



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard (via telephone call-in). Absent: Mayor Jermaine Wilson

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Convention & Visitors Bureau Manager Kristi Lee, Convention & Visitors Bureau Tourism Services Coordinator Jennifer Davoren, Information Systems Manager Carol Charity, Police Chief Patrick Kitchens, Planning & Community Development Director Julie Hurley, Public Works Director Brian Faust, Riverfront Community Center Manager Tammy Metzgar, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Pro-Tem Martin asked everyone to stand for the pledge of allegiance followed by silent meditation.

AWARDS:

Fort Leavenworth Partnership Recognition – Garrison Commander COL Duane Mosier and Garrison Command Sergeant Major Erika Rhine-Russell from Fort Leavenworth presented CVB Manager Kristi Lee and CVB Tourism Services Coordinator Jennifer Davoren the Public Service Commendation Medal for the incredible work and exceptional service and partnership they have shown to Fort Leavenworth.

Employee Service Awards – Fourteen employees reached milestones in their career with the City of Leavenworth reaching ten, fifteen, twenty and twenty-five years of service with the City. The Mayor Pro-Tem read the names of the following employees:

10 Years

- Nancy Baker – Recreation Supervisor
- Gary Birch – Fire Chief
- Cole Brummer – Police Officer II
- Sean Flynn - Police Sergeant
- Kelly Fricke – Telecommunications Specialist
- Robert Haney - Telecommunications Specialist
- Ryan Hoppe – Police Sergeant
- Peridot Lucas – Telecommunications Specialist
- Sean Swisshelm - Police Sergeant I

15 Years

- Russell Baker – Fire Captain
- Leona Nickel – Evidence Custodian/Crime Analyst
- Shana Baragary – Telecommunications Specialist

20 Years

- Linda Hoppe – Administrative Assistant, PD/Detectives
- Jeremy Bennetts – Fire Driver/Operator
- James Magee - Firefighter

25 Years

- Robert Gilbert – Streets Equipment Operator II
- Stephen Herring - Police Lieutenant
- Brandon Pettis – Fire Captain
- Kathy Rodgers - Zoning & Code Administrator
- David Sommerla – Parks Superintendent

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to accept the minutes from the November 14, 2023 regular meeting. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8227 Amending Chapter 20, Article V of the Leavenworth Code of Ordinances – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 14, 2023 meeting.

Mayor Pro-Tem Martin called the roll and Ordinance No. 8227 was unanimously approved.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*
None.

General Items:

Consider Transient Merchant Permit Waiver Request for Military Collectors Show at Riverfront Community Center – City Clerk Sarah Bodensteiner presented for consideration an application for a waiver requested by Edward Trevor Brown for the use of the Riverfront Community Center on February 17, 2024 for a Military Collectors Show. The show has been held at the RFCC for several years. City Code prohibits Transient Merchant permits on city property, but does allow the Commission to grant waivers. All fees for use of the facility and permits would still apply should the waiver be granted.

Trevor Brown:

- Event was started by his father when he was at CGSC
- 300-400 people typically attend the event
- Many will stay in hotels in town

Commissioner Hingula moved to grant the waiver of a Transient Merchant Permit for use of the Community Center for the Military Collectors Show on February 17, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Cancellation of Outstanding City Checks – City Manager Paul Kramer presented for consideration to cancel 33 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 28, 2023
November 28, 2023**

Check Number	Check Date	Vendor Number	Payee	Check Amount
290032162	11/23/2020	1	Jonathan Pheral	\$ 665.00
290032285	12/01/2020	1310	DERRICK COLLINS	\$ 23.00
290032293	12/01/2020	1491	SCOTT LATESSA	\$ 54.00
290032669	01/04/2021	10222	SWIFT HOLDINGS LLC	\$ 507.00
290032724	01/19/2021	1	Paul Bohannon	\$ 11.58
290032815	02/01/2021	1	Lisa Parks	\$ 20.00
290032898	02/01/2021	1967	RONALD PACKER	\$ 56.00
290033239	03/15/2021	1	James G C Crawford	\$ 14.00
290033451	04/01/2021	2099	MICHAEL BARLOW	\$ 32.00
290033475	04/06/2021	1	Myka Golden	\$ 10.00
290033759	05/03/2021	1556	ALIESHA WILBOURN	\$ 11.00
290033885	05/14/2021	1	Myus Synergy LLC-Mercury Series	\$ 124.57
290034098	06/01/2021	2079	MONTY DEBOE	\$ 20.00
290034358	07/02/2021	1	Holly Eller	\$ 300.00
290034415	07/02/2021	1456	JAMIE GASAWAY	\$ 205.00
290034603	07/16/2021	1	Mark Dobbs	\$ 100.00
290034857	08/02/2021	1556	ALIESHA WILBOURN	\$ 11.00
290035195	09/01/2021	1556	ALIESHA WILBOURN	\$ 11.00
290035196	09/01/2021	1767	TERRY BUSCH	\$ 3.00
290035253	09/03/2021	1	Dorian Williams	\$ 65.00
290035475	10/01/2021	1	Amanda Richard	\$ 5.00
290035477	10/01/2021	1	Jonathan D Saunders	\$ 40.49
290035543	10/01/2021	1377	JACQUELYN JACKSON	\$ 12.00
290035549	10/01/2021	1556	ALIESHA WILBOURN	\$ 11.00
290035553	10/01/2021	1767	TERRY BUSCH	\$ 3.00
290035636	10/01/2021	9860	US GEOLOGICAL SURVEY	\$ 1,275.00
290035641	10/01/2021	10222	SWIFT HOLDINGS LLC	\$ 538.00
290035695	10/08/2021	2264	BRAYDEN THUNEY	\$ 30.50
290035709	10/15/2021	1	Angel Morgan	\$ 190.80
290035773	10/15/2021	1	Payton Hofacker	\$ 190.80
290035917	11/01/2021	84	TYRONE K BUTLER	\$ 127.00
290035961	11/01/2021	2099	MICHAEL BARLOW	\$ 56.00
290035984	11/01/2021	2243	TOMMY SHEPHERD	\$ 54.00
Total Checks				\$ 4,776.74

Commissioner Leonhard moved to cancel checks that remain outstanding after two years of issuance and that these balances, in accordance with K.S.A. 10-816c, revert back to the City Fund upon which such checks were drawn. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Consider Updates to City Fee Schedule - City Manager Paul Kramer explained that from time to time City staff will bring updates to the city fee schedule which is adopted by the City Commission. Amendments and updates are hereby presented to the Commission for the City Fee Schedule for a January 1, 2024 effective date:

- **Animals – Adoption Fees-Dogs** - Staff is proposing an increase to the dog adoption fee. Staff is proposing to enhance the Animal Control services to the general public by microchipping each dog

that is adopted at the animal control facility. This practice has become an industry standard that is very helpful when it's necessary to help an animal get returned to its owner. The small fee increase would cover the cost of microchipping.

- **Environment – Regulated Land Disturbance Permits** - The changes that are being proposed are to clarify between site grading projects and construction projects, and to address the issue that commercial projects under one acre were not required to pay a permit fee.
- **Law Enforcement – Uniformed Off Duty Officer** - Staff is proposing an increase to the hourly rate for an off duty officer. The current fee of \$35 per hour does not generally cover the full cost of an Officer's overtime rate, as well as other costs such as the Patrol Vehicle, fuel, maintenance, etc. This fee has been unchanged for 20 years, but costs have continued to rise over that timeframe.
- **Solid Waste – Remove Refuse Bags fee** - With the implementation of the Refuse Carts and the discontinuation of the refuse bags, the fee for the refuse bags is being removed.
- **Utilities-Sewer Service Charges** - In the approved 2024 Budget, sewer service charges are set to increase by 5%. Staff also amended how the costs are shown to make the fee schedule easier to read.

Police Chief Patrick Kitchens provided additional information about the increases impacting the Animal Control and Off Duty officer proposed changes. Public Works Director Brian Faust provided additional information about the changes and increased impacting the Regulated Land Disturbance Permits proposed changes.

Commissioner Leonhard moved to approve the amendments to the fee schedule as presented and to be effective January 1, 2024. Commission Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Resolutions:

Resolution B-2352 Authorize Serving of Complimentary Alcoholic Liquor at Main Street Event “Alive After Five” for 2023 – City Clerk Sarah Bodensteiner presented for approval and adoption Resolution B-2352. The resolution allows unlicensed businesses to serve complimentary alcoholic liquor or cereal malt beverages to members of the general public during Leavenworth Main Street Program “Alive After Five” events in 2024.

Commissioner Hingula:

- Inquired about a limit to the amount of drinks served per individual

City Attorney Waters:

- The State statute does not address limits or amounts
- There exists some liability on the part of the participating business

Commissioner Bauder moved to approve Resolution B-2352 as presented. Mayor Pro-Tem Martin seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for Copier Lease and Maintenance Agreement – Assistant City Manager Penny Holler and Information Systems Manager Carol Charity presented for consideration a five-year copier lease and maintenance agreement with Toshiba Business Solutions. The City’s current copier contract with Network Computing Solutions (NCS) expires at the end of November 2023. That has been the result of a competitive bid process conducted previously. The City did a formal bid process in October 2023 for a new copier contract. The bid process took into account monthly copier lease fees, costs per paper printed and equipment upgrade fees. The annual lease, maintenance agreement and anticipated copy charges total \$25,026 for thirteen copiers, which is in the 2024 operations budget.

Commissioner Bauder moved to approve the bid for the 60-month Copier Lease and Maintenance Contract with Toshiba Business Solutions in an amount not to exceed \$125,128.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

First Consideration Ordinance:

First Consideration Ordinance Kansas Gas Franchise Agreement – City Manager Paul Kramer and City Attorney David Waters presented for first consideration an ordinance for a Gas Franchise Agreement with Kansas Gas Service, A Division of One Gas, Inc. On August 27, 2013, the City of Leavenworth and the Kansas Gas Service entered into a ten-year Contract Franchise Agreement via Ordinance, and continued to be in effect until August 30, 2023. On January 4, 2023, the City received notice from Kansas Gas Service of their intent to negotiate a new Contract Franchise Agreement. The proposed agreement has been reviewed by the City Attorney and City Staff. The following are some of the highlights of the agreement:

- Kansas Gas Service will remit to the City a franchise fee of 5.25% of Gross Receipts. This is an increase from the previously received 5% currently in place.
- Kansas Gas Service is still required to obtain necessary permits and licenses.
- Use of Public Right-of-Way – the City still maintains its home rule powers in administration and management of public right-of-way.
- The franchise ordinance shall be in effect for fifteen calendar years, unless terminated sooner as provided by the ordinance. Thereafter, this franchise ordinance will renew automatically for five, one-year terms.

There was consensus from the City Commission to place on first consideration.

First Consideration Ordinance for Special Use Permit to Operate Fire Station in R-MF Zoning District – Planning & Community Development Director Julie Hurley presented for first consideration an ordinance to approve a special use permit at 2805 2nd Avenue to allow a government facility in the R-MF Zoning District. The property is occupied by Fire Station No. 3, which was constructed in the 1960’s and is currently scheduled to be replaced with a new Fire Station facility on the same site in 2024. Government Facilities are allowed in the R-MF district with approval of a Special Use Permit. The existing Fire Station facility is considered a nonconforming use, as it was constructed prior to zoning regulations and there is no existing Special Use Permit. Replacement of the facility requires the approval of a Special Use Permit, per section 1.05 of the adopted Development Regulations. Notification was sent to property owners within 200’ of the subject property, as required by Kansas statute. Staff has received no inquiries or comments regarding the Special Use Permit at this location. The Planning Commission considered the item at their November 6,

2023 meeting and voted 4-0 to recommend approval of the Special Use Permit. Staff recommends approval of the Special Use Permit request based on the analysis and findings provided in the report.

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

First Consideration Ordinance for Special Use Permit to Allow Assisted Living Facility in R1-9 Zoning District - Planning & Community Development Director Julie Hurley presented for first consideration an ordinance to approve a special use permit at 2103 Metropolitan Avenue to allow the operation of an Assisted Living Facility in a Medium Density Single Family Residential Zoning District. Assisted Living Facilities are allowed in the R1-9 zoning district with the approval of a Special Use Permit. In working to obtain the required state license to operate an Assisted Living Facility, the property has been inspected by the State of Kansas and approved for up to three (3) residents. In addition to the residents, a number of other daytime enrichment and therapeutic services will be offered to clients who may come to the facility on a scheduled bases. The additional services will be provided in the primary residence on the structure. There is an existing detached structure on the property which will function as office space and storage for the facility. The property includes ample parking for residents, clients and staff. Notification was sent to property owners within 200' of the subject property, as required by Kansas statute. Staff has received no inquiries or comments regarding the proposed use. The Planning Commission considered the item at their November 6, 2023 meeting and voted 4-0 to recommend approval of the Special Use Permit, with the condition that the property obtain an active registration of an Assisted Living Facility with the State of Kansas. Staff recommends approval of the Special Use Permit request for an Assisted Living Facility in a property zoned Medium Density Single Family Residential based on the analysis and findings provided in the report.

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

Consent Agenda:

Commissioner Leonhard moved to approve claims for November 10, 2023 through November 17, 2023, in the amount of \$502,617.35; Net amount for payroll #23 effective November 17, 2023, in the amount of \$386,126.57 (Includes Police & Fire Pension in the amount of \$7,134.65). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Reviewed December meeting schedule with the Commission

Commissioner Leonhard:

- Thankful and blessed for the opportunity to serve the community
- Thanked staff for commraderie and answering her questions
- Wished everyone a Merry Christmas and Happy New Year

Commission Hingula:

- Asked the community to keep the Mayor and his family in their prayers due to a recent loss of a loved one

Commissioner Bauder:

- Hoped everyone had a good Thanksgiving

Mayor Pro-Tem Martin:

- Prayers go out to Mayor Wilson and his family
- Thanked the Public Works Street crews and team for keeping the streets clean after the recent snow

Adjournment:

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

Time Meeting Adjourned 6:40 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC