



**City of Leavenworth**  
**100 N. 5<sup>th</sup> Street**  
**Leavenworth, Kansas 66048**

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, JANUARY 13, 2026 6:00 P.M.**

**Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting**  
*Meetings are available for viewing on YouTube*

**CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation**

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**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

1. Minutes from December 9, 2025 Regular Meeting and December 15, 2026 Special Meeting **Action:** Motion (pg. 02)

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**NEW BUSINESS:**

**Public Comment:** *Public comment is limited to 3 minutes per speaker. In the interest of time, we ask that groups wishing to speak limit their public comment to one presenter. This is an opportunity for the City Commission to hear the thoughts of the public prior to conducting official City business. The Mayor, City Commission, and City staff have been asked not to respond to those giving public comment, and action may not be taken by the Commission on public comment items. The Mayor may direct staff to follow-up with specific individuals after the meeting. When speaking, please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.*

**General Items:**

2. Mayor's Appointments **Action:** Motion (pg. 16)
3. Consider Transient Merchant Permit Waiver Request for Military Collectors Show at Riverfront Community Center **Action:** Motion (pg. 17)
4. 2026 Cereal Malt Beverage Licenses **Action:** Motion (pg. 19)
5. Consider Request Regarding Special Assessments for Grass and Weeds for 714 Kiowa, 1017 Osage and 403 Olive **Action:** Motion (pg. 20)
6. Revocation of Home2Suites Lodging Establishment License **Action:** Motion (pg. 24)

**Resolutions:**

7. Resolution B-2413 to Set Public Hearing for Fire Damaged Structure for 130 Logan Street **Action:** Motion (pg. 27)

**Bids, Contracts and Agreements:**

8. Consider Award of Bid for Main Electrical Switchgear Replacement at WWTP **Action:** Motion (pg. 31)
9. Consider Award of Contract for 2026 Camp Leavenworth Event Management **Action:** Motion (pg. 39)

**First Consideration Ordinances:**

10. First Consideration Ordinance to Rezone 220, 226 and 232 Seneca Street from R-MF to CBD **Action:** Consensus (pg. 58)

**Staff Report:**

11. Review Options to Address Vacancies in the City Commission (pg. 72)

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**Consent Agenda:**

Claims for December 5, 2025 through January 8, 2026, in the amount of \$4,644,326.76; Net amount for Longevity Pay effective December 5, 2025 in the amount of \$41,091.16; Net amount for Payroll # 25 effective December 12, 2025 in the amount of \$445,431.30 (No Police & Fire Pension); and Payroll # 26 effective December 26, 2025, in the amount of \$416,931.43 (Includes Police & Fire Pension in the amount of \$7,753.58). **Action:** Motion

**Other:**

12. Executive Session – Security Measures that Protect a Public Body or Agency **Action:** Motion (pg. 89)

**Adjournment**

**Action:** Motion



**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 and Jermaine Wilson.

Commissioners Elect Rebecca Hollister, Joe Wilson and Sam Maxwell were present for the meeting to be sworn in.

**Staff members present:** City Manager Scott Peterson, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Fire Chief Gary Birch, Parks & Recreation Director Steve Grant, Deputy Parks & Recreation Director Brian Bailey, Planning & Community Development Director Kim Portillo, Police Chief Patrick Kitchens, Public Works Director Brian Faust, WPC Superintendent Tim Guardado and WPC Assistant Superintendent Jon Lemke, Assistant to the City Manager Trevor Cook, Deputy City Clerk Amie Kankelfitz, 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.

Mayor Pittman proposed moving Agenda Items No. 7 and 8 2025 Elected Officials Oath of Office and Seating of Mayor, Mayor Pro Tem and Nomination for Financial Claims Reviewer up the agenda to before Public Comment.

There was consensus among the City Commission to move up Agenda Items No. 7 and 8 on the agenda.

#### **AWARDS AND PROCLAMATIONS:**

**Mayor's Award** – Mayor Pittman presented the Mayor's Award of Community Service to Christine Frietchen for her continued efforts and organization of the Camp Leavenworth 5k Run/Walk.

**Employee Service Awards** – Six employees reached milestones in their career with the City of Leavenworth reaching ten, twenty-five, and forty years of service with the City. We are also recognizing employees who have continued loyal service to the City with fifteen, twenty and thirty years of service. Mayor Pittman read the names of the following employees:

**10 Years**

- Chris Parr, Parks Foreman

**15 Years**

- Isaiah Maher, Fire Captain II
- Les Cline, Animal Control Supervisor

**20 Years**

- Steve King, Solid Waste Equipment Operator III
- Andrew Yunghans, Fire Captain
- James Beardsley, WPC Operator I
- Christopher Simpson, Fire Captain I

- Clinton Marsh, Fire Driver/Operator I
- Larry Huninghake, Fire Captain
- Matthew Nickel, Police Sergeant II
- Michael Minard, Fire Captain II
- Andy Brinker, Police Sergeant III

#### 25 Years

- Shawn Kell, Fire Safety Officer/Health Inspector
- Bill McKeel, Fire Admin Battalion Chief III/Fire Marshall
- Justin Stewart, Project Manager-Public Works
- Karen Wilk, Telecommunications Specialist

#### 30 Years

- Becky Beaver, Operations Asst. Superintendent/Interim Superintendent

#### 35 Years

- Patrick Kitchens, Police Chief

#### 40 Years

- Karen Parker, Senior Accountant

**Impaired Driving Prevention Month** - Mayor Pittman read the proclamation proclaiming the month of December 2025 as Impaired Driving Prevention Month. The proclamation was accepted by family members of Miranda Lynch.

#### **OLD BUSINESS:**

##### **Consideration of Previous Meeting Minutes:**

Commissioner Hingula moved to accept the minutes from the October 28, 2025 regular meeting, November 7, 2025 special meeting, November 12, 2025 special meeting, and December 4, 2025 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 5-0.

##### **Second Consideration Ordinances:**

**Second Consideration Ordinance No. 8273 for Special Use Permit to Allow Automobile Sales in I-1 Zoning District at 1512 S 2<sup>nd</sup> Street** – Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the October 28, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8273 was unanimously approved.

**Second Consideration Ordinance No. 8274 for Special Use Permit to Allow Home Occupation in R1-6 Zoning District at 813 Kickapoo Street** – Planning & Community Development Director Kim Portillo reviewed the Ordinance. There have been no changes since first introduced at the October 28, 2025 meeting.

Mayor Pittman called the roll and Ordinance No. 8274 was unanimously approved.

Mayor Pittman thanked the outgoing commissioners for their service on the City Commission. Commissioners Hingula, Martin and Wilson all received a plaque commemorating their service. Each Commissioner expressed their sentiments from their time serving on the Leavenworth City Commission.

**2025 Elected Officials Take Oath of Office** – City Clerk Sarah Bodensteiner introduced the item and background on the election of the Commissioners and stated that Rebecca Hollister and Joe Wilson will serve (4) four-year terms expiring on December 11, 2029 and Sam Maxwell will serve a (2) two-year term expiring on December 14, 2027. A copy of the election results certified by Fran Keppler, County Election Officer was included in the policy report. City Clerk Sarah Bodensteiner gave the oath of office to the three elected members.

**Seating of Mayor, Mayor Pro Tem and Nomination for Financial Claims Reviewer** - In 2024, the City Commission adopted Ordinance No. 8239, amending the City Code of Ordinances regarding the terms of office of the members of the governing body and the selection of the Mayor and Mayor Pro Tem. Sec. 2-22(b) of the City Code of Ordinances was amended to state the following: (1) The current mayor as of the effective date of the ordinance from which this section derives shall serve as mayor until the second Tuesday in December 2024. The current mayor pro tem as of the effective date of the ordinance shall serve as mayor pro tem until the second Tuesday in December 2024, at which time he or she shall become mayor. The candidate receiving the second largest number of votes in the 2023 general election shall serve as mayor pro tem commencing as of the second Tuesday in December 2024. (2) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the largest number of votes (elected for a four-year term) shall serve as mayor pro tem for a term of one year commencing as of the second Tuesday in December immediately following such general election, and until the second Tuesday in December one year thereafter, at which time he or she shall become mayor. In the event of a tie between the two candidates receiving the largest number of votes, the person to serve as mayor pro tem under this subsection shall be broken by a coin flip by the then-current mayor. (3) Commencing with the 2025 general election and every subsequent general election thereafter, the candidate receiving the second-largest number of votes (elected for a four-year term), or the person not selected by a coin flip as provided in subsection (2) above, shall serve as mayor pro tem for a term of one year commencing as of the second Tuesday in December that follows one year after such general election. (4) Commencing with the second Tuesday in December 2024, and then commencing with the second Tuesday of every December thereafter, the then-current mayor pro tem shall serve as mayor for the upcoming year until the second Tuesday in December of the following year. During the November 2023 election, Nancy Bauder received the second most votes and was nominated to the Mayor Pro Tem position in 2024 and has been serving in that position. During the November 2025 election, Rebecca Hollister received the most votes. As such, Nancy Bauder shall become Mayor effective December 9, 2025 to December 8, 2026, and Rebecca Hollister shall become Mayor Pro Tem effective December 9, 2025 to December 8, 2026.

Mayor Bauder recognized Commissioner Pittman for her service as Mayor and presented her a plaque commemorating her service.

### **Financial Claims Reviewer**

Mayor Bauder moved to nominate Joe Wilson for Financial Claims Reviewer December 9, 2025 to December 8, 2026. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

## **NEW BUSINESS:**

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

Rick Hammett, 202 Fawn Valley:

- Noted that CoreCivic applied for a SUP
- Doesn't feel that CoreCivic is a good partner
- Provided information regarding the CoreCivic lawsuits

Hartzell Gray, no address given, Kansas City:

- Does not feel CoreCivic can be trusted
- There are petitions opposing CoreCivic from opening
- Wants ICE to be abolished

Esmie Tseng, 30025 W 86<sup>th</sup> St., DeSoto, KS:

- With the ACLU of Kansas
- Opposes CoreCivic
- Wants robust and thorough terms in the SUP

James Gillerist, no address given, Kansas City:

- Wants the City to continue defending the city from CoreCivic
- Actions of ICE are traumatizing
- Shared a poem called *The Run Down*

Don Stubbings, 2301 Hebbeln Dr.:

- Expressed appreciation for current and incoming Commissioners
- Has concern regarding the SUP from CoreCivic
- Wants the Commission to apply scrutiny to this matter
- Would like to see an accountability committee formed if the SUP is granted

Mike Trapp, 707 S Broadway:

- Thanked the Commissioners for defending the City regarding CoreCivic and SUP process

Mark Schuler, 16290 NW 126<sup>th</sup> Street, Platte City, MO:

- Owns Culver's
- Mentioned Resolution B-2411 about the STAR Bond
- Feels the STAR Bond process is risky
- Feels the STAR Bond goes against Commission policy
- Mentioned no concrete plan was provided just a list of ideas
- Requests a town hall meeting

Logan Pinedo, 716 Chestnut St.:

- CoreCivic has wasted money trying to dodge the City
- Opposes CoreCivic

Angelika Shafer, no address given, Kansas City:

- Thanked Commissioners for standing firm against CoreCivic regarding the Special Use Permit
- Process is not over
- There is no oversight or due process with these types of facilities
- Opposes CoreCivic

Sr. Jean Anne Panisko, 600 Pebble Beach, Lansing, KS:

- Thanked the Commissioners for holding CoreCivic to applying for a Special Use Permit
- Leavenworth is only city where residents have stood up for values and challenged CoreCivic

Erin Adams, 4301 W 24<sup>th</sup> Pl, Lawrence, KS:

- Opposes CoreCivic
- CoreCivic has been trying to circumvent the City's rules and regulations
- CoreCivic's history has been beyond bad
- CoreCivic is untrustworthy

Ashley Hernandez, 1127 Metropolitan Ave:

- Expressed gratitude for the court proceedings for CoreCivic to follow city law
- Noted that people should remember CoreCivic's history
- Opposes CoreCivic

Cameron Robles, No address given:

- Concerned citizen
- Thanked Commissioner
- Opposes CoreCivic
- Stand strong against this private entity

Rachel Thomas, 304 Maple Ave:

- Mentioned innocent immigrants being detained by ICE
- Opposes CoreCivic
- Wants the Commission to deny an SUP to CoreCivic

Justin Young, 25611 147<sup>th</sup> St:

- Thanked Commissioners for steadfast leadership on the CoreCivic matter
- CoreCivic provided excuses as to why they don't need a SUP
- Citizens agreed that CoreCivic needed to apply for a Special Use Permit
- CoreCivic has challenged these matters over and over
- Concerning matters regarding inmates and staff regarding CoreCivic
- Accountability Council does not feel CoreCivic should be granted an SUP
- CoreCivic has proven they cannot be trusted

**William Rogers, 7326 Yecker Ave, KCKS:**

- Held up binders of emails from workers, detainees, family members regarding treatment by CoreCivic
- Worried of the impacts of this facility and how it will impact other areas outside of Leavenworth
- Would like to meet with Commissioners to discuss the information he has regarding CoreCivic
- Opposes CoreCivic

**Caitlin Hammett, 7709 W 96<sup>th</sup> Terr, Overland Park, KS:**

- Thanked Commissioners
- Prisons impact communities far beyond where they are built
- Keep fighting

**Elizabeth Collier, 1808 S Home Independence, MO:**

- Shared personal experience with ICE
- Fears for her mother, who is a US citizen, but has an accent
- Feels there will be too much overreach
- Outside communities will feel the impacts as well

**Christopher McDonlad, 711 N. Broadway:**

- Addressed the network outage the City experienced
- Wants an explanation or what data is at risk and what protections are being put in place
- Feels there should be more transparency

**Jeff Pittman, 1108 S Broadway:**

- Expressed his gratitude for the actions and spirited enthusiasm of Commissioner Holly Pittman during her time as Mayor
- Kansas Senator Cindy Holscher presented Holly Pittman an award of thanks for her time as Mayor

**Elias Garcia, 3816 Penn Ave, KCMO:**

- Opposes CoreCivic
- CoreCivic has a history of failing to serve the communities they are in
- CoreCivic doesn't treat their employees or detainees well

**Keiran Elizabeth, 3633 Central, KCMO:**

- Thanked Current and previous commission for their stance regarding the CoreCivic SUP process
- Sincerely appreciate them taking this on
- Expressed the Commissioners speak with others before making a decision to get more perceptive on the topic
- Opposes CoreCivic

Mayor Bauder called for a brief recess, with the meeting resuming at 7:37 p.m.

## **General Items:**

## **Mayor's Appointments**

Mayor Bauder moved to appoint to the Leavenworth Planning Commission Mark Preisinger to an unexpired term ending May 1, 2026, to appoint to the Leavenworth County Port Authority Jeremy Greenamyre to an unexpired term ending March 25, 2028, to appoint to the Sister City Advisory Board Laurie Mefford to a term ending December 31, 2026, to appoint to the Grow Leavenworth County Development Corporation Board Samantha Carpenter to an unexpired term ending May 31, 2026 and appoint Jonathan Kesler and Amanda Pearce to terms ending May 31, 2027. Commissioner Maxwell seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Cancellation of Outstanding City Checks** – Finance Director Roberta Beier presented for consideration to cancel 40 checks that remain outstanding after a period of two years from their issuance. After cancellation of the checks, if a check is presented for payment, the Finance Department will honor the obligation and issue a new check. The funds revert to the original fund upon which the funds were drawn. The outstanding checks are as follows:

**City of Leavenworth  
Uncleared Checks > Two Years Old as of November 1, 2025  
November 1, 2025**

| <b>Check #</b> | <b>Check Date</b> | <b>Vendor #</b> | <b>Vendor Name</b>                 | <b>Amount</b>      |
|----------------|-------------------|-----------------|------------------------------------|--------------------|
| 290040129      | 12/01/2022        | 1423            | NANCY POFF                         | \$ 11.00           |
| 290040877      | 02/10/2023        | 1233            | PUBLIC AGENCY TRAINING COUNCIL INC | \$ 350.00          |
| 290041072      | 03/01/2023        | 2546            | LAKESHIA TAYLOR                    | \$ 11.00           |
| 290041138      | 03/10/2023        | 1               | Christopher Deffenbaugh            | \$ 100.00          |
| 290041176      | 03/10/2023        | 1600            | FBI LEEDA INC                      | \$ 50.00           |
| 290041621      | 04/28/2023        | 1               | Thelma Cason                       | \$ 5.00            |
| 290041741      | 05/05/2023        | 1               | Greater Munson Auxillary           | \$ 300.00          |
| 290041818      | 05/12/2023        | 1               | Sebastian Schnellbacher            | \$ 300.00          |
| 290041843      | 05/12/2023        | 2504            | CAITLYNN CRUCE                     | \$ 86.00           |
| 290041856      | 05/19/2023        | 1               | Katherine Garrison                 | \$ 50.00           |
| 290041983      | 06/01/2023        | 2546            | LAKESHIA TAYLOR                    | \$ 11.00           |
| 290042006      | 06/02/2023        | 1               | Leavenworth Mission                | \$ 38.62           |
| 290042007      | 06/02/2023        | 1               | Luis M. DeJesus                    | \$ 1,000.00        |
| 290042516      | 07/21/2023        | 2691            | ALEX RAMIREZ BRICENO               | \$ 165.00          |
| 290042619      | 08/01/2023        | 2220            | KEITH BESSLER                      | \$ 54.00           |
| 290043170      | 09/22/2023        | 2692            | YODELVY DE JESUS GARCIA MERENDEZ   | \$ 165.00          |
| 290043312      | 10/06/2023        | 1               | Robert Gilbert                     | \$ 10.00           |
| 290043571      | 11/01/2023        | 2546            | LAKESHIA TAYLOR                    | \$ 11.00           |
| 290043691      | 11/17/2023        | 1               | Micheal Todd                       | \$ 19.00           |
| 290043803      | 12/01/2023        | 1809            | AMBER-RAE MOORE                    | \$ 13.00           |
|                |                   |                 |                                    | <u>\$ 2,749.62</u> |

Commissioner Hollister moved to cancel checks that remain outstanding after two years of issuance and that these balances, in accordance with K.S.A. 10-816a, revert back to the City Fund upon which such checks were drawn in the amount of \$2,749.62. Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Cancellation of the December 23, 2025 Regular Meeting** – City Clerk Sarah Bodensteiner presented a request to cancel the December 23, 2025 City Commission Regular meeting. Regular meeting dates and times are set by the City Code of Ordinances and allows for cancellation by the City Commission.



Traditionally the City Commission has chosen to cancel the 2<sup>nd</sup> Regular Commission Meeting in the month of December due to its proximity to the Christmas Holiday.

Commissioner Pittman moved to cancel the December 23, 2025 regular meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**2026 Cereal Malt Beverage Licenses** – City Clerk Sarah Bodensteiner presented for approval establishments that have applied for a 2026 Cereal Malt Beverage License. These include both off-premise and on-premise consumption licenses. They are as follows:

**OFF PREMISE CONSUMPTION:**

|                             |                           |
|-----------------------------|---------------------------|
| 7-Eleven                    | 609 Metropolitan Ave      |
| Casey's General Store #1261 | 2004 Spruce St            |
| Casey's General Store #2609 | 950 Eisenhower Rd         |
| Casey's General Store #2826 | 2100 S 4 <sup>th</sup> St |
| Family Dollar               | 104 N Broadway St         |
| Family Dollar               | 1906 Spruce St            |
| Dillons #40                 | 720 Eisenhower Rd         |
| Home Town                   | 111 N Broadway St         |
| JK Mart                     | 300 N 4 <sup>th</sup> St  |
| Fast Track                  | 3122 S 4 <sup>th</sup> St |
| Murphy USA #7486            | 1050 Eisenhower Rd        |
| Price Chopper #20           | 2107 S 4 <sup>th</sup> St |
| Sam's Food Mart LLC         | 1031 Metropolitan Ave     |
| Shop Smart #2               | 700 Eisenhower Rd         |
| Walgreens #12923            | 2900 S 4 <sup>th</sup> St |
| Walmart #26                 | 5000 10 <sup>th</sup> Ave |

**ON-PREMISE CONSUMPTION:**

|                 |                           |
|-----------------|---------------------------|
| Eddie's Grocery | 1101 Spruce St            |
| Little Bar      | 1431 10 <sup>th</sup> Ave |

Commissioner Pittman moved to approve the Cereal Malt Beverage Licenses for 2026 as presented. Commissioner Maxwell seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Updates to City Fee Schedule** – City Clerk Sarah Bodensteiner presented updates to the City Fee Schedule for a January 1, 2026 effective date:

- **Adding Notary Fee** - As part of the approved 2026 Budget, the addition of a notary stamp fee was approved for the Clerk's Office to charge for notary services
- **Amending Open Public Records Fees** - The Kansas Attorney General put out guidance regarding Flat fee and Per Page fees as they relate to Open Records. Staff worked with the City Attorney on ensuring our fees meet the guidance set forth by the AG.
- **Increasing Duplicate Dog Tag Fee** - As part of the approved 2026 Budget, the duplicate dog tag fee is set to increase from \$1 to \$5
- **Increasing Duplicate Food Handler Card Fee** - As part of the approved 2026 Budget, the duplicate food handler card fee is set to increase from \$1 to \$5

- **Increasing Performing Arts Center Season Tickets** - River City Community Players (RCCP) have requested increases to the Season Tickets
- **Increasing Solid Waste Service Charges** - In the approved 2026 Budget, the collection and disposal of refuse monthly fee is set to increase by 8.7%.
- **Increasing Sewer Service Charges** - In the approved 2026 Budget, sewer service charges are set to increase by 3%.

Commissioner Maxwell moved to approve amended City Fee Schedule as presented, with an effective date of January 1, 2026. Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

### **Public Hearing:**

#### **Public Hearing for Amending the 2025 Budget:**

##### **Open Public Hearing:**

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

##### **Staff and Public Comments:**

Finance Director Roberta Beier presented the proposed amendments to the 2025 Budget which will increase the expenditure authority to accommodate unanticipated expenditures for the following funds:

- Library Fund
- Library Employee Benefit Fund

According to K.S.A. 79-2929a, municipalities are authorized to amend their budget to spend money not in the original budget as long as the additional expenditures do not require additional tax levies. Due to circumstances that were not anticipated when the 2025 budget was originally published, the above-mentioned funds may exceed their expenditure authority. Additional revenues are available to support the increased expenditures.

Mayor Bauder opened the floor for public comment. No further comments were made.

##### **Close Public Hearing:**

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

Commissioner Hollister moved to approve the amendments to the 2025 Budget as presented. Commissioner Maxwell seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

### **Resolutions:**

**Resolution B-2388 Planters II Tenant Write-Off Accounts** – Planning & Community Development Director Kim Portillo presented Resolution B-2412 removing two tenant accounts from the rent register at Planters II. Past due rent or damage assessments are determined to be uncollectible for various reasons. Some tenants are deceased or have been moved to nursing homes and have no ability to repay. Others have

moved from the forwarding address provided. Attempts to recover the monies have been unsuccessful. The Resolution deletes the accounts in accordance with the procedures to keep the Housing Authority's rent register current. The process is required by HUD and is included in management policy resolutions adopted for the operation of Planters II.

Commissioner Wilson moved to adopt Resolution B-2412 deleting uncollectable tenant accounts. Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

#### **Bids, Contract and Agreements:**

**Consider City Commercial Insurance Package 2025** – City Clerk Sarah Bodensteiner presented for consideration the insurance renewal for 2026 with Travelers Insurance in the amount of \$797,894.00. This is an increase of \$44,742.00. A 5% increase was budgeted for 2026, the remaining balance will be paid from the General Fund Reserves. The City's insurance broker, Mike Reilly reviewed the market conditions, the renewal quote and discussed future planning options for further discussion with the Commission.

Commissioner Pittman moved to approve the 2026 commercial insurance package with Travelers/Chubb, as presented, in the amount not to exceed \$797,894.00. Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Award of Bid for Housing Needs Assessment** – Planning & Community Development Director Kim Portillo presented for consideration possible award of consultant services for the Housing Needs Analysis. At the March 18, 2025 Study Session staff presented an overview of Reinvestment Housing Incentive District (RHID) Program. The RHID is a state-authorized initiative designed to support housing development in designated areas experiences housing shortages by allowing property tax redirection to reimburse developers for infrastructure costs. Staff was given direction from the Commission to move forward with the first step in the process, the Housing Needs Analysis. A project scope was developed and a Request for Bid was opened on August 23, 2025. Staff evaluated the submitted proposals and requested fee proposals from the top five rated submittals. Cost effectiveness was then evaluated and a final selection was made. Staff recommends the City Commission award the consultant services bid to Baker Tilly Advisory Group.

Commissioner Pittman moved to award the bid for the Housing Needs Assessment with Baker Tilly Advisory Group, in an amount not to exceed \$54,500.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Bids for Water Pollution Control Division 2025 Chemical Purchase** – Public Works Director Brian Faust presented for consideration the bids for WPC chemicals. Staff recommends approval of the low bids for the following chemicals: Hydrogen Peroxide, in an amount not to exceed \$0.30/lb., Sodium Hypochlorite, in an amount not to exceed \$3.30/gal, Sodium Hydroxide, in an amount not to exceed \$0.167/lb. and Polymer, in an amount not to exceed \$2.64/lb. Staff requests award of the low bids for Sodium Hypochlorite, Sodium Hydroxide, Hydrogen Peroxide, and Polymer in an amount not to exceed \$37,000. The bid for Ferrous Chloride was double the amount of the previous year, and Staff is recommending rejection of that bid and will then rebid Ferrous Chloride.

| <b>Chemical</b>     | <b>Price Paid<br/>2024</b> | <b>Price Paid<br/>2025</b> | <b>Cost for<br/>2026</b> | <b>Vendors for 2026</b>       |
|---------------------|----------------------------|----------------------------|--------------------------|-------------------------------|
| Ferrous Chloride    | \$1.69/lb. Fe              | \$1.665/lb. Fe             | \$3.30/lb. Fe            | Technology International Inc. |
| Hydrogen Peroxide   | \$0.45/lb.                 | \$0.30/lb.                 | \$0.30/lb.               | Brenntag Mid-South            |
| Sodium Hypochlorite | \$3.42/gal                 | \$3.42/gal                 | \$3.30/gal               | Edwards Chemicals             |
| Sodium Hydroxide    | \$0.335/lb.                | \$0.335/lb.                | \$0.167/lb.              | Edwards Chemicals             |
| Polymer             | \$2.64/lb.                 | \$2.64/lb.                 | \$2.64/lb.               | Atlantic Coast Polymers       |

Commissioner Hollister moved to accept the low bids for Sodium Hypochlorite, Sodium Hydroxide, Hydrogen Peroxide, and Polymer in an amount not to exceed \$37,000, and reject the bid for Ferrous Chloride from Technology International Inc. Commissioner Maxwell seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Award of Contract for Sanitary Sewer Force Main Inspections** – Public Works Director Brian Faust presented for consideration award of a contract for the inspection and associated detailed condition assessment of 4 sanitary force mains. The City operates 4 wastewater lift stations. These lift stations pump sewage through pressurized pipelines where gravity flow is not possible. Because these assets are now more than 50 years old they are reaching the end of their typical service life. Aging force mains are susceptible to structural deterioration, internal corrosion, joint failures and pressure-related issues. Over the past few years, the City has experienced several force mains breaks. Each break required emergency mobilization, excavation and repair, as well as coordination to prevent or contain wastewater overflows. These failures indicated that the system is becoming increasingly vulnerable and may contain additional sections at risk of similar failures. The objective of this project is to perform a comprehensive internal condition assessment of 4 wastewater sanitary sewer force mains, totaling approximately 10,000 linear feet. The inspection will utilize internal, free-swimming, tether-less inspection equipment to identify structural defects, blockages, corrosion and leaks. An allocation of \$90,000 has been earmarked for this project in the 2025 Capital Improvement Program. The funding is designated to cover the costs associated with the inspection and reporting of the condition of the force mains. The actual cost of the project is \$105,000, however funding is available to cover the difference.

Commissioner Pittman moved to authorize the Mayor to execute a contract and award the bid for the inspection of the four (4) force mains with American Pipeline Solutions, in an amount not to exceed \$105,000. Commissioner Maxwell seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

Commissioner Maxwell stated he needed to recuse himself from the next item and took a seat in the audience.

**Consider Award of Bid for Wilson Avenue Reconstruction Project** - Public Works Director Brian Faust presented for consideration award of a contract for the reconstruction of Wilson Avenue between Limit and just north of Ash Street. Wilson Avenue, south of Limit Street is currently a narrow 2-lane rural section of roadway with open ditches and no sidewalk. There is industrial manufacturing on the west side with large trucks accessing the facility on a regular basis. The eastside has not been development, there have been inquiries about the potential for residential development. The project will relocation the existing watermain and reconstruction Wilson Avenue to include curb/gutter, an enclosed stormwater system and sidewalks on the westside. The relocation of the waterline will be a 50/50 cost share with Leavenworth

Waterworks. Project plans and specifications were prepared by Wilson & Company, and the project was put out for bid. Bids were received on December 3, 2025. The budget estimate for this project was \$2Million with a portion of the funding included in the 2026 CIP. As the low bid was significantly under the estimate, there is adequate funding available to complete the project.

Commissioner Hollister moved to authorize the Mayor to execute a contract and award the bid for the reconstruction of Wilson Avenue from Limit Street to just north of Ash Street with Linaweaver Construction, in an amount not to exceed \$1,225,113.70. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 4-0.

Commissioner Maxwell returned to the dais and rejoined the meeting.

**Consider Award of Bid for Roof Upgrades at Leavenworth Public Library** – Public Works Director Brian Faust presented for consideration award of a contract for the upgrades to the Library roof at 417 Spruce Street. The roof at the Leavenworth Public Library is in need of upgrades to help preserve the structure. The current roof has reached the end of its useful life and leaks are occurring and upgrades to the roofing material are needed. Project plans and specifications were prepared and the project was put out for bid. Bids were received on December 3, 2025. The budget estimate for this project was \$100,000 and the project was included in the 2025 CIP.

Commissioner Maxwell moved to authorize the Mayor to execute a contract and award the bid for the upgrades to the roof of the Leavenworth Public Library with American Roofing, Inc., in an amount not to exceed \$73,437.00. Commissioner Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Award of Contract for Janitorial Services for City Facilities 2026** - Public Works Director Brian Faust presented for consideration award of the 2026 Janitorial Services Contract for City facilities. In 2021, the City hired Southwest Janitorial Services to provide cleaning services for the following City facilities: City Hall, WPC, Animal Control and the Municipal Service Center. Based on input from staff at the various buildings, Staff looked at 2 options moving forward for janitorial services. One option was to hire a full-time staff member to be responsible for cleaning the buildings. This option requires the purchase of all products, supplies, and equipment. Questions were raised about services if the employee was sick, on vacation or left employment with the City. The second option was to rebid the janitorial services to the private section. The 2026 CIP does not include an additional full-time employee, but funding is available for either option. Based upon the concerns raised with the first option, staff rebid the janitorial services for 2026. The project specifications were prepared and the project was put out for bid, with a mandatory pre-bid meeting. The pre-bid meeting was held on November 13, 2025 where the interested firms toured the 4 facilities. Bids were opened on November 25, 2025. The 2026 budget included janitorial serves in the amount of \$103,330.

Commissioner Pittman moved to authorize the Mayor to execute a contract and award the bid for the 2026 janitorial services to City Wide Facility Solutions, in the amount not to exceed \$69,540.00. Commissioner Maxwell seconded the motion and the motion was approved with Commissioners Pittman and Hollister voting No. Mayor Bauder declared the motion carried 3-2.

## **Consent Agenda:**

Mayor Bauder moved to approve Claims for October 24, 2025 through December 4, 2025, in the amount of \$3,901,265.18; Net amount for Payroll #22 effective October 31, 2025, in the amount of \$433,306.38 (No Police & Fire Pension); Net amount for Payroll #23 effective November 14, 2025, in the amount of \$424,449.10 (No Police & Fire Pension) and Net amount for Payroll #24 effective November 28, 2025, in the amount of \$433,130.68 (Includes Police & Fire Pension in the amount of \$7,753.58). Commissioner Pittman seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Other:**

City Manager Scott Peterson:

- Welcomed new Commissioners, Mayor Bauder and thanked the previous Commissioners
- Noted that Monday, December 15th is the orientation, training, facility tours, etc.

Commissioner Maxwell:

- Looking forward to getting to work

Commissioner Hollister:

- Echoed sentiments of Commissioner Maxwell

Commissioner Wilson:

- Excited to get working with staff and other Commissioners

Commissioner Pittman:

- Welcomed everyone in attendance and welcomed the new Commissioners
- Thanked the City Manager and City staff for all their hard work
- Asked about signage on Delaware in the one way areas
- Asked about a synthetic opioid and requested more info
- Heard the Christmas Market was a huge success

Mayor Bauder:

- Thanked new Commissioners; we have a good team
- Thanked the public for their support and coming to speak their mind
- Noted that just as Griff Martin said, we are a house of the people
- Thanked staff

**Adjournment:**

Commissioner Pittman moved to adjourn the meeting. Commissioner Hollister seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 8:38 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC



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

**City Commission Special Meeting**  
**Commission Chambers**  
**Monday, December 15, 2025 8:30 a.m.**

**CALL TO ORDER** - The Governing Body met for a special meeting and the following commission members were present in the commission chambers: Mayor Nancy Bauder (arrived at 9:00 a.m.), Mayor Pro Tem Rebecca Hollister, Commissioners Sam Maxwell, Holly Pittman and Joe Wilson.

**Staff members present:** City Manager Scott Peterson, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Deputy Finance Director Andrew See, Fire Chief Gary Birch, Human Resources Director Lona Lanter, Information Technology Director Marvin Sommerfeld, CVB Manager Kristi Lee, City Planner Michelle Baragary, Parks & Recreation Director Steve Grant, Police Chief Patrick Kitchens, Deputy Public Works Director Michael Stephan, City Attorney David Waters and City Clerk Sarah Bodensteiner.

**Open Special Meeting:**

Commissioner Maxwell moved to open the special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro Tem Hollister declared the motion carried 4-0.

**New Commission Orientation** – City Manager Scott Peterson led the City Commission through an orientation process. Items covered were as follows:

- Overview and Budget, Finance and Project Matters
- Updates from State Legislators
- KORA/KOMA Training

**Executive Session – Attorney-Client Privilege** – Mayor Bauder moved to recess into executive session for 60 minutes for the purpose of *discussing development matters in consultation with an attorney which would be deemed privileged in the attorney-client relationship, pursuant to K.S.A. 75-4319 (b) 2*. The City Commission, City Manager, Assistant City Manager, and City Attorney will be present. The open meeting will resume in the City Commission Chambers at 1:34 p.m. Mayor Pro Tem Hollister seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

The City Commission returned to open session at 1:34 p.m.

**Adjournment:**

Commissioner Maxwell moved to close and adjourn the special meeting. Mayor Pro Tem Hollister seconded the motion and the motion was approved and the meeting was adjourned.

Time Meeting Adjourned 1:34 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

## MAYOR'S APPOINTMENTS

JANUARY 13, 2026

### Mayor Bauder

*"Move to*

*Reappoint to the **Airport Advisory Board** Jeff Bouma, Bob Euler, Lisa Haack and Greg Kaaz to terms ending December 31, 2028;*

*Appoint to the **Convention & Tourism Committee** for the Leavenworth Main Street Board Member position Samantha Carpenter to an unexpired term ending January 31, 2028;*

*Reappoint to the **Deer Management Advisory Committee** Clay McDaniel, Ed Menard and Jamie Whitworth to terms ending December 31, 2028;*

*Appoint to the **Leavenworth Planning Commission** Ted Davis to an unexpired term ending May 1, 2028;*

*Reappoint to the **Parks & Community Activities Board** Wendy Sachen, Marianne Tennant and Esteban (Steve) Zamora to terms ending January 15, 2029;*

*Reappoint to the **Sister City Advisory Board** Terry Weakley to a term ending December 31, 2028.*

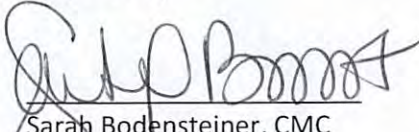
**Requires a second and vote by the Governing Body.**



**POLICY REPORT**  
**REQUEST A WAIVER FOR A TRANSIENT MERCHANT PERMIT**  
**MILITARY COLLECTORS SHOW**  
**RIVERFRONT COMMUNITY CENTER**

**JANUARY 13, 2026**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Scott Peterson  
City Manager

**ISSUE:**

Consider a waiver of a Transient Merchant Permit for the purpose of a Military Collectors Show at the Riverfront Community Center.

**BACKGROUND:**

Edward Trevor Brown submitted an application that was received in the Office of the City Clerk for a Military Collectors Show at the Riverfront Community Center to be held on February 6-7, 2026. This Collectors Show has been held at the Riverfront Community Center for several years. The show typically has 40-50 vendors from the local area and as far away as Omaha and St. Louis. Admission is by donation and vendors do sell their items.

All vendors have a Kansas Retail Tax number or the event coordinator will provide the vendors with a tax form to complete and return to the Kansas Department of Revenue. The City reports all events to the Kansas Department of Revenue so they can verify that taxes on admissions, booth fees and any other applicable sales are submitted as required.

The City of Leavenworth Code of Ordinances Chapter 34, Peddlers, Solicitors and Transient Merchants Sec. 34-62 States:

- A transient merchant permit shall not be issued for use in or on a city-owned property including rights-of-way, parks or open spaces or the community center, provided that the city commission may grant in specific cases a waiver of this general prohibition.
- Application and request for waiver shall be on a form provided by the city clerk and submitted to the city clerk at least 30 days prior to the date of the activity to be placed on the agenda of the next regular meeting of the city commission.

The City of Leavenworth Codes of Ordinances Chapter 34, Peddlers, Solicitors and Transient Merchants Sec. 34-1 Definitions, defines a transient merchant as:

- *Transient merchant, itinerant merchant or itinerant vendor* are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, or public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who,

while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. A transient merchant is not a person who has a permanent business presence in Leavenworth and conducts sales or activities similar as described herein on a temporary basis.

**Fee for Transient Merchants:**

- A Transient Merchant, Itinerant Merchant or Itinerant Vendor Permit fee is \$50.00 per day. The permit is not to exceed 5 days; and no more than two licenses may be issued during a calendar year.

If the City Commission should grant the waiver all applicable fees and insurance requirements would still apply, the waiver just allows the sale to be held on city property, specifically the Community Center which is prohibited by ordinance. The applicant is also required to provide a certificate of liability insurance prior to the date of the event along with any fees required by the Community Center.

**CITY COMMISSION ACTION:**

*Grant* a waiver of a Transient Merchants Permit for use of the Community Center for the Military Collectors Show on February 6-7, 2026;

Or

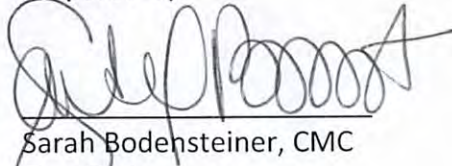
*Deny* the request for a Transient Merchant Permit



**POLICY REPORT  
CEREAL MALT BEVERAGE LICENSES FOR 2026**

**JANUARY 13, 2026**

Prepared by:



Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



Scott Peterson  
City Manager

**ISSUE:**

Request approval to issue Cereal Malt Beverage licenses effective January 14, 2026.

**BACKGROUND:**

The following 2 On-Premise establishments made application for renewal of their Cereal Malt Beverage license and paid the applicable fee. The Off-Premise establishment is new and is taking over the space previously licensed as Shop Smart #2 at 700 Eisenhower. CMB Licenses are not transferable, so a new CMB license is required for the new owners. The Leavenworth Police Department performed records checks and has approved the applications.

**Establishment**

**Address**

OFF-PREMISE CONSUMPTION:

Pioneer Food Mart

700 Eisenhower Road

ON-PREMISE CONSUMPTION:

818 Nails Salon Inc.

619 S 4th Street

Towne Pub Restaurant

1001 Ottawa Street

**STAFF RECOMMENDATION:**

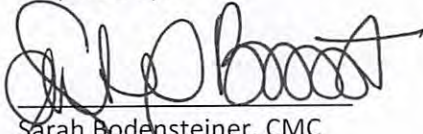
Staff recommends approving the issuance of the 2026 Cereal Malt Beverage Licenses as presented.



**POLICY REPORT**  
**CONSIDER REQUEST TO ABATE/REDUCE SPECIAL ASSESSMENT/NUISANCE FEES**  
**FOR CERTAIN PROPERTIES**

January 13, 2026

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Scott Peterson  
City Manager

**ISSUE:**

Consider the request from the property owner that the special assessment/nuisance fees be abated and/or reduced on the following properties: 714 Kiowa, 1017 Osage and 403 Olive.

**BACKGROUND:**

In 2024 and 2025 City Code Enforcement ordered clean-up/mowing at the below properties. The City contracts with a 3<sup>rd</sup> party contractor for Code Enforcement mowings. When a Code Enforcement mowing occurs, the City sends an invoice to the property owner with the cost of the mowing and an administrative fee. Should invoices remain unpaid, the City files a Lien against the property for non-payment of the mowing invoices. Should the invoices remain unpaid still, the City will place a Special Assessment for the unpaid amount(s) on the property. For these particular properties both a Lien and Special Assessment were placed due to non-payment of mowing invoices. K.S.A 12-1617e allows cities to abate nuisances like tall weeds and grass at the property owner's expense, and allow the city to perform the work and assess the costs as a special assessment or lien against the property itself, making it run with the land rather than just the owner. These properties did end up at a Leavenworth County Tax Sale, and the County will list any applicable liens for each parcel in the Tax Sale. It is also noted on the Leavenworth County website and on the day of Tax Sales that *"Frequently, properties offered for sale at the auction are subject to special assessments for nuisance abatement (e.g. mowing, demolition) being imposed by a municipal government subsequent to the auction date. The buyer may be responsible for such special assessments, even if the municipality also claimed a lien for the charges. The buyer is responsible for any taxes and assessments, including special assessments, which are not included in the judgment, including the full amount assessed against the property for the calendar year in which the auction is held."*

While the current property owner purchased these properties at Tax Sales and may not have been the property owner of the properties at the time the mowings were completed, they are requesting the Commission consider abatement or reduction of the Special Assessment amounts that were added to the Tax Rolls.

The breakdown of the Special Assessments per property is as follows:

**714 Kiowa:**

- Property was Mowed as part of a Code Enforcement Actions 3 times during the mowing season
- Lien for non-payment of mowing invoices was recorded in land records on 04/15/2025
- Special Assessment of \$1,454.84 was placed on the tax rolls by Ordinance No. 8265 on 09/03/2025
- **Total Nuisance/Mowing Cost = \$204.84** (3 mowings at \$68.28 each)
- **Total Administrative Fees = \$1,250**

1017 Osage:

- Property was Mowed as part of a Code Enforcement Actions 2 times during the mowing season
- Lien for non-payment of mowing invoices was recorded in land records on 04/15/2025
- Special Assessment of \$797.99 was placed on the tax rolls by Ordinance No. 8265 on 09/03/2025
- **Total Nuisance/Mowing Cost = \$197.99** (1 mowing at \$98.99; 1 mowing at \$99.00)
- **Total Administrative Fes = \$600**

403 Olive:

- Property was Mowed as part of a Code Enforcement Actions 4 times during the mowing season
- Lien for non-payment of mowing invoices was recorded in land records on 04/15/2025
- Special Assessment of \$1,614.16 was placed on the tax rolls by Ordinance No. 8265 on 09/03/2025
- **Total Nuisance/Mowing Costs = \$514.16** (4 mowings at \$128.54 each)
- **Total Administrative Fees = \$1,100**

Fee amounts are established by Section 54-75, Assessment of City Costs of Abatement and are as follows:

1. \$100 administrative assessment fee for the first mowing plus contractor expenses.
2. \$250 administrative assessment fee for the second mowing plus contractor expenses.
3. \$500 administrative assessment fee for the third mowing plus contractor expenses.
4. Any additional mowing after the third violation will be assessed a \$500 administrative assessment fee plus contractor expenses.

In the past, in some instances the City Commission has reduced the fees for similar requests to the actual cost of the mowing/clean-up incurred by the city and a \$100.00 administration fee per property. Should the Commission choose this option, this would reduce the Special Assessment/Nuisance fee as follows for each property:

714 Kiowa - Reduce total Special Assessment from \$1,454.84 to \$304.84

1017 Osage – Reduce total Special Assessment from \$797.99 to \$297.99

403 Olive – Reduce total Special Assessment from \$1,614.16 to \$614.16

**ACTION OPTIONS/ALTERNATIVES:**

- Waive the special assessment/nuisance fees in full
- Reduction of fee total for each property as presented
- Reduction of fees to a different amount
- Deny the request

**From:** Vadim Iuras  
**To:** Sarah Bodensteiner  
**Subject:** Request for Review and Consideration of Special Assessment Charges – 714 Kiowa St, 1017 Osage St, and 403 Olive St  
**Date:** Tuesday, December 9, 2025 8:01:43 AM

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Dear City Clerk's Office,

I am writing to respectfully request a review and possible dismissal or adjustment of the mowing-related Special Assessment charges applied to the following properties purchased at Leavenworth County's tax sales:

- **714 Kiowa St**, purchased at the 2024 tax sale
- **1017 Osage St**, purchased at the 2025 tax sale
- **403 Olive St**, purchased at the 2025 tax sale

After receiving the 2025 property tax bill, I noticed that Special Assessment fees were included for mowing services performed in **2024 and/or 2025**, during periods when I was **not yet the owner** of these properties. By purchasing tax sale properties I accept the possibility of liens or assessments attached to the property, and I fully acknowledge that risk. However, these mowing charges occurred before I took legal ownership or had any authority to maintain the lots.

For reference:

- I acquired **714 Kiowa St** in summer 2024 and received the deed thereafter.
- I acquired **1017 Osage St** and **403 Olive St** at the summer 2025 tax sale, with deeds issued later that year.
- According to the City Clerk's Office, the mowing charges correspond to maintenance performed **before the issuance of the deeds** for these parcels.

I respectfully ask the City to consider whether these assessments can be **dismissed, reduced, or adjusted**, given that the services were performed prior to my ownership and ability to manage the properties.

I want to emphasize that I am fully committed to maintaining all three lots in proper condition going forward. My goal is to invest in and improve these properties, which ultimately reduces the city's maintenance burden. Even though the amounts may be small from the city's perspective, they have a significant impact on small investors like myself who are working to rehabilitate and bring delinquent properties back into productive use.

If the city is able to assist with relief on these pre-ownership charges, it would greatly support my continued efforts to maintain and improve these lots, ensuring they no longer require city mowing or intervention.

Thank you very much for your time and consideration. I would appreciate the opportunity for further discussion if needed and am happy to provide any documentation or clarification to

assist in your review.

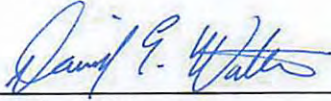
Sincerely  
Vadim Iuras

The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.




**POLICY REPORT**  
**REVOCATION OF HOME2 SUITES LODGING ESTABLISHMENT LICENSE**

**JANUARY 13, 2026**



David E. Waters  
City Attorney



Scott Peterson  
City Manager

**ISSUE:**

Consider formal revocation of Home2 Suites lodging establishment license for nonpayment of transient guest taxes (TGT).

**INTRODUCTION:**

Home2 Suites operates a lodging establishment within the City at 250 Delaware Street. Home2 Suites has been operating under a lodging establishment license through the City pursuant to City Code Sec. 12-216 *et seq.* Home2 Suites' license expired by its own terms as of December 31, 2025. Under City Charter Ordinance No. 60 (2018), the City charges a transient guest tax of up to ten percent (10%) upon "the gross receipts derived from or paid directly or through an accommodations broker by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court." Transient guest taxes are due from Home2 Suites on a monthly basis.

Throughout 2025, Home2 Suites failed to make timely payments of its transient guest taxes. By way of example only, payments for January through July 2025 were due and paid as follows:

| FILING PERIOD     | DATE PAID          |
|-------------------|--------------------|
|                   |                    |
| January 25, 2025  | March 14, 2025     |
| February 25, 2025 | April 18, 2025     |
| March 25, 2025    | June 13, 2025      |
| April 25, 2025    | June 13, 2025      |
| May 25, 2025      | July 24, 2025      |
| June 25, 2025     | August 18, 2025    |
| July 25, 2025     | September 15, 2025 |



As of October 31, 2025, Home2 Suites had made no payments for August or September 2025, and had also not paid late penalty fees for prior months which were not timely paid. On October 31, 2025, the City Clerk sent Home2 Suites a letter advising that Home2 Suites was behind on its payments. The City Clerk received confirmation of Home2 Suites' receipt of that letter on November 5, 2025.

In the October letter, the City advised that, pursuant to City Code Sec. 12-25, the City would mandatorily deny any future license because Home2 Suites was indebted to the City for unpaid transient guest taxes. The letter to Home2 Suites also advised of the City's intent to revoke any licenses that may allow Home2 Suites to continue operating under Charter Ordinance No. 60 which provides, in relevant part:

For serious or repeated and/or continuous violations of any of the requirements of this Charter Ordinance, or for interference with the City staff performance of duties, any license to operate or conduct business as a hotel, motel, or tourist court may be suspended and/or permanently revoked after an opportunity for a hearing before the City Commission has been provided. Prior to such action, the City Clerk shall notify the license holder in writing, stating the reasons for which the license is subject to suspension and advising that the license shall be temporarily suspended at the end of thirty (30) days following service of such a notice, unless a request for a hearing is filed with the City Clerk, by the license holder, within ten (10) days.

Accordingly, Home2 Suites was advised that, if payment was not received, its then-current license to operate would be temporarily suspended.

The City did not receive the required payments from Home2 Suites of its transient guest taxes. Therefore, on December 31, 2025, the City sent Home2 Suites another letter that, pursuant to Charter Ordinance No. 60, its license had been temporarily suspended and that Home2 Suites was prohibited from operating and doing business in the City.

On December 18, 2025, Home2 Suites made one additional payment of transient guest taxes attributable to August 2025. As of the date of this report, Home2 Suites is delinquent on payments for September, October, and November 2025 (and will soon be delinquent for December 2025), and is also delinquent on certain late payment penalty fees. Again, Home2 Suites' license expired by its own terms in any event as of December 31, 2025. Home2 Suites has not applied for and the City Clerk has not issued a new annual license to operate. However, City staff understands that Home2 Suites continues to operate.

Notwithstanding that (1) Home2 Suites' 2025 license has expired, (2) Home2 Suites has not applied for nor received a 2026 license, and (3) the City has temporarily suspended its then-current license, out of an abundance of caution, the City Attorney believes that the City Commission should take formal action pursuant to Charter Ordinance No. 60 to permanently revoke Home2 Suites' license. This action may be adding "belts with suspenders" (in that Home2 Suites is already prohibited from operating) but, in order to protect due process and provide

Home2 Suites with an opportunity for a hearing as provided by Charter Ordinance No. 60, this matter has been placed on tonight's agenda for the City Commission. Although Home2 Suites has not formally requested a hearing, Home2 Suites has been notified of this hearing.

**RECOMMENDATIONS:**

Staff recommends that, notwithstanding that (1) Home2 Suites' 2025 license has expired, (2) Home2 Suites has not applied for nor received a 2026 license, and (3) the City has temporarily suspended its then-current license, the City Commission move to permanently revoke any license or permission for Home2 Suites to operate as a lodging establishment within the City for nonpayment of transient guest tax until such time as (A) Home2 Suites has paid all amounts due and owing to the City, and (B) Home2 Suites has applied for and obtained a current lodging establishment license.

Under City Code Sec. 12-218, "It is unlawful for any person to operate a hotel, lodginghouse, boardinghouse, or resort within the jurisdiction of the city who does not possess a valid license issued annually by the city as required by this article." Therefore, should Home2 Suites continue to operate without a valid license, City Staff may—in the future—take additional steps necessary to enforce City ordinances. This may include a complaint being filed in the municipal court.

**SUGGESTED ACTIONS AND MOTIONS:**

- Open a hearing for Home2 Suites only (not a public hearing) to address the City Commission regarding the permanent revocation of any license or permission Home2 Suites has or may have to operate a hotel, motel, or lodging establishment in the City of Leavenworth.
- Suggested Motion following Hearing: *"I move that, pursuant to Charter Ordinance No. 60, and as a result of unpaid transient guest taxes, the City Commission permanently revoke any license or permission that the owner or operator of Home2 Suites, located at 250 Delaware Street in the City of Leavenworth, currently has or may have to operate a hotel, motel, or lodging establishment at or from such location."*


**RESOLUTION SETTING HEARING DATE FOR UNSAFE STRUCTURE  
130 LOGAN STREET**

January 13, 2026

Prepared by:

  
Harold D. Burdette,  
Chief Building Inspector

Reviewed by:

  
Brian D. Faust  
Director of Public Works

Reviewed by:

  
Scott Peterson,  
City Manager

**ISSUE:**

Consider a resolution setting March 10, 2026, as the date of a public hearing regarding the unsafe or dangerous structure located at 130 Logan Street.

**BACKGROUND:**

A fire significantly damaged this structure on July 17, 2025. No permit applications have been received for this project.

When structures are damaged by fire or other causes and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used by the city to either remove the structure if the owner decides not to address the issue, or be returned to the property owner once repairs are completed and the structure is ready for occupancy, or the owner has the structure demolished. The City has received money in regards to this property. The money will be returned to the owner once repairs have advanced to the point that the exterior work has been completed and the interior is ready for sheetrock.

The Chief Building Inspector recommends that proceedings under the provisions of K.S.A. 12-1750, et seq. should be commenced. Approval of this resolution setting the date of the public hearing is the first step in the process. This action will ensure that the City retains control over the proceeds from the fire insurance to assist with efforts to maintain the site.

Pursuant to the provisions of K.S.A. 12-1750, et seq., a public hearing is required to determine if the structure should be demolished or if the owners will commit to making improvements within a timeframe acceptable to the City Commission. To establish the hearing date and to begin the legal service of notice process, the City Commission has to establish the hearing date by which assignees and owners must be notified. The legal rights are vested in the hearing and the City Commission should refrain from taking any testimony at this time in order to protect their legal rights in the process.

At the public hearing, the Commission will receive testimony for and against ordering the demolition of the structure. At the conclusion of the public hearing, the City Commission findings are adopted by resolution.

**RECOMMENDATION:** Motion to adopt Resolution No. B-2413, setting March 10, 2026, as the date for the public hearing regarding the unsafe structure located at 130 Logan Street.

**ATTACHMENT:**

Resolution No. B-2413  
Photos of Exterior of 130 Logan Street

*(To Be Published in the Leavenworth Times on January 17, 2026 and January 24, 2026)*

**RESOLUTION NO. B-2413**

**A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, AT WHICH TIME AND PLACE THE OWNER, ITS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE STRUCTURES HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES, PURSUANT TO K.S.A. 12-1751 *ET SEQ.***

**WHEREAS**, pursuant to K.S.A. 12-1752, the enforcing officer of the City of Leavenworth, Kansas, did on the 5th day of January, 2026, file with the Governing Body of said city a statement in writing that certain structures hereinafter described are unsafe or dangerous and should be ordered by the Governing Body to be repaired or demolished.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** Notice is hereby given that a public hearing will be held by the City Commission on March 10, 2026, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66048, such date being at least thirty (30) days after the last date scheduled for publication of this Resolution. The public hearing will commence at 6:00 p.m. or as soon thereafter as the City Commission can hear the matter. If, as a result of the COVID-19 pandemic or other reason, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, [www.leavenworthks.gov](http://www.leavenworthks.gov), and included with the published agenda for such meeting. At the public hearing, the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structures should or should not be condemned as dangerous or hazardous structures and ordered repaired or demolished pursuant to K.S.A. 12-1751 *et seq.*:

The structure is described as: A single-family structure located at **130 Logan Street**. The property is legally described as: Lot 20, Block 32 of Southside Park Subdivision, Leavenworth, Kansas. CAMA 1010104014005000

**Section 2.** The City Clerk and/or Chief Building Inspector are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this Resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder, and occupant at the last known address and shall be marked "deliver to addressee only."
- b. This Resolution shall be published for two (2) consecutive weeks on the same day of each week.

**Section 3.** This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.



**PASSED AND ADOPTED** by the City Commission of the City of Leavenworth, Kansas, this 13th day of January, 2026.

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Nancy D. Bauder, Mayor

{SEAL}

**ATTEST:**

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Sarah Bodensteiner, CMC, City Clerk







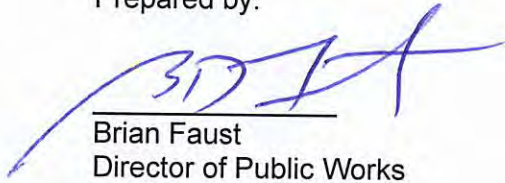
POLICY REPORT PWD NO. 26-01

CONSIDER AWARD OF A CONTRACT FOR THE REPLACEMENT OF THE MAIN ELECTRICAL SWITCHGEAR AT THE WASTEWATER TREATMENT PLANT

CITY PROJECT NO. 2025-008

January 13, 2026

Prepared by:

  
Brian Faust  
Director of Public Works

Reviewed by:

  
Scott Peterson  
City Manager

**ISSUE:**

Consider award of a contract with Capital Electric Company, Inc. for the removal and replacement of the main switchgear at the WWTP.

**BACKGROUND:**

The existing switchgear at the WWTP is vintage 1970s equipment. If power goes down at the plant from one of the two different lines feeding the plant, the switchgear is used to switch to the other feed. The current gear is a manual switch requiring staff to contract with a 3<sup>rd</sup> party with the appropriate equipment to safely make this change. Depending on the availability of the 3<sup>rd</sup> party, the plant may be down for an extended period of time.

The new switchgear uses current technology and will automatically switch to the active feed in case of a failure. This limits the plant downtime and is a significant safety enhancement.

The project plans and specifications were prepared by Black & Veatch, and the project was advertised on the Bonfire/Euna online bidding platform. Bids were received on December 3<sup>rd</sup> and the results are shown below and on the attached bid tabulation.

| Company                       | Location            | Bid Price       |
|-------------------------------|---------------------|-----------------|
| Capital Electric Company, Inc | Kansas City, Kansas | \$ 1,499,117.00 |
| Max Electric                  | Grandview, Missouri | \$ 2,012,750.00 |
| Engineer's Estimate           |                     | \$ 2,527,051.00 |

The low bid was submitted by Capital Electric Company, Inc in the amount of \$1,499,117.00 and based on the evaluation from Black & Veatch, they are qualified to perform this work. Capital Electric included a statement that delivery time was 68 weeks. This is significantly higher than the 44 weeks assumed by Black & Veatch. Capital is able to improve the delivery time to 46 weeks for an additional \$192,500. Staff and Black & Veatch are not recommending spending additional funding for this.

In discussions with Black & Veatch, they feel that it is important as part of the project to include testing of the existing 2 – 15kv capacitors. This testing will add an additional \$7,770 to the contract price for a total of \$1,506,887.00.

**BUDGET IMPACT:**

As the design progressed, the engineering estimate for the removal and replacement increased to \$2.5M as plans were finalized. The 2026 CIP included funding of \$1,137,000 for this project. The difference between the budget and actual is \$369,887. This difference will be covered by cost savings on other WPC projects.

**POLICY:**

The City Commission generally awards a contract to the lowest bidder if the bid is less than the Engineer's Estimate and whose evaluation indicates that the award will be in the best interest of the City. The qualified low bid from Capital Electric Company, Inc was under the Engineer's Estimate and the contractor is qualified for this work.

**RECOMMENDATION:**

Staff recommends that the City Commission authorize the Mayor to sign a contract with Capital Electric Company, Inc in the amount of \$1,506,887.00 for the replacement of the main switchgear and capacitor testing at the Wastewater Treatment Plant.

**ATTACHMENTS:**

- CIP Sheet
- Bid Tab
- Bid Proposal from Capital Electric

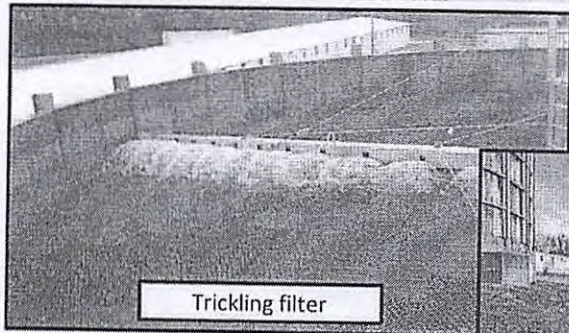


**Capital Improvements Program**  
**2026 - 2030**  
**Sewer Fund - Waste Water Treatment Plant (WWTP) Improvements and Repairs**

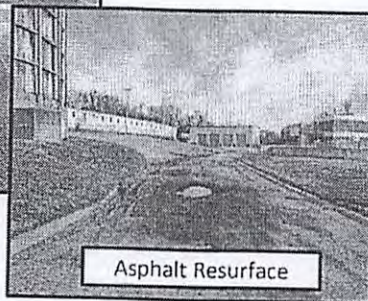
**Purpose / Description:**

This allocation provides for the replacement and improvement of critical equipment throughout the Waste Water Treatment Plant (WWTP).

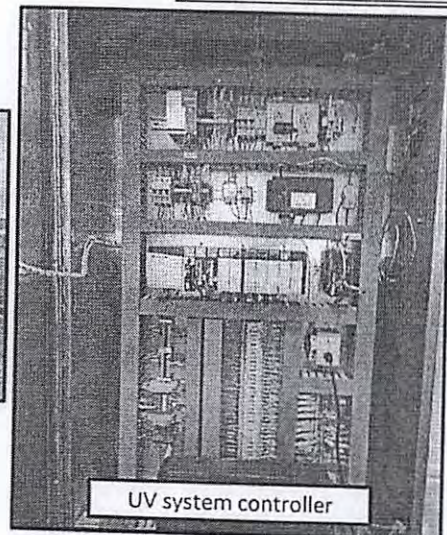
| Comments   | Year Installed | Source      | Year | Requested             | Scheduled           |
|--|----------------|-------------|------|-----------------------|---------------------|
| Replace trickling filter #1                              | 1970s          | Sewer Fund  | 2026 | 2,100,000             | 2,100,000           |
| Replace switchgear                                       | 1970s          | "           | 2026 | 1,137,000             | 1,137,000           |
| Asphalt resurfacing (3rd of 3 phases)                    | 1970s          | "           | 2026 | \$ 40,000             | \$ 40,000           |
| Replace and upgrade SCC controller for UV system         | 2012           | "           | 2026 | \$ 40,000             | \$ 40,000           |
| Replace main building air handler                        | 1990s          | "           | 2026 | 160,000               | 160,000             |
| Annual allocation for emergency repairs                  | N/A            | "           | 2026 | 100,000               | 100,000             |
| Replace UV lamps for channel 1                           | 2022           | "           | 2027 | 200,000               | 200,000             |
| Replace motor control center #4                          | 1972           | "           | 2027 | 190,000               | 190,000             |
| Replace motor control center #9                          | 1993           | "           | 2027 | 101,000               | 101,000             |
| Inspect, sandblast, repaint, and seal primary clarifiers | 1970s          |             | 2027 | 200,000               | 200,000             |
| Annual allocation for emergency repairs                  | N/A            |             | 2027 | 110,000               | 110,000             |
| Replace & update polymer room equipment                  | 1990           |             | 2027 | 62,000                | 62,000              |
| Replace electrical transformers (Phase 1 of 3)           | 1970s          |             | 2027 | 100,000               | 100,000             |
| Replace UV lamps for channel 2                           | 2023           |             | 2028 | 200,000               | 200,000             |
| Replace electrical transformers (Phase 2 of 3)           | 1970s          |             | 2028 | 100,000               | 100,000             |
| Annual allocation for emergency repairs                  | N/A            |             | 2028 | 120,000               | 120,000             |
| Replace heaters in press room                            | 1990           |             | 2028 | 96,000                | 96,000              |
| Replace trickling filter isolation valves                | 1970           |             | 2028 | 50,000                | 50,000              |
| Replace UV lamps for channel 3                           | 2023           |             | 2029 | 200,000               | 200,000             |
| Replace electrical transformers (Phase 3 of 3)           | 1970s          |             | 2029 | 100,000               | 100,000             |
| Replace Hoffman blowers                                  | 1970s          |             | 2029 | 200,000               | 200,000             |
| Annual allocation for emergency repairs                  | N/A            |             | 2029 | 130,000               | 130,000             |
| Replace 2 grinder pumps                                  | 1993           |             | 2030 | 80,000                | 80,000              |
| Replace sludge tank mixers that for holding tank #1      | 2008           |             | 2030 | 100,000               | 100,000             |
| Concrete restoration for floor of pump buildings         | 1970s          |             | 2030 | 40,000                | 40,000              |
| Annual allocation for emergency repairs                  | N/A            |             | 2030 | 130,000               | 130,000             |
| Replace duct work in filter building                     | 1970s          | Unscheduled |      | 236,000               | -                   |
| Construct new WWTP in same location                      |                | Unscheduled |      | 150,000,000           | -                   |
|  |                |             |      | <b>\$ 153,085,000</b> | <b>\$ 2,849,000</b> |



Trickling filter



Asphalt Resurface



UV system controller

WWTP - page 1 of 3

[Back to Table of Contents](#)



**CITY OF LEAVENWORTH**  
**Project No. 2025-00**  
**WWTP 15 KV Main Switchgear Replacemer**  
**December 3, 202**

| BASE BID                              |  |      |          | ENGINEER'S ESTIMATE |                | CAPITAL ELECTRIC |                | MAX ELECTRIC, INC. |                |
|---------------------------------------|--|------|----------|---------------------|----------------|------------------|----------------|--------------------|----------------|
| WWTP 15 KV Main Switchgear Replacemer |  |      |          | Unit Price          | Extension      | Unit Price       | Extension      | Unit Price         | Extension      |
| Item                                  | Description                            | Unit | Quantity |                     |                |                  |                |                    |                |
| 1                                     | WWTP 15 KV Main Switchgear Replacement | LS   | 1.00     | 2,527,051.00        | \$2,527,051.00 | \$1,499,117.00   | \$1,499,117.00 | \$2,012,750.00     | \$2,012,750.00 |
| TOTAL BASE BID:                       |  |      |          |                     | \$2,527,051.00 |                  | \$1,499,117.00 |                    | \$2,012,750.00 |

# BID PROPOSAL

## December 3rd, 2025

Leavenworth, Kansas

The undersigned bidder proposes to accomplish the **City of Leavenworth Project No. 2025-008** including any and all work and material that may be necessary to complete the same according to the plans and specifications on file in the City Clerk's office and the rules, ordinances and regulations of the City and statutes of Kansas governing contracts with cities for public work and under the direction and to the satisfaction of the Board of Commissioners and City Engineer, at the following rates, to-wit:

### WWTP 15 KV Main Switchgear Replacement

Project 2025-008

| BASE BID        |  |                               |     |
|-----------------|--|-------------------------------|-----|
| ITEM NO.        | ITEM DESCRIPTION                                   | UNIT                          | QTY |
| 1               | Leavenworth WWTP 15 KV Main Switchgear Replacement | LS                            | 1   |
| Total Base Bid: |  | \$ 1,499,117.00               |     |
| COMPANY NAME    |  | Capital Electric Company Inc. |     |
| BIDDER NAME     |  | Joe Carollo 816-912-8778      |     |

*Itemized Bid will be entered into a bid table on Bonfire*

Shipping leadtimes switchgear currently are 68 weeks lead time. This will not meet the 442 days of completion date FYI

SHIPPING ADDER of \$192,500.00 to make lead time 46 weeks.

PROPOSAL

PAGE 2 OF 3

**Joe Carollo**

**HEREBY** agrees that the City of Leavenworth has a right to reject any and all bids or parts thereof. The undersigned bidder herewith deposits with the City Clerk the sum of **1,499,117.00** **\$1,499,117.00** Dollars (Certified check, cashier's check or acceptable bid bond) and makes this bid on the condition and agreement that if said bidder shall fail to enter into a contract to do said work and file good and sufficient bonds as required by law on account of the work awarded to said bidder with the City Clerk within ten (10) working days after said work shall have been awarded to said bidder, that said deposit shall therefore be forfeited to the City of Leavenworth as and for liquidated damages by reason of such failure and that said award may be rescinded and contract awarded to the next lowest responsive bidder.

Completion date to be **Four Hundred and Forty-Two (442) Calendar days** after the City Engineer or a duly authorized representative has given "Notice to Proceed" or liquidated damages shall be in accordance with Table 1 in Section 58 of the General Conditions of this document for each calendar day until project completion.

Bidder: **Capital Electric Company Inc.**  
FEIN: **91-2094074**  
Address: **530 sunshine road kansas city kansas 66115**  
By: **Joe Carollo** Title: **Vice president**  
Telephone No: **816-912-8778** Fax No: \_\_\_\_\_  
Email Address: **joseph.carollo@capitalelectric.com**

PROPOSAL

PAGE 3 OF 3





December 3, 2025

Project: **LEAVENWORTH WWTP 15 KV switchgear replacement**

We are pleased to provide our proposal for the electrical scope of work on the above referenced project. Our proposal is based on the following clarifications.

**Base Bid: \$1,499,117.00**

**Adder to base: \$192,500.00 for expedited shipping fees.**

A. Project Documents:

1. Black and Veatch September 2025 and specification

B. Fees, Permits, Bonds, & Taxes:

1. Electrical Permit excluded.
2. Taxes not included.
3. Labor tax included.
4. Builders risk insurance is excluded.
5. Utility Company charges or fees of any kind are excluded.

C. Project Conditions:

1. This proposal is based on working (8) hours per day Monday through Friday

D. Temporary Power and Demolition:

1. Temp generator of 500 kw and 2500kva xfmr 480/13,800 volt is included for temp power that is required over the 1 hour outage limit requirement mentioned in the specification.

F. Electrical Work

1. Demo work per drawings.
2. Testing is included of new cables.
3. Testing is included for transformer #1 and #5 per specifications 3.2 B
4. Setting new switchgear.
5. New medium volt cables and terms per drawings.
6. All concrete work per drawings.

**Exclusions and notes:**

1. Switchgear lead times are 68 weeks, they do not meet the project schedule of 442 days.
2. EXPEDITATED SHIPPING IS 46 WEEKS AT \$192,500.00 ADDER.
3. We only have one new utility feed for each pole NOT 2 in this price.
4. Not responsible if the duct banks are damaged and existing wire cant be removed. Unplugging the duct bank or fixing is by others. Not Capital Electric Co inc.

Thank you for your consideration. Please call should you have any questions or concerns regarding this proposal.

**Respectfully,**


**John Shaw / Project Manager**  
**Capital Electric Construction Company, Inc.**  
*An Everus company*  
2801 Fairfax Trfy Kansas City Kansas 66115  
Cell 816-654-3544 Work 816-472-9500  
[john.shaw@capitalelectric.com](mailto:john.shaw@capitalelectric.com) | [capitalelectric.com](http://capitalelectric.com)



**I Am Safety!**

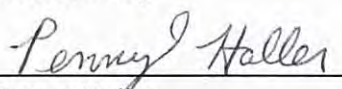
**Policy Report**  
**Camp Leavenworth Event Management Contract**  
**Tuesday, January 13, 2026**

Prepared By:

  
Brian Bailey

Deputy Director Parks & Rec.

Reviewed By:

  
Penny Holler  
Assistant City Manager

Reviewed By:

  
Scott Peterson  
City Manager

**ISSUE:**

Consider approving contract with O'Neill Events and Marketing to manage the 2026 Camp Leavenworth festival for \$74,000.

**BACKGROUND:**

The City's signature event, Camp Leavenworth, is scheduled for September 18th and 19th. This will be the seventh year for the memorable festival that brings thousands of residents and visitors together. The proposed contract would utilize O'Neill Events and Marketing experience and lessons learned in previous years together with additional stakeholder feedback for 2026. The O'Neill team also tracks emerging best practices through their participation in the International Festival and Events Association and applies that in Leavenworth.

The 2026 Scope of Work includes the same expectations as last year, including the City's Finance Department managing the finances in-house.

**BUDGET IMPACT:**

The 2026 budget includes funds for the Camp Leavenworth festival using Transient Guest Tax (TGT) revenues.

**ATTACHMENTS:**

2026 Scope of Work  
2025 YE O'Neill Report



CITY OF LEAVENWORTH  
**CAMP LEAVENWORTH FESTIVAL**  
Contract number: 2026

SCOPE OF WORK: Event Management Proposal

**December 30th, 2025**

*Presented by:*

O'Neill Events

3238 Gillham Rd

Kansas City, MO 64109



## **Overview:**

O'Neill Events has put together a plan to execute Camp Leavenworth Festival in the City of Leavenworth in 2026. This plan with tasks and costs is outlined below.

## **Summary and Period of Engagement Leavenworth Festival Event Management**

O'Neill Events has been approached by the City of Leavenworth to provide professional services as outlined below, under the direction and supervision of designated Leavenworth Festival representatives, and understands the Scope of Work as defined:

- Event Director
- Event Producer
- Sponsorship Producer
- Marketing Manager
- Public Relations
- Festival Insurance

O'Neill Events & Marketing understands the Period of Engagement for the outlined work as January 1, 2026 – October 31, 2026

## **O'Neill Deliverables and Responsibilities**

O'Neill Events will serve as the Event Producer for the festival with Keli O'Neill Wenzel and Erin Scanlon as Event Directors of the Camp Leavenworth Festival. If Keli O'Neill Wenzel or Erin Scanlon is unable to serve as Event Director, any replacement Event Director will be submitted to the Leavenworth Festival City Manager/Office for approval.

The detailed scope of work below, along with the above summary, reflects O'Neill Events understanding of the project. Please initial by each subhead to confirm Leavenworth Festival's understanding of each section. If you have questions or notice any conflicts, please contact O'Neill Events.

## **General Timeline Requirements & Process**

O'Neill Events understands the initial target delivery date for Leavenworth Festival is September 18th -19th. As such, all work outlined above will reflect said target date and be executed in a timely manner to achieve success. O'Neill Events will do all to meet any established deadline,

but because of project dependencies beyond O'Neill Events control, O'Neill will not issue a formal project timeline until all defined requirements and approvals are received.

Any changes to Scope of Work or delays in approvals will potentially affect the general timeline and cost of the project. Missed deadlines relating to services, contracts, or information on the part of the client or third party will result in O'Neill Events adjusting the general project timeline.

If actions by the client or any other third party creates project delays, the overall project timeline will be reevaluated to account for lost time, and a Change Order may be issued for any additional time required of the O'Neill Events team. Any such Change Order issued on behalf of the project is subject to additional fees associated with those changes.

## **Event Director**

- Create annual festival operations budget with input from Leavenworth Festival Executive Committee and/or City Manager's Office
- Oversee festival budget with inclusion of City Manager and city's finance director
- Manage budget and spending, updating City Manager/Office monthly
- Meet with Leavenworth Festival City Manager/Office on a monthly basis to discuss organization strategy and business plans
- Meet with Leavenworth Festival City Manager/Office on a monthly basis to discuss festival operations planning
- Assist Leavenworth Festival City Manager/Office with necessary organization structure development and business documentation
- Provide historical data to the City Manager/Office
- Co-manage event identity and oversee brand management
- Oversee marketing and public relations
- Based upon approved budget numbers, Event Director will communicate, negotiate and send necessary festival agreements to City Manager's office for approval with tenants, venue owners and stakeholders within and surrounding the festival footprint
- Attend and participate in any meetings and conferences with any entities or government agencies as are necessary for developing, implementing and sustaining the event
- Provide consultation throughout the year
- Provide onsite consultation and recommendations for weather, emergency situations, threats and problems that arise
- Provide production oversight
- Be onsite during all festival hours (through tear down and setup)

## **Event Producer**

### **LOGISTICS PLANNING**

- Manage and maintain all festival operations costs, ensuring budget accountability
- Maintain a general operating timeline
- Provide monthly updates on budget to City Manager
- Attend and participate in any meetings and conferences with any entities or government agencies as are necessary for developing, implementing and sustaining the event
- Create and develop a festival layout
- Manage and oversee all festival signage needs
- Coordinate, order and fulfill all-related area logistical needs
- Oversee on-site sponsorship logistics, including footprint, power, and site access
- Hire and manage additional on-site labor for festival
- Coordinate and order all festival deliverables and supplies
  - Establish list of festival area needs
  - Supply graphic design team with timelines, content and creative guidelines
  - Designate and distribute credential and festival access list
  - Distribute hospitality packages, including drink tickets, food vouchers and backstage meal tickets
  - Create festival communications plan, including radio assignments, radio order and on-site equipment setup

### **STAFFING, COMMITTEE & VOLUNTEER MANAGEMENT**

- Coordinate Executive Committee Chairs and Weekend Chairs, overseeing their job descriptions and meeting regularly with each to ensure all tasks are being implemented
- Identify and create volunteer staffing plan
  - Shift development
  - Training
  - Communications and system management

### **ENTERTAINMENT**

- Work with designated entertainment booking agents to create, recommend and manage Leavenworth Festival entertainers, to be approved by the Leavenworth Festival City Manager/Office
- Work with designated entertainment booking agents to solidify entertainer contracts, payments and tax requirements

### **HOSPITALITY MANAGEMENT**

- Facilitate all festival and sponsor hospitality needs and requests

- Develop guest rooming list and coordinate hotel accommodations for entertainers, various staff and VIPs
- Manage transportation plans to and from festival for entertainers, including airport and hotel needs as contracted, as well as co-manage on-site runner
- Coordinate backstage/green room needs according to entertainer riders and festival budget

#### **PERMITTING & LICENSING**

- Work with city representatives for all necessary permits for festival
  - Fire, Noise, Carnival
  - Street Closure
  - Health
  - City and State Liquor
- Obtain and coordinate all permit support documentation including permission letters, tax documents, appropriate fees and all other paperwork

#### **POINT OF SALE & FINANCE SUPPORT**

- Manage all onsite box office and ticketing operations and equipment
- Oversee festival Point of Sale systems/operations
- Support City of Leavenworth's Finance Department with information to process vendor payments and submit sales tax reports

#### **EMERGENCY PREPAREDNESS**

- Update a public safety plan to include all festival related security and medical needs and coordinate all related entities responsible for executing this plan
- Manage Emergency Incident Coordinator and on-site preparedness plans
- Emergency Action Plan development and distribution in advance and on-site

#### **TRANSPORTATION & PARKING**

- Manage a festival parking and traffic plan and work with all contracted vendors, city, police, etc., to execute and communicate properly
- Manage road closures and communications related to all festival transportation and parking

#### **BAR & BEVERAGE OPERATIONS**

- Oversee all bar and beverage operations
- Create bar layouts and serving operations
- Product orders including soda, water, ice, and cups and distribution of product on-site

- Work with local liquor store to coordinate liquor needs, equipment, and logistics on-site

## **VENDOR RELATIONS**

- Coordinate, manage and contract with ALL Leavenworth Festival vendors
  - Cash and Carry: Food vendors + Makers Market vendors
  - Decor: Fabrication, Installations, Lighting
  - Hospitality: Transportation, Hotels, Green Room, Backstage
  - Parking and Transportation
  - Power: Generators, Equipment, Distribution
  - Production: Sound, Stage, Lighting
  - Public Safety: Security, Medical, Crowd Control, Weather
  - Site: Fencing, Tents

## **ON-SITE MANAGEMENT**

- Full on-site event management from setup to tear down
  - \*\*O'Neill Events & Marketing has 2-3 dedicated staff that will oversee the festival. This includes on-site setup on the Thursday before the festival and post-festival on the day after the event. All other staff and volunteer needs will be the responsibility of the festival's budget. As indicated above, O'Neill will oversee and manage these additional positions.*

## **Sponsorship Producer**

- Develop target sponsor list and festival financial goals for fundraising
- Create custom festival sponsorship packages based on client needs
- Create 5K Run & Walk festival sponsorship deck
- Provide update on prospective sponsor contacts to the Leavenworth Festival City Manager/Office for final approval before solicitation
- Develop, facilitate, and maintain relationship(s) with prospective sponsors
- Manage all sponsor contracts and invoicing
- Fulfill all sponsor requirements as established in final contract
  - Marketing materials
  - Signage
  - Logistical needs: Permits, power, etc.
- On-site management for all sponsors, including advance communications, load-in, site needs, load-out

## **Marketing Manager**

- Develop and manage a festival marketing plan that aligns with budget and brand
  - Yard Signs
  - Billboards
  - Radio & Television
  - Digital
- Work with all marketing vendors (Graphic designers, city communications, etc. – fees not included in O’Neill’s scope)
- Establish and manage media partnerships and media buys
- Write media scripts and commercial scripts as needed
- Provide creative direction and content guidelines with unified marketing team
- Work with unified marketing teams to create coordinated festival content calendar that aligns PR, digital and marketing efforts
  - Eblasts
  - Website
- Update website ongoing with new content, graphics, photos etc.
- Manage and oversee social media for the festival
  - Content creation
  - Advertising campaigns
  - Work with the city communications contact to respond to social media inquiries in a timely manner

## **Project Fee and Compensation**

O’Neill Events will be compensated in the following manner:

### **Festival Event Management**

- \$7,400 per month (10 months Jan - October)
- TOTAL: \$74,000**

### **Sponsorship Bonus Compensation**

- City of Leavenworth will pay O’Neill Events a 10% bonus on any cash sponsorships.
- City of Leavenworth will pay all commissions on any sponsorship agreements secured by O’Neill Events regarding Camp Leavenworth
- O’Neill Events will bill sponsorship commissions separately from monthly management fee, two weeks after the festival

***This concludes the Scope of Works, which is incorporated into the Camp Leavenworth – O’Neill Events Contract for Services executed on January 13, 2026.***

# **Contract for Services**

## **Parties**

This Contract for Services (hereinafter "Contract") is hereby made between O'Neill Marketing & Event Management, Inc., d/b/a O'Neill Events & Marketing, a Missouri Corporation, and City of Leavenworth, Kansas, this 13th day of January, 2026 ("Effective Date").

## **Intent**

The above parties desire to enter into this Contract so that O'Neill Events & Marketing can provide consultation services as outlined above for a Camp Leavenworth Under the direction and supervision of City of Leavenworth representatives. Scope of Work is incorporated herein.

## **Indemnification and Liability**

It is hereby understood and agreed that O'Neill Events & Marketing will in no case be responsible for any loss, damage or injury to any person or property during the Term of this Contract and related to the City of Leavenworth victory parade and surrounding events except for those resulting from its gross negligence or willful misconduct. It is further understood and agreed by and between O'Neill Events & Marketing and The City of Leavenworth that, to the extent permitted under Kansas law, The City of Leavenworth will protect, indemnify and hold harmless O'Neill Events & Marketing and its officers, agents, employees and volunteers, individually and collectively, from any and all liability for any loss, harm or damage, including any claims, suits and/or judgements, including attorney's fees and any other costs of defense of any said claim and/or suit brought by anyone as a result of any matter related to this event except for liability, loss, harm or damage, including any claims, suits and/or judgements, including attorney's fees and any other costs of defense of any said claim and/or suit resulting from the negligence or willful misconduct of O'Neill Events & Marketing.

### **Limitation of Liability**

The Consultant shall not be liable for any injuries, accidents, property damage, security breaches, or any other incidents that occur before, during, or after the event. The Client acknowledges that the Consultant provides recommendations and guidance solely for planning and logistical purposes, and the implementation of such advice is the Client's sole responsibility.

The Consultant makes no guarantees regarding the adequacy of security measures, venue safety, or compliance with local regulations. To the extent permitted under Kansas law, the Client agrees to indemnify and hold the Consultant harmless from any claims, liabilities, damages, or legal actions arising from the event's execution, including but not limited to personal injury, property loss, or security-related issues, except to the extent caused by the negligence or willful misconduct of O'Neill Events & Marketing.

Nothing in this Contract shall operate to exclude or restrict either party's liability for a) death or personal injury resulting from its gross negligence or willful conduct, or b) fraud or deceit by a party or one of its agents, owners, employees, or contractors. Subject to the above terms, the liability of O'Neill Events & Marketing in connection with the Contract whether for gross negligence, breach of contract, misrepresentation or otherwise, will not extend to any special, indirect or consequential damages or losses, or any loss of profits, loss of revenue, loss of data, loss of contracts or opportunity, whether direct or indirect, even if The City of Leavenworth has advised O'Neill Events & Marketing of the possibility of those losses, or if they were within O'Neill Events & Marketing contemplation.

## **Confidentiality**

O'Neill Events & Marketing hereby agrees to keep confidential any non-public information provided by The City of Leavenworth to O'Neill Events & Marketing that is reasonably designated as confidential by The City of Leavenworth. Likewise, to the extent permitted under Kansas law, including but not limited to the Kansas Open Records Act, The City of Leavenworth hereby agrees to keep confidential any non-public information provided by O'Neill Events & Marketing to The City of Leavenworth that is reasonably designated as confidential by O'Neill Events & Management. Both parties shall take reasonable efforts to safeguard any personally identifiable information, consistent with applicable law. Both parties agree that all representations and warranties made with regard to Confidentiality shall survive the Term of this Contract.

## **Dispute Resolution**

*Negotiation:* Parties agree to attempt to resolve any dispute by negotiation between the parties.

*Arbitration/Mediation:* If parties are unable to resolve the dispute by negotiation, options such as mediation and/or binding arbitration in a forum mutually agreed to by the parties should be considered by the parties.



***Litigation:*** In all other circumstances, the parties specifically consent to the local, state and federal courts located in the state of Kansas, County of Leavenworth.

***Attorney Fees:*** The prevailing party shall be entitled to recover its attorneys' fees and costs in any dispute resolved by binding arbitration or litigation.

## **General**

***Modification/Waiver:*** Modifications to this Contract must be in writing and signed by both parties. Failure by either party to enforce any right or seek to remedy any breach under this Contract shall not be construed as a waiver of such rights, nor shall a waiver by either party of default in one or more instances be construed as constituting a continuing waiver or as a waiver of any other breach.

***Notices:*** All notices under this Contract shall be given in writing either by: (a) Email, with return confirmation of receipt; (b) Certified or Registered mail, with return receipt requested. Notice will be effective when received, or in the case of email, on confirmation of receipt.

***No Assignment:*** Rights or obligations under this Contract shall not be transferred, assigned or encumbered without the prior written consent of the other party.

***Governing Law:*** This Contract shall be governed by the law of Kansas.

***Severability:*** If any provision of this Contract is held invalid or unenforceable, the remainder of this Contract shall remain in full force and effect. Where possible, the invalid or unenforceable provision shall be interpreted in such manner as to be effective and valid under applicable law.

***Headings:*** Headings used in this Contract are for convenience and reference only and shall not affect the scope, meaning, intent or interpretation of this Contract, and shall not have any legal effect.

***Complete Agreement:*** This Contract is the entire understanding of the parties and supersedes all prior understandings and documents relating to the subject matter of this Contract. This Contract may be executed by the parties in multiple counterparts and facsimile and/or

electronic (i.e., email) copies of signature pages shall be deemed to have the same force and effect as original signature pages.

Approval

By signing this Contract, The City of Leavenworth agrees to the provisions of this Contract and the Scope of Work signed concurrently herewith and incorporated herein and authorizes O’Neill Events & Marketing to determine final costs and timelines and proceed with the project.

*Please sign below to indicate an understanding of this Scope of Work. Any changes to this Scope of Work must be agreed upon by both parties in writing.*

\_\_\_\_\_  
MAYOR, CITY OF LEAVENWORTH

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY CLERK, CITY OF LEAVENWORTH

\_\_\_\_\_  
DATE

\_\_\_\_\_  
O’NEILL EVENTS, Keli Wenzel, President

\_\_\_\_\_  
DATE

[View this email in your browser](#)



## O'NEILL EVENTS YEAR IN REVIEW



---

This year was a landmark one for O'Neill Events—packed with citywide celebrations, meaningful partnerships, and unforgettable moments that brought people together across Kansas City, Oklahoma City, and beyond.

And the fun didn't stop at the events... **WE MOVED!**

As of July, we've officially settled into our new home at 3238 Gillham Rd. (second floor!), and we're loving every minute of it. It's already become the perfect space for big ideas, stronger collaboration, and all the behind-the-scenes magic that goes into creating moments of wonder.

We've also debuted a fresh new look with a **brand refresh from Whiskey Design!**

While we dropped the "& Marketing," don't be fooled—we're still here to market your favorite events with strategy, creativity, and intention.

And one more celebration...

## Libby Roepe is BACK!

We're thrilled to welcome her as our **Senior Vice President of Development & Creative Strategy**, bringing next-level expertise, new opportunities, and wicked creativity to the team.



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## 2025 EVENT RECAP

From historic championship parades to milestone anniversaries, immersive pop-ups, and large-scale public festivals, our team was honored to help create experiences that inspired, connected, and celebrated the people we serve. Below is a look back at the events that defined our year.

Click the images to see our event recap videos!



### KCI Spring Break Activation

A two-week airport pop-up featuring interactive photo opportunities and traveler gifting.

### North Kansas City Hospital + Mayo Clinic Partnership Launch

A press conference and two-day internal expo celebrating NKCH's strategic partnership with Mayo Clinic.





civic leaders and advocates supporting women's economic and leadership advancement.



### **Kansas City Royals 40-Year & 10-Year Anniversary Celebration**

A milestone celebration at Union Station honoring the 1985 and 2015 World Series Championship teams.

### **CPC's Cook for Courage**

A BBQ culinary competition at Vine St Brewery featuring top KC chefs and local breweries benefiting the Child Protection Center.



### **OKC Thunder Champions Parade**

A historic citywide celebration honoring the Oklahoma City Thunder's first-ever NBA Championship win.



### **Boulevardia Festival — 10th Anniversary**

A multi-day celebration marking a decade of Boulevardia with beer, music, food, and community.



### **Chris Long's 50th Birthday Celebration**

A private milestone event featuring Pitbull, Summer Breeze, Melissa Etheridge, a drone show, and live parrots.

the traveler experience.

### **Kansas City Irish Fest**

A multi-day cultural festival celebrating Irish music, dance, heritage, and community—bringing thousands together for an iconic Kansas City tradition.



### **John I. Haas — Haastoberfest**

The inaugural fall festival for the global hops distributor in Yakima Washington, featuring brewery partners and Oktoberfest-inspired experiences.



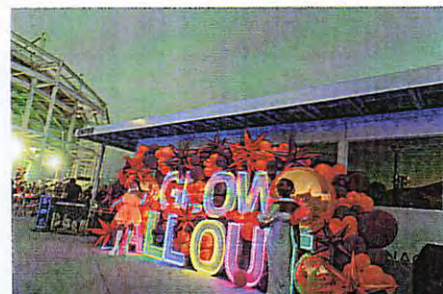
### **Camp Leavenworth Festival**

A free two-day community festival featuring national headliner Gin Blossoms.



### **NKC Health's Glow All Out**

The second annual neon-themed fundraising celebration for North Kansas City Hospital.



### **KC Streetcar Main Street Extension Grand Opening**

Three days of celebrations including a VIP progressive dinner, press conference, a public celebration at





### OKC Thunder Staff Ring Ceremony

A private celebration honoring staff and commemorating a historic season.



### Keli's ALL ACCESS 50th Birthday Celebration

A backstage, rockstar-style celebration honoring Keli's 50th—featuring special guest performances, a transformed Drexel Hall, and an all-access experience celebrating the icon Keli's is and the rockstars who make her world shine.



## WHAT A YEAR!

As we close out an extraordinary year, we're filled with gratitude for the milestones that strengthened and energized our team. From moving into our new office to launching a bold brand refresh and welcoming new energy to the team, 2025 set the stage for what's ahead.

We can't wait to build on this foundation and continue creating unforgettable experiences in the year ahead—moments that inspire, connect, and celebrate the people and places we serve.

Because at the end of the day, JOY IS OUR JOB.



---

# HAPPY NEW YEAR!

## FROM THE O'NEILL EVENTS TEAM



Keli O'Neill Wenzel  
President & CEO

Jessica Julich  
Senior Vice President, Operations &  
Strategy

Libby Roepe  
Senior Vice President, Development &  
Creative Strategy

Erin Scanlon  
Manager, Event Operations

Eva Williamson  
Administrative Assistant

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## FOLLOW ALONG ON SOCIAL

For more behind-the-scenes magic, event-day highlights, and sneak peeks at what we're building next, follow us on social to see even more moments of wonder—and updates on our 2026 events as they're announced!

Instagram: @oneillevents

56 Facebook: O'Neill Events



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Our mailing address is:

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe](#)



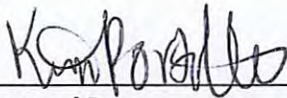


**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2025-19 REZ  
220, 226 AND 232 SENECA**

**JANUARY 13, 2026**

**SUBJECT:**

Place on first consideration an ordinance to rezone the property located at 220, 226 and 232 Seneca Street from R-MF, Multi-Family Residential District, to CBD, Central Business District.



**Prepared By:**

Kim Portillo  
Director of Planning and  
Community Development



**Reviewed By:**

Scott Peterson,  
Interim City Manager

**ANALYSIS:**

The applicant is requesting a rezoning of their property located at 220, 226 and 232 Seneca Street from R-MF (Multi-Family Residential District) to CBD (Central Business District). The subject properties consists of 3 vacant parcels that lie directly adjacent to the Abernathy Lofts, and are owned by SDF Development, LLC. The rezoning is being requested to allow for a parking lot use, to clean up spot zoning, and to allow for uses that are more appropriate for the location of the property.

The parcels directly to the north along Miami Street are zoned R1-6 (High Density Single Family Residential District) and consist of single-family homes. To the south is Planters II Apartments (HUD Housing) zoned CBD, and the adjacent property to the east is Abernathy Lofts zoned CBD. The northwest corner of the intersection, west of 3<sup>rd</sup> Street, is also zoned CBD with a single family residential house.

**220 Seneca Street**

The subject property is currently an existing vacant lot that has been graded in preparation for a parking lot. The rezoning is being requested to allow for a standalone parking lot use to accommodate the Abernathy Lofts located at 200 Seneca St. Plans for the expanded parking lot were reviewed by City Staff, and it was discovered that a parking lot use is not permitted in the R-MF zoning district, as it is on it's own separate parcel. Standalone parking lots are permitted in the CBD zoning district.

The property is designated as multi-family on the Future Land Use Map, and is part of the Redevelopment Overlay District. Multi-family is permitted in the North Neighborhood Overlay District. The rezoning request for 220 Seneca St. will permit the site to be used as a parking lot.

**226 & 232 Seneca Street**

The subject properties are existing vacant lots and will remain as such at this time. The rezoning is being requested to align 226 & 232 Seneca St. with the remaining parcels on the block and to expand the potential future uses of the parcels for commercial uses.

In March 2013, the three subject properties were rezoned from CBD to R-MF for a proposed development project of nine townhouses. Since the townhouse project was never developed, staff supports the rezoning of the subject properties back to their original zoning designation, which aligns with the Future Land Use Map and Redevelopment Overlay District.

## **CONDITIONS OF DETERMINATION**

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

*The character of the surrounding area is a mix of single family, multifamily and commercial. The subject property is located one block north of Shawnee St. near Downtown Leavenworth, lying to the northeast of the intersection of 3<sup>rd</sup> and Seneca Streets, and is part of the North Neighborhood District overlay. Downtown Leavenworth contains a wide variety of uses.*

- b) The zoning and use of properties nearby;

*The general zoning in the area is CBD, except to the north, which is R1-6 (High Density Single Family Residential District) and occupied by single family homes. Currently all surrounding CBD zones are single and multifamily uses with Planters II Apartments to the south, Abernathy Lofts to the east, and a single family dwelling to the west of 3<sup>rd</sup> Street. The CBD zoning will allow for a mix of use types.*

- c) The suitability of the subject property for the uses to which it has been restricted;

*Parking lots are not a permitted use in the R-MF zoning district. Reverting the subject properties back to CBD allows construction of commercial parking lots, and will expand potential future commercial uses of the parcels. Additionally, the subject properties are in the North Neighborhood Overlay District, in which multifamily dwellings are a permitted use, which aligns with the Comprehensive Plan. Staff believes the rezoning in March 2013 from commercial to multi-family was down zoning. Furthermore, townhouses are permitted by-right in the North Neighborhood Overlay District negating the need for the 2013 rezoning.*

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

*Staff's view is that the proposed rezoning should have little detrimental effect upon surrounding properties. Multi-family and Mixed-Use Structures are permitted by-right in the North Neighborhood Overlay District that can be used as a transitional zone from commercial to single family. Additionally, the Development Regulations states that a 25' setback shall be provided on any side of a CBD lot that abuts a residential district.*

- e) The length of time the subject property has remained vacant as zoned;

*The subject properties had been vacant for many years prior to the rezoning from CBD to R-MF in March 2013, and continue to be vacant. The gravel parking lot at 220 Seneca St. was installed during or after 2022 without appropriate permits. The applicant is now working with staff to bring the parking lot into compliance with the Development Regulations.*

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

*The proposed rezoning will have a positive effect on public health, safety and welfare by bringing the property back to the appropriate zoning classification for its location near Downtown Leavenworth, while allowing flexibility for a mix of uses.*

- f) The recommendations of permanent or professional staff;

*Staff recommends approval of the rezoning request.*

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

*The area aligns with the Future Land Use map as multifamily is permitted in the North Neighborhood District overlay. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.*

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

*No other factors*

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received one question regarding the status of the property from a notified property owner, but no concerns or comments.

The Planning Commission took action on this item at their December 1<sup>st</sup> 2025, meeting and voted 5-0 to recommend approval of the Rezoning request.

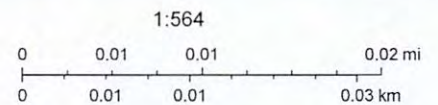
**REZONING ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the request to rezone the property located at 220, 226 and 232 Seneca Street from R-MF, Multi-Family Residential District, to CBD, Central Business District.
- Deny the request to rezone the property located at 220, 226 and 232 Seneca Street from R-MF, Multi-Family Residential District, to CBD, Central Business District.
- Remand the request to rezone the property located at 220, 226 and 232 Seneca Street from R-MF, Multi-Family Residential District, to CBD, Central Business District to the Planning Commission for further consideration.





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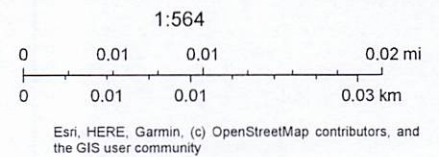
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# 2025-19-REZ (Zoning)



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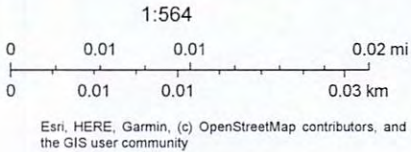




2025-19-REZ (Future Land Use)



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**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO. 2025 - 19 REZ

|                      |                  |
|----------------------|------------------|
| Application #        | <u>17842</u>     |
| Fee (non-refundable) | \$350.00         |
| Filing Date          |                  |
| Received By          |                  |
| Hearing Date         | <u>12/1/2025</u> |
| Publication Date     | <u>11/5/2025</u> |

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

|  |   |                                      |                                  |
|--|---|--------------------------------------|----------------------------------|
| Subject Property:  | <u>200/220/226/232 Seneca St. Leavenworth, KS</u>                               |                                      |                                  |
| Rezoning:  | Present classification of:  | <u>RMF</u><br><u>Vacant Lots - V</u> | district to: <u>CBD</u>          |
| Legal Description:   | <b>(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)</b> |                                      |                                  |
| Real Estate PID #  | <u>0772503402007000</u>   | Historic District:                   | <u>N/A</u>                       |
| <u>226 PID: 0772503402006000 232 PID: 0772503402006010</u>   |   |                                      |                                  |
| I/We, <u>Jackson Foutch</u> being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief. |   |                                      |                                  |
| Name(s) of Owner (print or type):  | <u>Jackson Foutch</u>   |                                      |                                  |
| Address:   | <u>7505 NW Tiffany Springs Pkwy. Ste. 100 KCMO 64153</u>                        |                                      |                                  |
| Contact No.:   | <u>816-654-3187</u>   | Email:                               | <u>jackson.foutch@foutch.biz</u> |
| Signature of Owner(s):   | <u>[Signature]</u>  |                                      |                                  |

**NOTE:** All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

State of MISSOURI )  
County of PLATTE ), SS

Signed or attested before me on October 27, 2025 by Jackson Foutch  
(date) (name(s) of person(s))

Notary Public: Karen Arelllo My Appointment Expires: July 16, 2029

(SEAL)

KAREN ARELLO  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI  
MY COMMISSION EXPIRES JULY 16, 2029  
CLAY COUNTY  
COMMISSION #25253912



## **Required Narrative Responses**

### **1) Present use and character of the property and surrounding area**

The subject parcel at 220 Seneca St. is a vacant gravel surface parking lot serving the residential building at 200 Seneca St. The surrounding area comprises a mix of commercial and civic uses consistent with the central Leavenworth context, with intermittent residential uses nearby.

### **2) Intended use and character of the property**

No new structures are proposed at this time. The parcel will continue to function as an accessory off-street parking facility supporting the established commercial use at 200 Seneca St. Any maintenance, striping, accessibility upgrades, landscaping, and screening will comply with City requirements.

### **3) Why the requested zoning is the most appropriate**

The requested district will align the parcel's zoning with its established accessory parking function and the district governing the principal use at 200 Seneca St. This improves consistency, removes ambiguity for site management, permits, and leasing, and conforms to the character of nearby uses. It gives additional parking spaces to residents.

### **4) Reasons the proposal will not be materially detrimental**

The parcel is already used for off-street parking; the request formalizes existing conditions. The parking use reduces curbside congestion, supports safe circulation, and preserves adequate capacity for tenants and visitors. Landscape/screening will continue to buffer adjacent properties. No increase in intensity is proposed.

### **5) Easements, restrictions, or conditions**

To the best of the owner's knowledge, the parcel is not affected by easements, deed/plat restrictions, or prior approvals. If applicable, describe: [Insert description of any known utility easements, access easements, or recorded restrictions and their effect].

## **Attachments & Exhibits**

- Exhibit A – Full legal description (Register of Deeds).
- Exhibit B – Certified ownership list within 200 feet (GIS Department).
- Exhibit C – Site plan (2 hard copies + 1 digital) showing dimensions, layout, access, landscaping/screening, drainage, and utilities/hydrants.



- **Exhibit D – Any supporting agreements, covenants, or restrictions affecting maintenance and use.**
- **Exhibit E – Any drainage report and utility/fire confirmation letters, if required.**

### **Checklist (Applicant Use)**

- ☐ **\$350 non-refundable fee**
- ☐ **Completed application, signed and notarized**
- ☐ **Full legal description attached (Register of Deeds)**
- ☐ **Certified owner list within 200 ft (or 1,000 ft if applicable)**
- ☐ **Site plan (2 hard copies + 1 digital) with parking layout, access, landscaping/screening**
- ☐ **Supporting documentation (drainage, utilities/hydrants, covenants)**

**Note:** District names/codes and PID to be confirmed. Please insert contact information and any known easements.

Entered in the transfer record in my office this  
5 day of July, 20 18

*Jeret R. Driscoll*  
County Clerk  
*by B. Jones*

Doc #: 2018R05405  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
07/05/2018 08:01:48 AM  
RECORDING FEE: 21.00  
PAGES: 1

Kansas Secured Title  
360 Santa Fe  
Leavenworth, KS 66048

CORPORATION WARRANTY DEED

TX0013352

THE GRANTOR, Development, Inc., a Kansas corporation, a corporation duly incorporated and existing under the laws of the State of Kansas, and its principal place of business in the State of Kansas, hereby conveys and warrants to: SDF Development, LLC, a Missouri limited liability company

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

226 Santa Fe

Lots 13 and 14, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas.

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 29 day of June, 2018.

Development, Inc., a Kansas corporation

By: *Jeremy Greenamyre*  
Jeremy Greenamyre, Vice President

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 29<sup>th</sup> day of June, 2018, by Jeremy Greenamyre, Vice President of Development, Inc., a Kansas corporation, on behalf of the corporation.

*Sharon Kay Tuttle*  
Notary Public  
My appointment expires: 7-26-19

SHARON KAY TUTTLE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appl. Exp. 7-26-19

Doc #: 2018R05404  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
07/05/2018 08:01:46 AM  
RECORDING FEE: 38.00  
PAGES: 2

Entered in the transfer record in my office this  
5 day of July, 2018

James R. Driscoll  
County Clerk  
by B Jones

Kansas Secured Title  
360 Santa Fe  
Leavenworth, KS 66048

CORPORATION WARRANTY DEED

TX0013353

THE GRANTOR, Greenamyre Rentals AKA Greenamyre Rentals, Inc., a Kansas corporation, a corporation duly incorporated and existing under the laws of the State of Kansas, and its principal place of business in the State of Kansas, hereby conveys and warrants to: SDF Development, LLC, a Missouri limited liability company,

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

See Exhibit "A" attached hereto and by this reference made a part hereof

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 29 day of June, 2018.

Greenamyre Rentals, Inc., a Kansas corporation

By: [Signature]  
Jeremy Greenamyre, Vice President

State of Kansas, County of LEAVENWORTH §

The foregoing instrument executed was acknowledged before me this 29<sup>th</sup> day of June, 2018, by Jeremy Greenamyre, Vice President of Greenamyre Rentals, Inc., a Kansas corporation, on behalf of the corporation.

[Signature]  
Notary Public  
My appointment expires: 7-26-19

SHARON KAY TUTTLE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 7-26-19

EXHIBIT "A"

220 Seneca Tract I:

All of Lot 10, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas; and also so much of Lot 11 in said Block as is bounded and described as follows: Beginning at a point on the North Line of Seneca Street as laid out, opened and used in said City of Leavenworth, at the Southeast corner of said Lot 11; thence West along the North line of Seneca Street 10.52 feet to a point marked by an iron pin; thence in a Northeasterly direction 125 feet to a point on the North line of said Lot 11, which said point is 10.27 feet West of the Northeast corner of said Lot 11; thence East along the North line of said Lot 11, 10.27 feet to the Northeast corner of said Lot 11; thence South along the East line of said Lot 11 to the point of beginning.

AND

So much of Lot 11, Block 25, as is bounded and described as follows: Beginning at a point on the North line of Seneca Street as laid out, opened and used in the City of Leavenworth at the Southwest corner of said Lot 11, thence East along the said South line of said Lot 11, 13.56 feet to a point; thence in a Northeasterly direction 125 feet to a point on the North line of said Lot 11, 13.81 feet East of the Northwest corner of said Lot 11, thence West along the North line of said Lot 11, 13.81 feet to the Northwest corner of Lot 11, thence South along the West line of said Lot 11 to the Southwest corner of said Lot 11 being the point, the place of beginning, of Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas.

AND

All of Lot 12, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas.

232 Seneca

Tract II:

Lots 15 and 16, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas.

*(Summary Published in the Leavenworth Times on \_\_\_\_\_)*

**ORDINANCE NO. XXXX**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 220, 226 AND 232 SENECA STREET FROM MULTI-FAMILY RESIDENTIAL DISTRICT (R-MF) TO CENTRAL BUSINESS DISTRICT (CBD).**

**WHEREAS**, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of December 2025 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas. The official date and time set as was published in the Leavenworth Times newspaper on the 5<sup>th</sup> day of November 2025 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 220, 226 and 232 Seneca Street, Leavenworth Kansas from Multi-Family Residential District (R-MF) to Central Business District (CBD); and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1:** That the following described property, to-wit, is hereby rezoned from Multi-Family Residential District (R-MF) to Central Business District (CBD).

All of Lot 10, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas; and also so much of Lot 11 in said Block as is bounded and described as follows: Beginning at a point on the North Line of Seneca Street as laid out, opened and used in said City of Leavenworth, at the Southeast corner of said Lot 11; thence West along the North line of Seneca Street 10.52 feet to a point marked by an iron pin; thence in a Northeasterly direction 125 feet to a point on the North line of said Lot 11, which said point is 10.27 feet West of the Northeast corner of said Lot 11; thence East along the North line of said Lot 11, 10.27 feet to the Northeast corner of said Lot 11; thence South along the East line of said Lot 11 to the Point of beginning. AND So much of Lot 11, Block 25, as is bounded and described as



follows: Beginning at a point on the North line of Seneca Street as laid out, opened and used in the City of Leavenworth at the Southwest corner of said Lot 11, thence East along the said South line of said Lot 11, 13.56 feet to a point; thence in a Northeasterly direction 125 feet to a point on the North line of said Lot 11, 13.81 feet East of the Northwest corner of said Lot 11, thence west along the North line of said Lot 11, 13.81 feet to the Northwest corner of Lot 11, thence South along the West line of said Lot 11 to the Southwest corner of said Lot 11 being the point, the place of beginning, of Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. AND All of Lot 12, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 220 Seneca Street**, Leavenworth, Kansas;

Lots 15 and 16, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 232 Seneca Street**, Leavenworth, Kansas;

Lots 13 and 14, Block 25, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas. And **more commonly referred to as 226 Seneca Street**, Leavenworth, Kansas

**Section 2:** That the “Zoning District Map” adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

**Section 3:** That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

**PASSED and APPROVED** by the Governing Body on the \_\_\_\_ day of \_\_\_\_, 2026.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

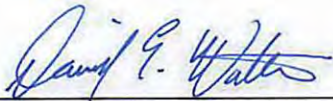
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ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

**STAFF REPORT**  
**REVIEW OPTIONS FOR AMENDING THE LEAVENWORTH CITY CODE**  
**TO ADDRESS VACANCIES IN THE CITY COMMISSION**

**JANUARY 13, 2026**



David E. Waters  
City Attorney



Scott Peterson  
City Manager

**ISSUE:**

Review options prepared by City Attorney David Waters regarding the filling of a vacancy in the position of City Commissioner.

**INTRODUCTION:**

During a recent review of the City Code, City Staff noticed that—despite the City having adopted relatively-new procedures for filling the role of “mayor” in the event of a vacancy, City Code does not appear to have any provision setting forth how vacancies in the City Commission generally are to be filled. At the September 9, 2025, City Commission meeting, the City Attorney proffered a draft ordinance which would fill vacancy positions by appointment, with consent of the full City Commission. The City Commission asked that Staff review further whether the City could adopt procedures for electing (at a special election) replacement commissioners.

**THE CITY AS A COMMISSION-MANAGER CITY:**

As part of researching the question of whether the City could fill vacancies via special election, City Staff reached out to the Leavenworth County Elections Office, which advised that it had spoken with the Kansas Secretary of State. The County stated that the Secretary of State advised that, for cities of the first class (such as Leavenworth), the provisions of K.S.A. 13-513 apply to vacancies:

**13-513. Vacancies in offices of mayor or councilman, how filled.** When any vacancy shall happen in the office of mayor by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council for the time being shall exercise the duties of the office of mayor, with all the rights, privileges and jurisdiction of the mayor, until such vacancy is filled or such disability is removed, or, in case of temporary absence, until the mayor shall return; and in case of such vacancy, other than temporary absence or disability, the president of the council shall become mayor. Thereupon the council shall elect from its membership a new president of the council. **Whenever a vacancy shall**

**occur in the office of councilman, the governing body shall appoint an elector of the ward where the vacancy occurs to be councilman for the balance of the unexpired term.**

(Bold and underlined emphasis added.) Therefore, the County suggested that vacancies could only be filled by appointment.

The City Attorney does not agree with this position. Although Staff could find no indication that the City ever “chartered out” of this statute (and others surrounding it in the same act), this statute speaks to a “council” and not a “commission”; the City does not have “wards”; the City does not have a “president of the council”; etc. Furthermore, the statutes surrounding this statute reflect the powers of council and mayors in “mayor-council” cities, not “commission-manager” cities such as the City of Leavenworth.

Rather, at some point in its past, the City adopted a “commission-manager” form of government. The commission-manager form of government was previously authorized under a completely different set of statutes, K.S.A. 12-2001 *et seq.* These enactments were all repealed by the Kansas Legislature in 2015; however, that does not mean that the City’s form of government was no longer authorized. That is because, also in 2015, the Legislature adopted a “savings” statute preserving current cities’ form of government, K.S.A. 12-184a. Indeed, as part of the City’s 2019 recodification, the City adopted an ordinance with Code Sec. 2-19(a), which reflects that continuation language.

Therefore, it is the City Attorney’s opinion that the vacancy-appointment procedures of K.S.A. 13-513 do not apply to the City of Leavenworth. Nevertheless, out of an abundance of caution, the City Attorney is recommending that the City go ahead and charter out of this statute.

#### **APPLICABLE VACANCY STATUTES:**

Still, one must ask what procedures “do” apply to vacancies in cities such as Leavenworth, if not K.S.A. 13-513. The City Attorney believes that the answer initially lies in K.S.A. 12-104a, which was also adopted in 2015 along with the other statutes referenced above, and which provides (in relevant parts):

##### **12-104a. Cities, consolidated cities and counties; procedure for filling prolonged vacancies.**

(a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) \*\*\*\*

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If

the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

Summarized, K.S.A. 12-104a(c) establishes the following process for filling a vacancy:

- The governing body, by a majority vote of the remaining members, is to appoint a person to fill the vacancy. (Note, the statute does not say “who”—whether the mayor or otherwise—makes the initial appointment).
- The appointment must be made within sixty (60) days after the vacancy.
- If the appointment is not made within such 60 days (for whatever reason—failure of someone to make a nomination, failure of the remaining members of the governing body to approve someone, a series of tie votes, etc.), then the governing body must pass a resolution calling for a special election to be held.
- The statute does not say “when” the city must pass this resolution, just that they “shall” do so if the appointment is not made within 60 days.
- The election is to be held within forty-five (45) days after the date of passage of the resolution. Such an election is a “special election” to be conducted by the county.
- Candidates for the special election must file for office pursuant to terms of a separate ordinance which, highly summarized, provides for the filing of a statement of candidacy together with applicable fees (or a petition signed by a requisite number of persons).

Initially, this would seem to provide the model for a City ordinance on how vacancies in the City Commission are to be filled. Utilizing just this statute, the City would appear to have three options (there are other options that involve going beyond this statute described below):

- (1) Do nothing at this time, understanding that if there is a vacancy in the commission, the City would follow the provisions of K.S.A. 12-104a(c);
- (2) Modify current City Code to simply reference the provisions of K.S.A. 12-104a(c) (so that, down the road, people reviewing the Code know to look to that statute);  
or

- (3) Utilize subsection (d) (establish a procedure for filling vacancies within sixty days—such as a simple appointment process) and amend the City Code to provide for such a process (similar to that initially presented to the City Commission); with that, subsection (c) (the election portion) would not need to be utilized.

However, none of those options are ideal. That is because—even with utilizing K.S.A. 12-104a(c)—elections cannot likely be held in accordance with that statute (discussed in detail below). And, even if the City were to adopt a simple appointment process utilizing subsection (d), the failure of the City to actually make an appointment within 60 days would likely trigger subsection (c) anyways (“The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy”).

#### **NEW STATUTES LIMITING SPECIAL ELECTIONS:**

K.S.A. 12-104a(c) states that, if the appointment is not made within sixty (60) days, then a “special election” must be held. Unfortunately, in 2025, as part of an effort to limit municipal elections and bond issue elections, the Kansas Legislature passed House Bill No. 2022, which amended the definition of “special election”. Previously, K.S.A. 25-2502(c) defined the term “special election” as follows:

“Special election” means any election that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election.

This, at least, provided a certain amount of flexibility in holding special elections, allowing them (technically) to be held most any time and comply with other statutory directives such as the 45-day provision for vacancy elections under K.S.A. 12-104a. (However, even this 45-day directive had significant problems, given other statutes and regulations on notices of elections, new election-security requirements, etc.—the County has advised it needs at least 90 days). But, with HB 2022, the definition of “special election” was revised to mean:

“Special election” means any election held on the first Tuesday after the first Monday in March of any year or on the same day as a general or primary election.

As a result, even if the County could comply with the 45-day requirement of K.S.A. 12-104a, HB 2022 only allows special elections to be held on three dates during the year: (1) the first Tuesday after the first Monday in March; (2) the date of any primary election; or (3) the date of any general election. This would be in direct conflict with the 45-day provision of K.S.A. 12-104a, making utilization of that statute unworkable.

Therefore, what the City is faced with is the very-real possibility that a vacancy could happen at any time, but the City would be hamstrung on when it could actually hold an election



to fill that vacancy (assuming the appointment process of K.S.A. 12-104a is not successful). The following is a non-exclusive list of issues that now arise in trying to hold special elections to fill vacancies in a governing body following the adoption of HB 2022:

- Any election must be a “poll” election (meaning, the mail-in ballot statute, K.S.A. 25-432, cannot be used). Per K.S.A. 25-432, “[a]n election shall not be conducted under this act unless: ... (d) the election is not one at which any candidate is elected, retained or recalled.” The holding of special poll-elections can be quite expensive.
- Conducting a polls election brings with it all the bells-and-whistles of a full-blown election. Voters are able to request mail-ballots to be sent out 20-days prior to the election; early voting has to be offered at least 7 days prior to election (in each county); and assigned election day polling sites must be open for election day voting. Many of the polling site locations the County may utilize for a primary or general election may not have the availability to be a polling site for a March special election (or a poll election at any time). If polling sites must change, then the County would also have to notify voters of any such changes.
- None of this can be done within the 45 days established by K.S.A. 12-104a(c). The County advises it needs at least ninety (90) days.
- Under K.S.A. 12-104a(c), any candidates for a vacancy position must file for office “as provided in K.S.A. 25-2110a”. That statute, at subsection (a), says “any person desiring to become a candidate for a city office elected from a district, shall file with the city clerk **before the filing deadline** a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state.” Emphasis added.
- However, there is no specific “filing deadline” for a special election such as this—the only filing deadline for municipal offices is under K.S.A. 25-2019: “The filing deadline for all city elections shall be at 12 noon on **June 1** as provided in K.S.A. 25-205.” That presents several problems:
  - Assume a vacancy occurs **after** June 1 (perhaps even June 2)—the law is now unclear whether the City must then accept applications for the vacancy position for a full 364 days until June 1 of the following year because, again, there is no other statutory provision for a “filing deadline”.
  - Compounding this problem, if June 1 is the only available “filing deadline”, then of course the special election could not be held on the following “first Tuesday after the first Monday in March” because that would be **before** the filing deadline (or, it means the election could not be held until nine months later).

- With the March date unavailable, that would leave only the primary and the general election dates of that year available, which may also be when the seat is up for election anyway regardless of the vacancy. It would not seem to make any sense to hold a vacancy election at the same time as the regular election for the same seat.
- In any event, under the scenario identified (and others with how dates play out), the City would be looking at nine months to over a year of unfilled vacancy before a special election could even be held.
- Even if a March date could be scheduled, if there is also a mail-in ballot election of any kind (say, a school district bond election), the County would have significant difficulty handling both a polls election and a mail-in ballot election on the same day.
- The County already picks up the expense of holding a November general election. The County may not pick up the expense of a primary election (if other cities in the County do not have primaries, the County may pass primary expenses on to the cities), and certainly the County will not pay for a special election.

As a result, the City Attorney does not recommend that the City simply adopt the provisions of K.S.A. 12-104a. Instead, the City should charter out of that statute and adopt its own provisions.

#### **CHARTER ORDINANCES:**

Before proceeding, a primer on a city's "home rule" powers is appropriate. Today, municipalities in Kansas operate under the concept of "home rule". Prior to "home rule", municipalities were much more limited in their ability to self-govern, and cities could generally only exercise powers that were specifically granted to them by the Kansas Legislature. That changed in 1961, with the effectiveness of the "home rule" amendment to the Kansas Constitution, at Article 12, Sec. 5. Under "home rule", a city may adopt "ordinary" ordinances for its own self-governance when:

- (1) No state law exists on the subject; or
- (2) When a uniform law applicable to all cities exists on the subject, but:
  - (a) the Legislature has not expressed a clear intent to "preempt the field"; or
  - (b) there is no conflict between the state and the local law.

There are, however, situations where state statutes may exist, and they may apply to cities, but they do not apply "uniformly" to all cities (e.g., different provisions for first class cities, second class cities, and the like). K.S.A. 12-513 (discussed above), which only applies to cities of the first class, is one example. Even if certain statutes—by themselves—may appear to apply uniformly to all cities, if they may also be part of broader "enactments" that distinguish among cities. An example of that situation would be K.S.A. 12-104a (also discussed above) which was part of a series of enactments in 2015 and which, among other things, included provisions

preserving cities' current forms of government which were, in turn, established under different non-uniform statutes.

In those cases, cities may exempt themselves from the legislative enactment (in whole or in part) and also pass new or different or additional legislation on the topic, by "chartering out" of the enactments through a "charter ordinance". This is authorized by subsection (c) of Article 12, Sec. 5 of the Kansas Constitution. A "charter ordinance" requires approval of two-thirds of the governing body. Charter ordinances must then be published once a week for two (2) consecutive weeks in the official city newspaper or, if none, a newspaper of general circulation in the city. Charter ordinances cannot take effect until sixty (60) days after final publication; however, if during that sixty (60) days a valid protest petition is filed, then the charter ordinance must be put before the electorate.

### **RECOMMENDATIONS:**

Leavenworth is unique among many cities in that members of the commission can be elected for either four-year or two-year terms. Therefore, finding a one-size-fits-all approach can be difficult. As an example, if a vacancy occurs in a four-year term, a pure appointment process can lead to a commissioner serving a long term without a vote of the people. If a vacancy occurs in a two-year term, the cost and timing of holding a special election for a short period of time may not be worth it. In either case, the impact of the Kansas Legislature's HB 2022 in 2025 makes any special election (that is not held in conjunction with a regular primary or general election) difficult to coordinate and hold.

Attached with this Staff Report are two (2) proposed charter ordinances:

- (1) One offering a pure appointment process; and
- (2) One offering a mix of appointments with special elections only held where the vacancy would be for a longer term (a "hybrid").

These ordinances take bits and pieces from recent ordinances and charter ordinances adopted by the cities of Overland Park, Roeland Park, and Spring Hill, Kansas, and modify them to align with the City's own unique processes.

As part of this process, the City Attorney also recommends that the City "re-adopt" certain provisions related to mayoral vacancies through charter ordinance and also charter out of other now-inapplicable first-class-city statutes. Again, Staff believes that those provisions were properly adopted by regular ordinance, given the language of K.S.A. 12-184a (form of government continued) and provisions of other statutes (such as K.S.A. 12-184b, also adopted in 2015) specifically providing for commission-manager forms of government. However, addressing these issues also through charter ordinance would serve as using both "belts and suspenders" to fully-ensure no conflicts with Kansas law.

### **APPOINTMENT PROCESS RECOMMENDATION:**

The following language is proposed for the “appointment-only” option:

Subject to subsection (e)(ii) below, the mayor (or, in the event the vacancy is in the position of mayor, the mayor pro tem, upon succeeding to the office of mayor) shall nominate, within sixty (60) days after the date of the vacancy, a qualified elector (who is not already a member of the governing body) to fill the vacancy. The nomination shall occur during a regular or special meeting of the governing body. The remaining members of the governing body shall vote on the nomination at the same meeting the nomination is made. Subject to the provisions of K.S.A. 12-16,128, as amended, a majority vote of the remaining members of the governing body shall be required to confirm an appointment. Such nominee shall take office upon confirmation of appointment, subject to oath and affirmation as provided in subsection (c)(iii) above. Persons appointed to the governing body shall serve for the duration of the unexpired term to which they are being appointed.

Notes on this wording for the City Commission’s consideration are as follows:

- This would provide the most-simple process for the City.
- Indeed, with this process, regardless of whether there was a two-year or a four-year term, the appointed person would serve through the remainder of that term.
- The process would start with an appointment by the mayor, the thinking being that the mayor, by virtue of having had (in such person’s last election) either the highest or second-highest votes, would reflect the tendencies of the electorate, providing a level of legitimacy to the person appointed.
- That appointment would still have a “check and balance” in that the appointment would need to be confirmed by the remaining members of the Governing Body.
- Even so, because of the risk that—with only four remaining commissioners—the vote could regularly deadlock at 2-2, we incorporate the provisions of K.S.A. 12-16,128, which provides that (1) the appointment must be acted upon by the Governing Body within 45 days of the appointment by the mayor or the appointment shall be deemed approved, and (2) the Governing Body shall approve such appointment unless the Governing Body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or position (such a resolution would be unlikely to pass, where there is a 2-2 deadlock; in that case, the appointment would likely be deemed approved).

### **HYBRID OPTION RECOMMENDATION:**

For the “hybrid” option, the above language is added:

Notwithstanding the foregoing, if a vacancy occurs in the office of a commissioner that was last elected for a four (4) year term, and such vacancy occurs before April 1 of the year in which a regular general election for the office of city commissioner is to be held, leaving an unexpired term of more than two (2) years from said April 1, such appointed replacement shall only serve in such position until a special election is held for the remaining two (2) years of the term, such special election to be held at the same time as the next regular city general election and the succeeding commission member takes office. Candidates for such special election shall be as provided in subsection (b) above.

At such special election, then in addition to there being two (2) commissioners elected for a four (4) year term and one (1) commissioner being elected for a two (2) year term, as provided in subsection (c)(ii) above, the candidate receiving the fourth largest number of votes shall be elected for a two-year term (completing the vacancy position’s four-year term) commencing the second Tuesday in December following certification of the election, and until a successor is elected and qualified. In the event of any tie votes, such tie shall be resolved pursuant to K.S.A. 25-3108, as amended.

Notes on this wording for the City Commission’s consideration are as follows:

- Staff is not proposing a special election for vacant commissioners under two-year terms (or less than two years remaining), given the difficulty of conducting a poll-required special election during “off” years under HB 2022 and balancing the costs of such an election against the relatively-short term of the appointment.
- However, where the vacancy is in the position of a person elected for a four-year term, and where a significant part of that term remains (over two years), Staff is proposing that a person could still be appointed, but that person would not necessarily serve the remainder of the term.
- Instead, if the appointed person (or any person) wanted to complete the remaining two years of the term, they would have to earn that position through a special election to be held in conjunction with the regular cycle of general elections. That is, in addition to the “regular” seats up for election, the special election (held at the same time) would elect a person to complete the remaining two years only.
- Staff has set a “cut-off” date of April 1 for this. A line does have to be drawn “somewhere”, and by choosing April 1, that allows time for the initial appointment process to be completed, as well as provide time before the June 1 filing deadline of that year for candidates to file for office, whether for the “regular” seats or the



“special” election seat. To be sure, if the vacancy occurs on or after April 1—even on April 2—then the appointed person would get the benefit of serving the remainder of the term without a special election. But, again, the line does have to be drawn somewhere. Furthermore, this date would allow the ninety (90) days the County says it needs for an election (in this case, a primary, though that may not be an issue in Leavenworth).

- Because of the unique nature of Leavenworth, with four-year and two-year terms, Staff would propose that the fourth-place candidate be the person that assumes the additional “special” two-year remainder term.
- If not enough people run for the seat (e.g., there is no “fourth-place” candidate), then the vacancy would be filled by appointment, just as would be the case for any two-year commissioner-seat vacancy.

**ADDITIONAL RECOMMENDATION:**

Finally, in all cases (whether by appointment or by election), Staff suggests the following language:

Notwithstanding the foregoing, if the vacancy occurs within sixty (60) days of the general election for such vacated commission position, the seat and position shall be left vacant and instead filled through the general election process.

The purpose for this is to not appoint a person to a seat for a too-limited period of time, which may risk creating a false perception of incumbency in the then-upcoming general election. This language is optional, of course; there are always risks in having—for any period of time—vacant seats on the Governing Body. However, Staff chose sixty (60) days simply because the appointment process could conceivably take up to thirty (30) days for the appointment with an additional forty-five (45) days following in the event the appointment runs into a tie vote (75 days total).

**ATTACHMENTS:**

- Draft Vacancy Appointment Charter Ordinance
- Draft Hybrid Appointment/Election Charter Ordinance

CHARTER ORDINANCE NO. \_\_\_\_\_

**A CHARTER ORDINANCE RELATING TO THE FORM OF GOVERNMENT OF THE CITY OF LEAVENWORTH, KANSAS, CERTAIN POWERS OF THE MAYOR, AND VACANCIES IN THE GOVERNING BODY, EXEMPTING THE CITY OF LEAVENWORTH, KANSAS, FROM K.S.A. 12-104a, 13-502, 13-506, 13-507, 13-508, 13-510, 13-511, 13-512, 13-513, 13-514, 13-515, 13-516, 13-518, 13-526a, 13-527, AND 13-1410; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.**

**WHEREAS**, the City of Leavenworth, Kansas (the "City") operates under the commission-manager form of government, as previously authorized under K.S.A. 12-1001 *et seq.* (the "Act"), which was repealed in 2015; and

**WHEREAS**, following and as part of the repeal of the Act, the Kansas Legislature enacted K.S.A. 12-184a which established (a) that the City shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law, and (b) that all existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by the City; and

**WHEREAS**, also following and as part of the repeal of the Act, the Kansas Legislature enacted K.S.A. 12-184b which provides that the Governing Body of the City may establish, by ordinance, the terms of office of members of the governing body, the election by ward or district of members of the governing body, and "other matters deemed appropriate" by the Governing Body; and

**WHEREAS**, the City has adopted appropriate provisions related to its form of government under regular ordinance, as authorized by Kansas statute; and

**WHEREAS**, notwithstanding such authorization, there remain in the Kansas statutes certain statutes applicable to cities of the first class which are not applicable to commission-manager forms of government; and

**WHEREAS**, pursuant to the City's home rule powers and K.S.A. 12-184b, the City hereby reaffirms its commission-manager form of government;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** The City of Leavenworth, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-104a, 13-502, 13-506, 13-507, 13-508, 13-510, 13-511, 13-512, 13-513, 13-514, 13-515, 13-516, 13-518, 13-526a, 13-527, and 13-1410, and provide substitute and additional provisions as hereinafter set forth in this charter ordinance. Such referenced provisions are either enactments or a part thereof which may be deemed to be applicable to this City but are not applicable uniformly to all cities.

**Section 2.** The City hereby incorporates and reincorporates herein by this reference, as if more fully-set forth herein, the provisions of City Ordinance No. 8239, adopted March 12, 2024,

amending Division 1 (Generally) of Article II (City Commission) of Chapter 2 (Administration) of the Leavenworth Code of Ordinances, regarding the terms of office of the members of the Governing Body and the selection of the Mayor and Mayor Pro Tem for the City, and establishing a new and replacement division. Except as expressly set forth in in this charter ordinance, nothing in this charter ordinance shall be deemed a repeal of such City Ordinance No. 8239, which was adopted pursuant to the authority provided under K.S.A. 12-184b.

**Section 3.** The following procedures are hereby adopted for the filling of vacancies on the Governing Body, amending Section 2-19 of Division 1 (Generally) of Article II (City Commission) of Chapter 2 (Administration) of the Leavenworth Code of Ordinances to add the following new or replacement subsection(s):

- (e) *Vacancies in Commission.* In case of a vacancy in the office of commissioner occurring by reason of resignation, death, removal from office, or when a commissioner is no longer a qualified elector of the city, or in the event any person elected as a commissioner neglects or refuses to qualify within thirty (30) days after election (in which case the commissioner shall be deemed to have refused office and a vacancy shall exist), or for any other reason, then the vacancy shall be filled in the following manner:
  - (i) Subject to subsection (e)(ii) below, the mayor (or, in the event the vacancy is in the position of mayor, the mayor pro tem, upon succeeding to the office of mayor) shall nominate, within thirty (30) days after the date of the vacancy, a qualified elector (who is not already a member of the governing body) to fill the vacancy. The nomination shall occur during a regular or special meeting of the governing body. The remaining members of the governing body shall vote on the nomination at the same meeting the nomination is made. Subject to the provisions of K.S.A. 12-16,128, as amended, a majority vote of the remaining members of the governing body shall be required to confirm an appointment. Such nominee shall take office upon confirmation of appointment, subject to oath and affirmation as provided in subsection (c)(iii) above. Persons appointed to the governing body shall serve for the duration of the unexpired term to which they are being appointed.
  - (ii) Notwithstanding the foregoing, if the vacancy occurs within sixty (60) days of the general election for such vacated commission position, the seat and position shall be left vacant and instead filled through the general election process.

Subsection (e) of Code Section 2-19 (*City manager*), in existence as of and prior to the adoption of this charter ordinance, is hereby repealed, provided that it shall be revised as subsection “(f)” and otherwise remain in effect.

**Section 4.** Further amendments to this charter ordinance and/or the substitute and additional provisions provided for herein may be made by regular City ordinance.

**Section 5.** It is hereby declared to be the intention of the Governing Body that the sections, subsections, paragraphs, sentences, clauses and phrases of this charter ordinance are

severable, and if any phrase, clause, sentence, paragraph, subsection or section of this charter ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this charter ordinance, since the same would have been enacted by the Governing Body without the incorporation into this charter ordinance of any unconstitutional or otherwise invalid phrase, clause, sentence, paragraph, subsection or section.

**Section 6.** This ordinance shall be published once each week for two (2) consecutive weeks in an official City newspaper.

**Section 7.** THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF LEAVENWORTH, KANSAS, EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF LEAVENWORTH, KANSAS, DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

**PASSED** by the Governing Body, with not less than two-thirds of the members elect voting in favor thereon, the \_\_\_\_ day of \_\_\_\_\_, 2026.

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Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

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Sarah Bodensteiner, CMC, City Clerk



**CHARTER ORDINANCE NO. \_\_\_\_\_**

**A CHARTER ORDINANCE RELATING TO THE FORM OF GOVERNMENT OF THE CITY OF LEAVENWORTH, KANSAS, CERTAIN POWERS OF THE MAYOR, AND VACANCIES IN THE GOVERNING BODY, EXEMPTING THE CITY OF LEAVENWORTH, KANSAS, FROM K.S.A. 12-104a, 13-502, 13-506, 13-507, 13-508, 13-510, 13-511, 13-512, 13-513, 13-514, 13-515, 13-516, 13-518, 13-526a, 13-527, AND 13-1410; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.**

**WHEREAS**, the City of Leavenworth, Kansas (the "City") operates under the commission-manager form of government, as previously authorized under K.S.A. 12-1001 *et seq.* (the "Act"), which was repealed in 2015; and

**WHEREAS**, following and as part of the repeal of the Act, the Kansas Legislature enacted K.S.A. 12-184a which established (a) that the City shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law, and (b) that all existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by the City; and

**WHEREAS**, also following and as part of the repeal of the Act, the Kansas Legislature enacted K.S.A. 12-184b which provides that the Governing Body of the City may establish, by ordinance, the terms of office of members of the governing body, the election by ward or district of members of the governing body, and "other matters deemed appropriate" by the Governing Body; and

**WHEREAS**, the City has adopted appropriate provisions related to its form of government under regular ordinance, as authorized by Kansas statute; and

**WHEREAS**, notwithstanding such authorization, there remain in the Kansas statutes certain statutes applicable to cities of the first class which are not applicable to commission-manager forms of government, and the City desires to reaffirm such inapplicability; and

**WHEREAS**, pursuant to the City's home rule powers and K.S.A. 12-184b, the City hereby reaffirms its commission-manager form of government;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** The City of Leavenworth, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-104a, 13-502, 13-506, 13-507, 13-508, 13-510, 13-511, 13-512, 13-513, 13-514, 13-515, 13-516, 13-518, 13-526a, 13-527, and 13-1410, and provide substitute and additional provisions as hereinafter set forth in this charter ordinance. Such referenced provisions are either enactments or a part thereof which may be deemed to be applicable to this City but are not applicable uniformly to all cities.

**Section 2.** The City hereby incorporates and reincorporates herein by this reference, as if more fully-set forth herein, the provisions of City Ordinance No. 8239, adopted March 12, 2024,

amending Division 1 (Generally) of Article II (City Commission) of Chapter 2 (Administration) of the Leavenworth Code of Ordinances, regarding the terms of office of the members of the Governing Body and the selection of the Mayor and Mayor Pro Tem for the City, and establishing a new and replacement division. Except as expressly set forth in in this charter ordinance, nothing in this charter ordinance shall be deemed a repeal of such City Ordinance No. 8239, which was adopted pursuant to the authority provided under K.S.A. 12-184b.

**Section 3.** The following procedures are hereby adopted for the filling of vacancies on the Governing Body, amending Section 2-19 of Division 1 (Generally) of Article II (City Commission) of Chapter 2 (Administration) of the Leavenworth Code of Ordinances to add the following new or replacement subsection(s):

- (e) *Vacancies in Commission.* In case of a vacancy in the office of commissioner occurring by reason of resignation, death, removal from office, or when a commissioner is no longer a qualified elector of the city, or in the event any person elected as a commissioner neglects or refuses to qualify within thirty (30) days after election (in which case the commissioner shall be deemed to have refused office and a vacancy shall exist), or for any other reason, then the vacancy shall be filled in the following manner:
  - (i) Subject to subsection (e)(iii) below, the mayor (or, in the event the vacancy is in the position of mayor, the mayor pro tem, upon succeeding to the office of mayor) shall nominate, within thirty (30) days after the date of the vacancy, a qualified elector (who is not already a member of the governing body) to fill the vacancy. The nomination shall occur during a regular or special meeting of the governing body. The remaining members of the governing body shall vote on the nomination at the same meeting the nomination is made. Subject to the provisions of K.S.A. 12-16,128, as amended, a majority vote of the remaining members of the governing body shall be required to confirm an appointment. Such nominee shall take office upon confirmation of appointment, subject to oath and affirmation as provided in subsection (c)(iii) above. Persons appointed to the governing body shall serve for the duration of the unexpired term to which they are being appointed.
  - (ii) Notwithstanding the foregoing, if a vacancy occurs in the office of a commissioner that was last elected for a four (4) year term, and such vacancy occurs before April 1 of the year in which a regular general election for the office of city commissioner is to be held, leaving an unexpired term of more than two (2) years from said April 1, such appointed replacement shall only serve in such position until a special election is held for the remaining two (2) years of the term, such special election to be held at the same time as the next regular city general election and the succeeding commission member takes office. Candidates for such special election shall be as provided in subsection (b) above.

At such special election, then in addition to there being two (2) commissioners elected for a four (4) year term and one (1)

commissioner being elected for a two (2) year term, as provided in subsection (c)(ii) above, the candidate receiving the fourth largest number of votes shall be elected for a two-year term (completing the vacancy position's four-year term) commencing the second Tuesday in December following certification of the election, and until a successor is elected and qualified. In the event of any tie votes, such tie shall be resolved pursuant to K.S.A. 25-3108, as amended.

- (iii) Notwithstanding the foregoing, if the vacancy occurs within sixty (60) days of the general election for such vacated commission position, the seat and position shall be left vacant and instead filled through the general election process.

Subsection (e) of Code Section 2-19 (*City manager*), in existence as of and prior to the adoption of this charter ordinance, is hereby repealed, provided that it shall be revised as subsection "(f)" and otherwise remain in effect.

**Section 4.** Further amendments to this charter ordinance and/or the substitute and additional provisions provided for herein may be made by regular City ordinance.

**Section 5.** It is hereby declared to be the intention of the Governing Body that the sections, subsections, paragraphs, sentences, clauses, and phrases of this charter ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, or section of this charter ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this charter ordinance, since the same would have been enacted by the Governing Body without the incorporation into this charter ordinance of any unconstitutional or otherwise invalid phrase, clause, sentence, paragraph, subsection, or section.

**Section 6.** This ordinance shall be published once each week for two (2) consecutive weeks in an official City newspaper.

**Section 7.** THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF LEAVENWORTH, KANSAS, EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF LEAVENWORTH, KANSAS, DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

**PASSED** by the Governing Body, with not less than two-thirds of the members elect voting in favor thereon, the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



**EXECUTIVE SESSION  
DISCUSSION OF MATTERS RELATED TO SECURITY MEASURES  
OF A PUBLIC BODY OR AGENCY**

**JANUARY 13, 2026**

**CITY COMMISSION ACTION:**

**Motion:**

Move the City Commission recess into executive session for a period of \_\_\_\_\_ minutes for the purpose of discussing security measures pursuant to the *discussion of matters relating to security measures that protect a public body or agency, public building or facility or the information system of a public body or agency* exception per K.S.A. 75-4319 (b)(12)(C). The City Commission, Assistant City Manager and Director of Information Technology will be present. The open meeting will resume in the City Commission Chambers at \_\_\_\_\_ p.m.