



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

City Commission Regular Meeting
Commission Chambers
Tuesday, November 14, 2023 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 Jermaine Wilson, Mayor Pro-Tem Griff Martin, Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard (via telephone call-in).

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Planning & Community Development Director Julie Hurley, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PROCLAMATIONS:

Small Business Saturday – Mayor Wilson read the proclamation proclaiming Saturday, November 25, 2023 as Small Business Saturday. The proclamation was accepted by Debbie Deere of Leavenworth Main Street.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the October 24, 2023 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

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

Resolutions:

Resolution B-2350 Setting the Public Hearing for Unsafe and Dangerous Structure; 407 Maple Street – Planning & Community Development Director Julie Hurley reviewed the resolution to set January 9, 2024 as the public hearing date to review the structure at 407 Maple Street that has been determined to be an unsafe or dangerous structure based on criteria in Chapter 10, Article XI of the Code of Ordinances. The resolution affixes the time and place at which time the owner, the owner’s agent, any lienholder of record, and any occupant of the structure may appear and show cause why such structure should not be condemned as dangerous or hazardous structures and ordered repaired or demolished. At the time of the hearing on January 9, 2024, staff will present an overview of the structure for consideration by the City Commission.

Commissioner Bauder moved to adopt Resolution B-2350 to set a public hearing for unsafe and dangerous structure of 407 Maple Street on January 9, 2024 in the City Commission Chambers. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Resolution B-2351 First City Creatives Leavenworth Christmas Market Special Event Street Closure for Possession & Consumption of Alcohol – City Clerk Sarah Bodensteiner presented for consideration a resolution allowing for closure of the 500 block of Delaware Street for the First City Creatives Leavenworth Christmas Market special event to allow for the sale, possession and consumption of alcoholic liquor.

Mr. Kramer:

- The request to have the alcohol in the street came about based on the amount of interest the event was receiving and determining it was not feasible to try to keep the alcohol within the First City Creatives business location only

Commissioner Martin moved to approve Resolution B-2351 for the First City Creatives Leavenworth Christmas Market Special Event as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Martin declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Approval of Contract Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project – Public Works Director Brian Faust presented for consideration approval of the Contract Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project. On July 12, 2022, the City Commission approved a contract with Lexeco Construction, Inc. for the construction of the 2nd & Chestnut Stone Arch Replacement Project. The project was necessary due to multiple failures in the old system that had created sinkholes along the project limits. These failures continued to worsen and were coming closer to an occupied structure. The project included upsizing/replacement of the stormwater conveyance system, with extensive excavations along the project and a substantial amount of street reconstruction, sanitary line and manhole replacement. During the course of the project, it was necessary to have the contractor perform unforeseen extra work and there was also expected work items that came in under the anticipated amount. At the conclusion of the project, the total Final Change Order amount is \$249,670.07. This amount is made up of many individual items, including: removal and replacement of an existing sanitary manhole, existing retaining wall reconstruction, sanitary sewer spot repair, full depth removal at 3rd & Chestnut, unsuitable soil material was removed and replaced with rock, drainage issue discovered post construction, project line item under-runs, and project line item over-runs. The net impact of all the increases and decreases for this project is \$249,670.07, or 7.06% of the original bid cost. Funds budgeted in 2022 for this project were \$3,534,012.80 based on the bids received. The revised project total will be \$3,783,682.87. A video was shown of the completed project areas.

Commissioner Leonhard moved to approve Change Order No. 1 for the 2nd & Chestnut Stone Arch Replacement Project in the amount of \$249,670.07. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending City Code Fire Insurance Proceeds – City Clerk Sarah Bodensteiner presented for first consideration an ordinance amending Chapter 20, Article V of the City of Leavenworth Code of Ordinances. City Attorney David Waters has reviewed and prepared updated documents regarding the Fire Insurance Proceeds section of the City Code. There are no major changes to

the procedure, the revisions are simply housekeeping items. Updates include, ensuring State Statute(s) are appropriately applied and referenced and revising language for clarity.

City Attorney Waters:

- Beginning of the process of reviewing City Codes regarding nuisances
- Process is driven by statutes, but the statutes were not fully listed into the code
- Wanting to avoid having staff review both Code Book and Statute Book to get full information

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

Staff Report:

Update on Vilas Street 10th to 22nd Project – Public Works Director Brian Faust introduced the consultant, Scott Komarek from Bartlett & West Engineers to provide an update to the City Commission. Updates on the project included the following:

- Sidewalks will be installed between 10th and 15th
- Sections of the existing sidewalks on the north side and south side from 15th to 20th will be replaced if damaged or not meeting current ADA guidelines
- Intersections between 10th and 20th will have ADA ramps meeting ADA Public Right-of-Way Accessibility Guidelines installed
- Improvements between 20th and 22nd include curb and gutter along with enclosed storm sewer
- Sidewalk on the north side between 20th and 22nd
- A marked crosswalk with Rectangular Rapid Flashing Beacon directly in front of Henry Leavenworth Elementary School

Semi-Annual Report from Leavenworth Public Library – Leavenworth Public Library Director Matt Nojonen provided an update to the Commission that included the following:

- New logo rebranding
- Events calendar booklet
- Using the events calendar booklet for marketing services at the library
- Welcome brochure
- Digital content specific brochure
- Website re-design is almost complete; hopeful it will be completed by end of the year
- E-library card for digital content
- Circulation up 66% from last year
- Patron usage is up 27% from last year
- e-Content is up 26% from last year
- Outreach has shared story hours and activities with 753 children
- Patron usage of Library computers is up 40% from last year
- Library program attendance is up 118% from last year
- Use of Library meeting rooms continues to increase each year

Consent Agenda:

Commissioner Leonhard moved to approve claims for October 21, 2023 through November 9, 2023, in the amount of \$1,397,426.51; Net amount for payroll #22 effective November 3, 2023, in the amount of

\$377,228.36 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Stubby Park shelter is complete; grills will be added in the spring
- Breakfast with Santa is December 2nd at the Riverfront Community Center
- Lighted Parade and Christmas Tree Lighting is Friday
- Tomorrow is last day for late registration for basketball; participation numbers are very good
- No Study Session next week

Commissioner Leonhard:

- Thanked her constituents for support, staff for their teamwork and camaraderie, had a great time working for this community on the City Commission
- Wished everyone a Happy Thanksgiving

Commission Hingula:

- A lot of events going on this time of year: Lighted parade, Holiday market, Shop Small Saturday after Thanksgiving
- Come to Leavenworth and partake

Commissioner Martin:

- Wished everyone a Happy Thanksgiving

Commissioner Bauder:

- Kudos to all the organizations involved in the Veterans Day Parade
- Turnout was great

Mayor Wilson:

- Thanked all who served and currently serve in our military
- Thanked the Veterans Day Parade committee
- Congratulated elected candidates and those who ran for office
- Wished everyone a Happy Thanksgiving

Executive Session – Personnel Matters of Non-Elected Personnel – Mayor Wilson moved to recess into executive session for a period of 10 minutes for the purpose of *discussing the annual evaluation of the City Manager, under the justification to discuss personnel matters of nonelected personnel* K.S.A. 75-4319 (b) 1. The City Commission and Human Resources Director will be present. The open meeting will resume in the City Commission Chambers at 7:06 p.m. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

The Leavenworth City Commission returned to open session at 7:06 p.m. Commissioner Leonhard did not return to open session.

Mayor Wilson moved to approve a 1% merit increase for City Manager Paul Kramer effective with the first check of the 2024 payroll. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Adjournment:

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

Time Meeting Adjourned 7:07 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC