move debris and turn materials for compost, loading de-icing material during winter events, picking up and moving piping and inlet structure along with numerous other uses. The City typically uses cooperative purchasing when procuring equipment. Sourcewell develops RFPs for national, competitive solicitations that meet or exceed local requirements. It has the benefit of reducing administrative costs, eliminating duplication of effort and lowering prices. The bid from Foley Equipment included a 12-month, unlimited hours standard warranty. The bid also included an extended 60-month, 5,000-hour (includes powertrain, hydraulic, technician and travel) warranty.

Commissioner Bauder moved to approve the cooperative purchasing bid through Sourcewell for a 2025 926-14 Wheel Loader from Foley Equipment in the amount not to exceed \$213,155.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Consider Award of Bid for Purchase of Compact Track Loader** – Public Works Director Brian Faust and Assistant Operations Superintendent Becky Beaver presented for approval the cooperative purchasing bid through Sourcewell for a 2025 265-05X2C Compact Track Loader. In the 2025 CIP, the Street Division budgeted \$89,000 for a compact track loader that will replace the 2008 loader currently in use. The track loader (skid loader) is a piece of equipment that is used frequently to assist in moving materials, loading and placing hot asphalt, milling asphalt pavement, sweeping and using with the 2024 Pavijet. The City typically uses cooperative purchasing when procuring equipment. Sourcewell develops RFPs for national, competitive solicitations that meet or exceed local requirements. It has the benefit of reducing administrative costs, eliminating duplication of effort and lowering prices. The bid from Foley Equipment includes a 24-month, 2,000-hour standard warranty. The bid also includes an extended 48-month, 2,000-hour (includes powertrain, hydraulic, technician and travel) warranty. The 2025 CIP included funding in the amount of \$89,000 and with the extended warranty, the total cost is \$89,617.00. Staff's plan is to sell the 2008 loader on the auction site PurpleWave.

Commissioner Hingula moved to approve the cooperative purchasing bid through Sourcewell for a 2025 265-05X2C Compact Track Loader from Foley Equipment in the amount not to exceed \$89,617.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

## **Consent Agenda:**

Commissioner Martin moved to approve claims for January 10, 2025 through January 23, 2025, in the amount of \$1,681,526.87; Net amount for Payroll #1 effective January 10, 2025, in the amount of \$436,778.21 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

**Other:**

City Manager Scott Peterson:

- City newsletter is coming out this week
- Spring Clean-up is April 26<sup>th</sup>

Commissioner Martin:

- Hoping for a 3-peat for the Chiefs
- God bless

Commissioner Hingula:

- Enjoy the warmer weather
- God bless

Commissioner Wilson:

- God bless and have a great week

Mayor Pittman:

- Happy to see trash is mostly back on schedule
- The buffalos up on metropolitan were decked out in some Chiefs gear and colors

**Adjournment:**

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

Time Meeting Adjourned 6:52 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC