



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MAY 13, 2025 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Proclamations: (pg. 02)
 - a. Leavenworth Historic Preservation Month
 - b. Economic Development Week
 - c. National Police Week
 - d. Leavenworth Public Works Week

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from April 22, 2025 Regular Meeting **Action:** Motion (pg. 06)

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:

3. Mayor's Appointments **Action:** Motion (pg. 10)
4. Consider Transient Merchant Permit Waiver Request – Art Show at Hawthorn Park **Action:** Motion (pg. 11)

Resolutions:

5. Resolution B-2398 Leavenworth Main Street Special Events for Possession & Consumption of Alcohol **Action:** Motion (pg. 13)
6. Resolution B-2399 Resolution for Condemnation for 10th & Limit Intersection Project **Action:** Motion (pg. 16)

Joint Discussion:

7. Discussion with Leavenworth County Board of County Commissioners **Action:** None (pg. 20)

Consent Agenda:

Claims for April 18, 2025 through May 8, 2025, in the amount of \$2,816,927.11; Net amount for Payroll #8 effective April 18, 2025, in the amount of \$418,363.11 (Includes Police & Fire Pension in the amount of \$7,753.58); and Net amount for Payroll #9 effective May 2, 2025, in the amount of \$406,474.31 (No Police & Fire Pension). **Action:** Motion

Other:

8. Executive Session – Attorney-Client Privilege **Action:** Motion (pg. 21)

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and*

WHEREAS, *historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and*

WHEREAS, *it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as people; and*

WHEREAS, *“Preserve the Past, Shape the Future: Inspiring the Next Generation” is a national campaign co-sponsored by the Leavenworth Preservation Commission, Preservation Alliance of Leavenworth, Leavenworth Main Street, and the National Trust for Historic Preservation.*

NOW, THEREFORE, *I, Holly Pittman, Mayor of the City of Leavenworth, Kansas hereby proclaim May 2025 to be:*

Leavenworth Historic Preservation Month

and call upon the people of Leavenworth, the First City of Kansas, to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of May in the year of two-thousand and twenty-five.*

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *communities rely on economic development professionals to promote economic well-being and quality of life; for communities like the City of Leavenworth that means coordinating activities that create, retain and expand jobs in order to facilitate growth, enhance wealth, and provide a stable tax base; and*
- WHEREAS,** *economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and*
- WHEREAS,** *economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and*
- WHEREAS,** *economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and*
- WHEREAS,** *economic developers work with the City of Leavenworth within Leavenworth County, Kansas.*

NOW, THEREFORE, I, Holly Pittman, Mayor of the City of Leavenworth, Kansas hereby proclaim May 11-17, 2025 to be:

Economic Development Week

and remind individuals of the importance of this community celebration which supports expanding business opportunities and making lives better.

IN WITNESS WHEREOF, I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of May in the year of two-thousand and twenty-five.

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *there are approximately 800,000 law enforcement officers serving in communities across the United States, including 57 sworn members of the City of Leavenworth Police Department; and*
- WHEREAS,** *the Congress of the United States of America has designated the calendar week each year during which May 15th occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and*
- WHEREAS,** *the names of those dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial, in Washington, D.C., there are more than 24,000 names of fallen heroes engraved on the memorial, of which 147 officers who were killed in 2024; and*
- WHEREAS,** *the members of the City of Leavenworth Police Department play an essential role in safeguarding the rights and freedoms of the City of Leavenworth, Kansas; and*
- WHEREAS,** *the citizens of Leavenworth and our leaders pledge to stand with the families of the fallen officers, the officers protecting our community, and the officers throughout the United States; and to honor their loss as they protect their communities; and*
- WHEREAS,** *all officers of the Leavenworth Police Department are encouraged to turn on their red and blue lights for 1 minute every day at 11:00 A. M. from May 12th through May 18th 2025.*

NOW, THEREFORE, *I, Holly Pittman, Mayor of the City of Leavenworth, Kansas hereby proclaim May 12-18, 2025 to be:*

National Police Week

and call upon all citizens to observe appropriate ceremonies commemorating law enforcement officers, past and present, for faithfully preserving the rights and security of everyone in our community.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of May in the year of two-thousand and twenty-five.*

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

WHEREAS, *public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Leavenworth; and,*

WHEREAS, *these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

WHEREAS, *it is in the public interest for the citizens, civic leaders, and children in Leavenworth to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,*

WHEREAS, *the year 2025 marks the 65th annual National Public Works Week sponsored by the American Public Works Association,*

NOW, THEREFORE, *I, Holly Pittman, Mayor of the City of Leavenworth, Kansas hereby proclaim May 18-24, 2025 to be:*

Leavenworth Public Works Week

and I urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our community's health, safety, and quality of life.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this thirteenth day of May in the year of two-thousand and twenty-five.*

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk



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

City Commission Regular Meeting
Commission Chambers
Tuesday, April 22, 2025 6:00 p.m.

CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Holly Pittman, Mayor Pro Tem Nancy Bauder, Commissioners Edd Hingula and Jermaine Wilson. Absent: Commissioner Griff Martin

Staff members present: City Manager Scott Peterson, Assistant City Manager Penny Holler, CVB Manager Kristi Lee, Parks Superintendent David Sommerla, Planning & Community Development Director Kim Portillo, Community Development Coordinator Bradley Brandon, Chief Building Inspector Harold Burdette, Public Works Director Brian Faust, 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.

PROCLAMATIONS:

Arbor Day - Mayor Pittman read the proclamation proclaiming April 25, 2025 to be Arbor Day. The proclamation was accepted by Parks Superintendent David Sommerla.

Law Day - Mayor Pittman read the proclamation proclaiming May 1, 2025 as Law Day. The proclamation was accepted by members of the Bateman Law Group.

National Small Business Week - Mayor Pittman read the proclamation proclaiming the week of May 4-10, 2025 as Small Business Week. The proclamation was accepted by Ken Bateman, President of Leavenworth Main Street Board.

National Drinking Water Week - Mayor Pittman read the proclamation proclaiming the week of May 4-10, 2025 as National Drinking Water Week. The proclamation was accepted by John Hodgden from Leavenworth Waterworks.

National Travel & Tourism Week – Mayor Pittman read the proclamation proclaiming the week of May 4-10, 2025 as National Travel & Tourism Week. The proclamation was accepted by CVB Manager Kristi Lee.

National Child Care Provider Appreciation Day – Mayor Pittman read the proclamation proclaiming May 9, 2025 to be Child Care Provider Appreciation Day. The proclamation was accepted by Jennifer Stade, owner of Abundant Hearts Daycare.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Wilson moved to accept the minutes from the April 8, 2025 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

NEW BUSINESS:

Public Comment:

Harold Pederson, 1001 10th Ave.:

- Discussed issues with his Social Security being incorrectly cancelled and getting it corrected
- Seniors will need help with rides to offices if they are in the same situation

William Rogers, 7362 Yecker Ave, KCKS:

- Has connections to Leavenworth
- Mentioned a quote from CoreCivic Warden Misty Mackey and how it was incorrect
- Stated the lawsuit can end if CoreCivic decides to follow the correct process of obtaining a Special Use Permit
- Mentioned the CoreCivic roof project that is being handled by an out of state contractor

Public Hearing:

Public Hearing for Unsafe & Dangerous Fire Damaged Structures: 224 Miami St., 1425 Grand Ave., 1933 Miami St.

Open Public Hearing:

Commissioner Bauder moved to open the public hearing. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Review of Properties by Staff and Public Comments:

Chief Building Inspector Hal Burdette reviewed the 3 properties. All three properties were damaged by fire and the City has received insurance proceeds to be used to either remove the structures if the owner decides not to repair them, or the money is returned to the property owners once repairs have progressed to a reasonable point. Comfortable with providing 90 days for property owners to demolish the structures or make repairs to them.

- 224 Miami St. – City Staff have spoken with the owner, who intends to make repairs. The owner has selected a contractor who should be applying for a permit soon.
- 1425 Grand Ave. – City staff have spoken to the owner in the last few weeks. The owner stated that she intends to make repairs, but staff has not received a permit application to date.
- 1933 Miami St. – City staff have received a permit application for the repairs after the policy report was completed, so they are beginning the process.

Jeff Culbertson, property owner, 224 Miami:

- Process with insurance has been slow
- Guarantee house will be fixed up and ready to move into in about 90 days
- Will probably begin getting permits in a week or so

Marissa Magana, property owner, 1425 Grand Ave.:

- Contractor has been selected
- Plan is a complete tear down and rebuild
- Timeline for total project is unknown, but hopefully torn down in 90 days

Close Public Hearing:

Commissioner Hingula moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Consider Resolution B-2395 Demolish or Repair:

Commissioner Wilson moved to approve Resolution B-2395 with the language suggested by the City Attorney. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Resolutions:

Resolution B-2396 Community Development Block Grant Annual Action Plan – Planning & Community Development Director Kim Portillo and Community Development Coordinator Bradley Brandon presented for consideration the 2025-2026 Annual Action Plan. Leavenworth is an entitlement city that receives CDBG Funds and must submit an annual action plan with HUD. The report is composed of needs assessments of the community's housing stock, homelessness issues, public facilities, infrastructure, and community development assets. The award figures at this time are projected, as Congress has not voted upon the funds and once that happens HUD will advise what the award amount will be and the true total award will be updated. The Community Development Advisory Board has voted for a pro-rata configuration once the true award total is given.

Commissioner Wilson moved to approve Resolution B-2396 adopting the 2025-2026 Annual Action Plan and submission of the plan to HUD. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Consider Approval of Resolution B-2397 and Agreement with KDOT Agreement 904-24 for the 10th and Limit Intersection Project – Public Works Director Brian Faust presented for approval Resolution B-2397 and requested the Mayor to execute KDOT Agreement 904-24 for the Traffic Signal Upgrade and Turn Lane Construction for the 10th and Limit Intersection Project. The City was awarded funding under the Highway Safety Improvements Program to make safety improvements at the intersection of 10th and Limit. While the majority of the costs are covered by the grant, the City is responsible for 10% of construction and 100% of other non-participating costs. The safety improvements include a dedicated southbound right turn lane, new traffic signals and upgraded ADA crossings. The City needs to approve Resolution B-2397 and KDOT Agreement 904-24 for this funding.

Commissioner Bauder moved to approve Resolution B-2397 and authorize the Mayor to execute KDOT Agreement No. 904-24 for the 10th and Limit Intersection Project. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Consent Agenda:

Commissioner Hingula moved to approve claims for April 4, 2025 through April 17, 2025, in the amount of \$1,041,871.18; Net amount for Payroll #7 effective April 4, 2025 in the amount of \$418,615.69 (No Police & Fire Pension) Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pittman declared the motion carried 4-0.

Other:

City Manager Scott Peterson:

- Reminder that Mayor Pittman and he will be traveling to Washington D.C. next week and have some exciting meetings planned

Commissioner Bauder:

- Looking forward to Arbor Day and recognizing Coach Mathis

Commissioner Hingula:

- Law Day activities are in the works and hopes people get out and celebrate the law

Commissioner Wilson:

- Acknowledged Pastor John for hosting a job fair on May 1st at the Heritage Center, from 10am to 1pm

Mayor Pittman:

- Excited about Arbor Day and other exciting events happening this weekend

Adjournment:

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

Time Meeting Adjourned 6:50 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

MAYOR'S APPOINTMENTS

MAY 13, 2025

Mayor Pittman

"Move to

*Reappoint to the **Board of Zoning Appeals** David Ramirez to terms ending May 1, 2028;*

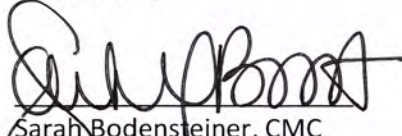
*Reappoint to the **Leavenworth Planning Commission** Brian Stephens to terms ending May 1, 2028.*

Requires a second and vote by the Governing Body.

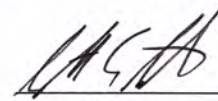
POLICY REPORT
REQUEST A WAIVER FOR A TRANSIENT MERCHANT PERMIT
LEAVENWORTH FAMILY PRIDE PICNIC EVENT ART SHOW
AT HAWTHORN PARK

May 13, 2025

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 an Art Show as part of the Leavenworth Family Pride Picnic Event at Hawthorn Park.

BACKGROUND:

Barbara Williams submitted an application that was received in the Office of the City Clerk for June 22, 2025 to host an art show as part of this year's Leavenworth Family Pride Picnic Event at Hawthorn Park. Leavenworth Family Pride intends to invite 5-10 local artists to display and sell their artwork during the event.

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 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 at Hawthorn Park 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 Hawthorn Park for the Leavenworth Family Pride Picnic Event Art Show on June 22, 2025;

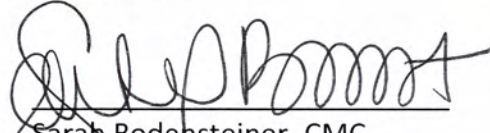
Or

Deny the request for a Transient Merchant Permit

POLICY REPORT
RESOLUTION B-2398 LEAVENWORTH MAIN STREET SPECIAL EVENTS STREET CLOSURES
FOR POSSESSION AND CONSUMPTION OF ALCOHOL

May 13, 2025

Prepared by:


Sarah Bodensteiner, CMC
City Clerk

Reviewed by:


Scott Peterson
City Manager

ISSUES:

Consider approval of Resolution B-2398 for two special events: Moonlight Market Summer Concert Series on June 7, 2025, and Pipes & Pistons Summer Concert Series on July 12, 2025. Both events will be held at Haymarket Square and require closing Cherokee Street from 7th Street to the Water Department entrance to motor vehicle traffic. These street closures, approved by Police Chief Kitchens due to submittal of all required documentation with the new policy and successful prior use, will facilitate shopping, food, drinks, and activities within the street closure for attendees.

A resolution from the Governing Body is necessary, as per K.S.A. 41-719, to allow for the possession and consumption of alcoholic liquor within the closed street areas, outside of the immediate Haymarket Square venue.

The “alcohol friendly” area will be clearly marked within the boundaries of the events.

ACTIONS:

Adopt and approve Resolution B-2398 as presented.

ATTACHMENTS:

Resolution B-2398

RESOLUTION B-2398

A RESOLUTION APPROVING SPECIAL EVENTS KNOWN AS MOONLIGHT MARKET SUMMER CONCERT SERIES AND PIPES & PISTONS SUMMER CONCERT SERIES SPONSORED BY LEAVENWORTH MAIN STREET.

WHEREAS, the City of Leavenworth, Kansas (the “City”) is approving Special Events sponsored by Leavenworth Main Street known as Moonlight Market Summer Concert Series and Pipes & Pistons Summer Concert Series.

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

Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and amendments thereto.

Section 2. Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the Moonlight Market Summer Concert Series event to be held beginning at 5:00 p.m. through 9:00 p.m. on Saturday, June 7, 2025, and the Pipes & Pistons Summer Concert Series event to be held beginning at 5:00 p.m. through 9:00 p.m. on Saturday, July 12, 2025, provided Leavenworth Main Street secures appropriate permitting from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

Section 3. A portion or all of the following street(s) shall be closed to motor vehicle traffic at appropriate times in order to accommodate the events being held during the date(s) and time(s) identified in section 2:

- A portion of Cherokee Street from 7th Street to the entrance of the Water Department

Pursuant to K.S.A. 41-719, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

Section 4. Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

Setion 5. This Resolution shall take effect and be in force after its approval by the governing body.

ADOPTED AND APPROVED by the Governing Body on this 13th day of May, 2025.

(SEAL)

Holly Pittman, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

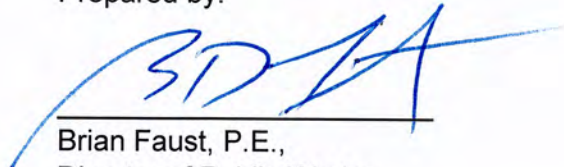
POLICY REPORT PWD NO. 25-25

CONSIDER A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE
PRIVATE PROPERTY CONNECTED WITH THE
10th AVENUE AND LIMIT STREET INTERSECTION IMPROVEMENT PROJECT


KDOT Project Number N-0752-01
HSIP-N075(201)
City Project 2022-980

May 13, 2025

Prepared by:


Brian Faust, P.E.,
Director of Public Works

Reviewed by:


Scott Peterson,
City Manager

ISSUE:

Consider approval of Resolution B-2399 to start the process for acquisition of private property for public purposes on the 10th Avenue and Limit Street Intersection Improvement Project.

BACKGROUND:

In August 2022, the City was notified by KDOT that we were eligible for up to \$1M in federal-aid HSIP funding for safety improvements at the intersection of 10th Avenue and Limit Street. HSIP is short for Highway Safety Improvement Program.

The plans for the intersection improvements identified the need for temporary easements and additional rights-of-way. Over the last month, the City, through our consultant John Amrein of The Land Company, has been working to obtain the needed easements from the property owners. While several properties have signed the easement documents, there are three (3) properties remaining where an agreement has not been reached. To avoid risking the loss of funding, the City needs a parallel condemnation process to help ensure the needed properties are obtained. City staff will continue to work with all the property owners and John Amrein to obtain signed easements throughout the process.

This project is scheduled to be bid in September; however, KDOT requires the easements/ROW to be obtained or condemnation to be initiated prior to bidding.

While easements are needed for the project, the protection of private property rights is a key "American" principle. The law allows for the government to acquire private property for public purposes with "just compensation". Kansas Statutes define the process to help ensure that the power of the government is not unreasonably applied to the citizens during property acquisition. The approval of this resolution is simply the first step of a larger process summarized below.

General Outline of Eminent Domain Actions

1. Government approves a resolution declaring their intent to use the power of eminent domain ("condemnation") for a specific project. This is the action recommended in this policy report.
2. Government adopts an ordinance identifying the legal descriptions of the property in question and the names of the owners.
3. After the ordinance is effective, an action is filed in District Court.
4. After a judge is assigned to the case, there are three (3) appraisers appointed by the judge to review the documents, inspect the property and determine the value of compensation to be paid to the owner.
5. The appraisers will hold a hearing where the City and the owners can talk about their concerns and the amount of compensation.
6. After the hearing, and assuming the judge finds the needs of the City to be reasonable, the judge will issue an order listing the value of compensation for each easement. After this value has been paid to the court by the City and recorded in District Court, the easements are available for use by the City. The City can object to any of the amounts and "not pay", but the easement will not be available for the project.
7. Should an owner believe the easements were undervalued, this can be appealed to the court system. It is important to note that the appeal is ONLY to the value, not the actual need for the easement.

There are costs to the City for this process. The City is responsible for its own attorney fees, filing fees, appraiser fees, and any compensation recommended by the court. The process is somewhat lengthy, and usually is complete within 60 days; however, the process may take longer.

RECOMMENDATION:

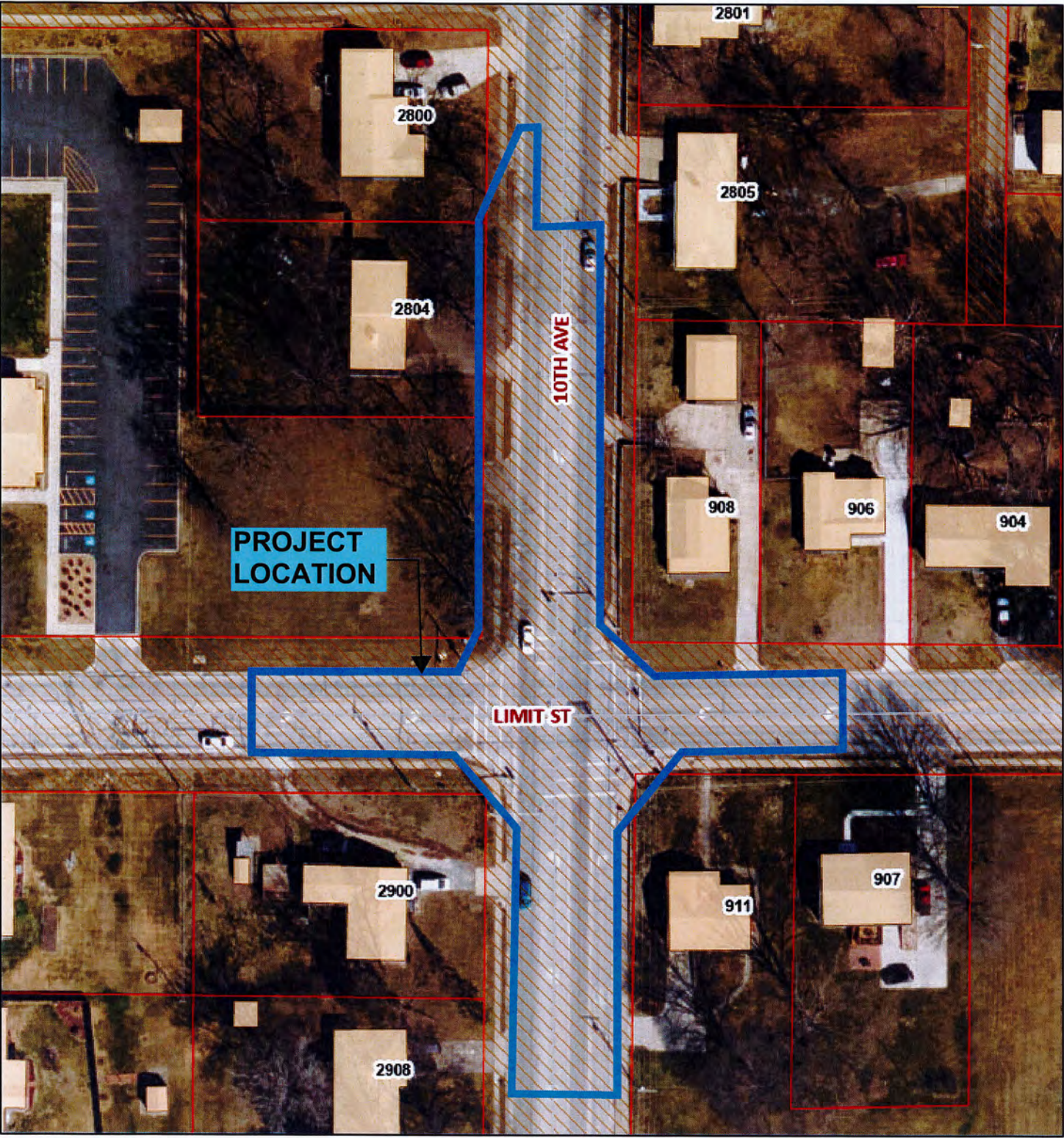
Staff recommends that the City Commission approve Resolution B-2399 regarding the appropriation of private property for public purposes.

ATTACHMENTS:

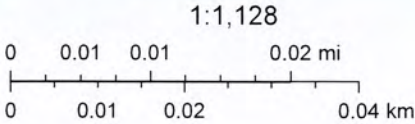
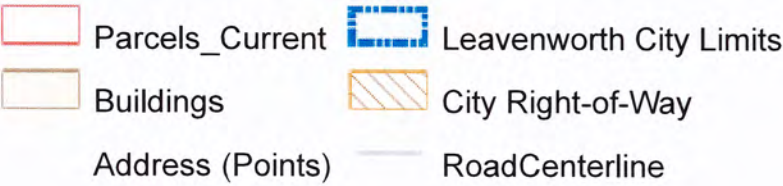
Map

Resolution B-2399

Project No. 2022-980 Fed-Aid Safety Program (10th & Limit)



4/24/2025, 3:24:54 PM



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

(Published in the Leavenworth Times on May 17, 2025)

RESOLUTION NO. B-2399

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE 10TH AVENUE AND LIMIT STREET INTERSECTION IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING SURVEYS AND DESCRIPTIONS OF LAND OR INTERESTS TO BE CONDEMNED TO BE PREPARED.

WHEREAS, the City of Leavenworth, Kansas, intends to undertake certain street and other public improvements, generally described as Leavenworth HSIP-N075(201) (the intersection of 10th Avenue and Limit Street), KDOT Project No. N-0752-01, and City Project No. 2022-980, as shown on the plan documents therefor (the “Project”), and in furtherance thereof, the City shall require certain easements and/or rights-of-way; and

WHEREAS, pursuant to K.S.A. 26-201, whenever it shall be deemed necessary by the governing body of any city to appropriate private property for the use of the city for any purpose whatsoever, the governing body shall by resolution declare such necessity and authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the city clerk.

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

Section 1: That the Governing Body does hereby deem it necessary to appropriate private property for the use of the City for the purposes of rights-of-way, permanent easements, temporary construction easements, and other interests in real property to complete the Project.

Section 2: That the Governing Body does hereby authorize a survey and description of the lands or interests to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct land surveys, the same to be filed with the City Clerk.

Section 3: That the City Clerk shall cause this Resolution to be published once in the official city newspaper as provided by K.S.A. 26-201.

Section 4: 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 May, 2025.

Holly Pittman, Mayor

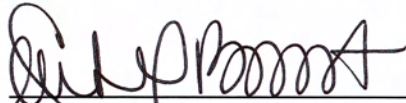
{SEAL}

ATTEST:

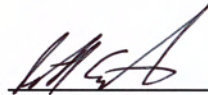
Sarah Bodensteiner, CMC, City Clerk

**DISCUSSION WITH LEAVENWORTH COUNTY
BOARD OF COUNTY COMMISSIONERS**

MAY 13, 2025



Sarah Bodensteiner, CMC
City Clerk



Scott Peterson
City Manager

ISSUE:

The Leavenworth City Commission and Leavenworth County Board of County Commissioners will discuss items of interest to both entities.

**EXECUTIVE SESSION
CONSULTATION WITH THE CITY ATTORNEY ON A DEVELOPMENT MATTER
THAT WOULD BE DEEMED PRIVILEGED IN THE
ATTORNEY-CLIENT RELATIONSHIP**

MAY 13, 2025

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for _____ minutes for the purpose of *discussing a development matter 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 Attorney will be present. The open meeting will resume in the City Commission Chambers at _____p.m.