



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

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, December 12, 2023 6:00 p.m.**

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

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Chief Building Inspector Harold Burdette, Finance Director Roberta Beier, 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.

**PRESENTATION:**

**Mayor's Award** – Mayor Wilson presented the Mayor's Award for Community Service to Joana Scholtz for her contributions and dedicated service to the community. Ms. Scholtz was present to accept the award.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Hingula moved to accept the minutes from the November 28, 2023 regular meeting and the minutes from the December 5, 2023 special meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance No. 8228 Kansas Gas Franchise Agreement** – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 28, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8228 was unanimously approved.

**Second Consideration Ordinance No. 8229 Special Use Permit to Operate a Fire Station in R-MF Zoning District** – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 28, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8229 was unanimously approved.

**Second Consideration Ordinance No. 8230 Special Use Permit to Allow Assisted Living Facility in R1-9 Zoning District**– City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the November 28, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8230 was unanimously approved.

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

Harold Pederson, 1001 10<sup>th</sup> Ave:

- Chaplain Sam Sanford passed away this Monday
- Participated in ministries impacting those with PTSD
- Asking the Commissioners and community members who knew him to attend his services at Davis Funeral Home on December 20<sup>th</sup> from 3pm-7pm

Walter Williams, 1817 Evergreen St:

- Presented Mayor Wilson with an award for being the 2023 Citizen of the Year from the brothers of Omega Psi Phi Fraternity Inc.

Gail Kempter, 906 9<sup>th</sup> Ave:

- Addressed the Commission regarding property tax
- Increases are hard to accommodate as a person on a fixed income

**General Items:**

**Commission Nominations for Terms December 12, 2023 to December 10, 2024**

**Mayor**

Mayor Wilson moved to nominate Griff Martin for Mayor December 12, 2023 to December 10, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

**Mayor Pro-Tem**

Mayor Martin moved to nominate Holly Pittman for Mayor Pro-Tem December 12, 2023 to December 10, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Financial Claims Reviewer**

Commissioner Wilson moved to nominate Edd Hingula for Financial Claims Reviewer December 12, 2023 to December 10, 2024. Mayor Martin seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**2024 Cereal Malt Beverage Licenses** – City Clerk Sarah Bodensteiner presented for approval 19 establishments that have applied for a 2024 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
Minit Mart #600576	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
Star Gas	788 Spruce St
Walgreens #12923	2900 S 4 <sup>th</sup> St
Walmart #26	5000 10 <sup>th</sup> Ave

ON-PREMISE CONSUMPTION:

Abe's Place	5101 10 <sup>th</sup> Ave
Ava's Island Café	732 Shawnee St
Little Bar	1431 10 <sup>th</sup> Ave
Towne Pub Restaurant	1001 Ottawa St

Commissioner Hingula moved to approve the Cereal Malt Beverage Licenses for 2024 as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Cancellation of the December 26, 2023 Regular Meeting** – City Manager Paul Kramer presented a request to cancel the December 26, 2023 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.

Commissioner Wilson moved to cancel the December 26, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Update for Unsafe and Dangerous Fire Damaged Structure 805 N 18th Street** – Chief Building Inspector Hal Burdette reviewed the repairs to the structure located at 805 N 18<sup>th</sup> Street that was damaged by fire on January 21, 2023. The City received a check from insurance proceeds for \$33,939.63. A public hearing was held on July 11, 2023 and the City Commission adopted Resolution B-2339 requiring the owner to make repairs. The Commission has given extensions for the repairs to be completed. At this time, the exterior repairs have been completed. The interior work has started, but has not progressed to the point that inspections have been performed and the project has been approved for sheetrock installation. Staff recommends that the Commission allow the owner additional time to make repairs.

Commissioner Pittman:

- Asked if there is a cap on extensions or if multiple extensions can be given

Mr. Kramer:

- The Governing Body can grant as many extensions as they see fit

Commissioner Bauder moved to grant a 60-day extension to 805 N 18<sup>th</sup> Street to allow more time for repairs to be made to the structure. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Public Hearing:**

## **Public Hearing for Amending the 2023 Budget:**

### **Open Public Hearing:**

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

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

Finance Director Roberta Beier presented the proposed amendments to the 2023 Budget as follows:

- Add \$197,334 spending authority to the Recreation Fund to cover expenditures that may exceed budgeted expenditures
- Add \$10,100 spending authority to the Library Fund to allow for increases to the Library Fund spending authority so that the taxes collected for the Library in December can be remitted to the Library in 2023 without exceeding the Library Fund's spending authority
- Add \$2,192 spending authority to the Library Employee Benefits Fund to allow for increases to the Library Employee Benefit Fund spending authority so that the taxes collected in December can be remitted to the Library in 2023 without exceeding the Library Employee Benefit Fund's spending authority
- Increase the Hotel TIF spending authority by \$438,438 due to increased revenues that need to be distributed according to the terms of the TIF Development Agreements
- Add \$606,963 spending authority to the Storm Water Fund to cover expenditures related to the Storm Water Capital Project expenditures

Mr. Kramer:

- The City isn't levying any new taxes or starting new programs
- Anything that comes in as a revenue has to have an expense tied to it

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

### **Close Public Hearing:**

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

Commissioner Bauder moved to approve the amendments to the 2023 Budget as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

## **Resolutions:**

**Resolution B-2353 Planters II Tenant Write-Off Accounts** – Planning & Community Development Director Julie Hurley presented Resolution B-2353 removing five 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 has 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 Pittman:

- Asked how do you notify the past tenants that they are delinquent

Ms. Hurley:

- The Housing Manager tries to reach them, but some have passed away or a forwarding address is faulty, but every attempt is made to reach them

Commissioner Wilson moved to adopt Resolution B-2353 deleting uncollectable tenant accounts. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Resolution B-2354 Planters Disposed Assets** – Planning & Community Development Director Julie Hurley presented Resolution B-2354 authorizing the removal of property from the Planters II inventory. A 2001 Chevy Silverado truck has been disposed of. The Resolution deletes the property from the asset inventory in accordance with the procedures established by the U.S. Department of Housing and Urban Development to keep the inventory log current. The process is required by HUD.

Commissioner Bauder moved to adopt Resolution B-2354 removing disposed of property from the Leavenworth Housing Authority's inventory. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Resolution B-2355 Planters II Schedule of Charges** – Planning & Community Development Director Julie Hurley presented for approval Resolution B-2355 amending the Admission and Continued Occupancy Policy (ACOP) schedule of charges for Planters II. The Resolution shall adopt a schedule of charges for the cleaning of apartments and equipment, charges for damage and tenant neglect for apartments, common areas, and equipment at Planters II. The Resolution shall also adopt charges for excessive lockout and for damages caused by motorized scooters, wheelchairs, grocery carts, moving carts, dollies, bicycles, scooters and skateboards.

Commissioner Hingula moved to adopt Resolution B-2355 adopting the ACOP schedule of charges as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Resolutions for Excel Development Group Low Income Housing Tax Credit Project** – City Manager Paul Kramer presented that the City has been working with Excel Development Group on a senior (55+) residential project for consideration under the Low Income Housing Tax Credits program from the Kansas Housing Resources Corp (KHRC). The proposed development would be submitted through KHRC for competitive award in early 2024. A part of the process, Excel Development Group approached the City about providing local support for an application to the State for residential development on 10<sup>th</sup> Avenue. The development would be limited to those 55 years old or older, and include a first phase of 15 duplex housing units. Along with a resolution of support, KHRC requires that the local government waive development fees up to \$40,000 and indicate willingness to issue Industrial Revenue Bonds to exempt the tangible personal property and services purchased in connection with the construction of the project from sales tax.

Connor Menard with Excel Development Group:

- Provided an overview of the proposed project
- 15 duplexes, 30 units total
- Maintenance free community for seniors
- Truly affordable housing, rent would be around \$700-\$750 a month
- The Low Income Housing Tax Credit process is extremely competitive, so the fee waiver and sales tax exemptions are incredibly helpful to our project in scoring

Mayor Martin:

- Asked what other communities have they done this in
- Asked if there was a timeline on this project

Mr. Menard:

- Manhattan, Topeka, Humboldt, Colby, Goddard, and other rural areas as well
- Pre-application is due in January, hope to hear by August if the project was funded
- If funded could be early 2025

Commissioner Pittman:

- Asked who does the scoring for the applications

Mr. Menard:

- Kansas Housing Resource Corp. does the scoring

Commissioner Bauder moved to adopt Resolution B-2356 a Resolution of support of Low Income Housing Tax Credits for Excel Development Group Housing Development at 4714 S 10<sup>th</sup> Avenue, approve the Fee Waiver letter and, adopt Resolution B-2357 a Non-Binding Resolution of intent to Issue Industrial Revenue Bonds for the Excel Development Group Housing Development. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

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

**Consider City Commercial Insurance Package 2024** – City Clerk Sarah Bodensteiner presented for consideration the insurance renewal for 2024 with Travelers Insurance in the amount of \$568,629.00. This is an increase of \$114,488.00 (roughly 25%). A 5% increase was budgeted for 2024, the remaining balance will be paid from the General Fund Reserves. We are in the middle of a hard market from a rate standpoint and this is reflective in the renewal premium. Provided with the Premium Summary is a lookback at the previous year's premiums. Premiums are now 8.75% higher than they were in 2020/21, which is a blended increase from 2020 to 2024 of roughly 2% per year. From a coverage standpoint, Travelers increased all property values and the Wind/Hail deductibles are going from 1% to 3% with a minimum of \$100,000 per occurrence on property. Additionally, auto deductibles are increasing from \$1,000 to \$2,500 and \$5,000 for large garbage trucks. The City's insurance broker, Mike Reilly reviewed the market conditions, renewal quote and answered questions from the Commission.

Mike Reilly of The Reilly Company:

- Reviewed the market conditions and renewal quote
- The premium increase comes about through a variety of issues:

- Catastrophic losses impacts everyone
- Raising inflation costs
- Reinsurance costs
- Escalating medical costs due to claims, more claims due to distracted drivers
- More legal involvement
- Larger jury awards; umbrella policies are being hit more than previously
- Continuing to work on a comprehensive cyber risk policy to better protect the City

Commissioner Bauder:

- Asked if paying the ransom is the new encouraged practice

Mr. Reilly:

- If the cost is cheaper than the rebuilding costs, paying the ransom would make sense, but not in every situation

Mayor Martin:

- Would like to see more data and breakdown from Travelers when it comes to cost justification

Mr. Reilly:

- These companies do value long term clients, so when we see an opportunity in the market we can go back to our carrier for relief and push back when justified

Commissioner Bauder moved to approve the 2024 commercial insurance package with Travelers in the amount not to exceed \$568,629.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Approval to Purchase 2024 Refuse Truck and Compaction Body** – Public Works Director Brian Faust presented for approval the purchase of a 2024 new/used truck cab and chassis with refuse compaction body for the Solid Waste Division. The equipment replacement schedule has one of the six units identified for replacement in 2024. Bid specifications were prepared and options for purchasing the truck were researched. After reviewing available purchase options, department staff felt it advantageous to utilize Sourcewell national pricing under the statutory authority of K.S.A. 12-2901 for the cooperative purchase. This program allows the City to purchase equipment that meets our needs while guaranteeing that standard governmental purchasing practices are followed. Bids include a five-year/100K mile warranty on the engine and a four-year body, cylinder and hydraulic warranty. The City is trading in a 2006 Freightliner Refuse Truck with Heil 5000 compactor. Ordering the vehicle now will ensure that it is delivered and usable in 2024. The 2024 Solid Waste Division’s budget included funding in the amount of \$201,500 for the replacement unit. The cost for the new equipment is \$229,000 while the trade-in value of the 2006 Freightliner is \$27,500. The actual cost after trade-in is \$201,500. To comply with the Kansas Cash Basis Law, there is cash available in 2023 for this purchase even though delivery will not occur until 2024.

Commissioner Bauder:

- Asked about delivery timeframe

Mr. Faust:

- We should receive the truck in early 2024

Commissioner Wilson moved to approve the purchase of a 2024 New/Used Truck Cab and Chassis with Refuse Compaction Body from Elliot Equipment Company, in an amount not to exceed \$229,000.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Consider Award of Bid for Planters II Chiller System Replacement Project** - Planning & Community Development Director Julie Hurley presented for approval the bids for the Chiller System Replacement at Planters II. The existing Chiller System is in need of upgrade and replacement due to age and operational issues. Due to the age of the system it has become extremely costly and very difficult to find parts for repairs. The shut off valves also need to be replaced due to leaks and continued maintenance issues. The Leavenworth Housing Authority utilized engineering and architect services to prepare the specifications and drawings for this project. Bids were opened on November 9, 2023 with D'Agostino Mechanical Contractors, Inc., being the low bidder. D'Agostino has worked with the City of Leavenworth on previous projects without any noted performance issues. There are sufficient funds available in the Capital Fund Program grant and Operating Subsidy for Planters II for this project.

Commissioner Wilson moved to award the bid for the Planters II Chiller System Replacement Project to D'Agostino Mechanical Contractors, Inc., in an amount not to exceed \$708,325.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**First Consideration Ordinance:**

**First Consideration Ordinance Amend Chapter 10, Article X, Property Maintenance of the Code of Ordinances** – City Attorney David Water presented for first consideration an ordinance amending Article X, Chapter 10 of the City Code, Property Maintenance. The article has been reviewed and updated documents prepared regarding this section of the City Ordinance related to Property Maintenance. There are no major changes to the procedures. The revisions are primarily related to more clearly defining terms and processes, to include cross-referencing other sections of the code to provide consistency and expanded provisions on weeds/thickets, junk and motor vehicles.

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

**First Consideration Ordinance Amend Chapter 10, Article XI, Unsafe or Dangerous Structures of the Code of Ordinances** – City Attorney David Waters presented for first consideration an ordinance amending Article XI, Chapter 10 of the City Code, Unsafe or Dangerous Structures. The article has been reviewed and updated documents prepared regarding this section of the City Ordinance related to Unsafe or Dangerous Structures. There are no major changes to the procedures. The revisions are primarily related to ensuring that State Statutes are appropriately applied and referenced, as well as more clearly defining terms and processes.

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



**Consent Agenda:**

Commissioner Bauder moved to approve claims for November 18, 2023 through December 8, 2023, in the amount of \$2,063,543.89; Net amount for Longevity Pay effective November 24, 2023 in the amount of \$44,808.63; and Payroll #24 effective December 1, 2023, in the amount of \$395,652.90 (No Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Martin declared the motion carried 5-0.

**Other:**

City Manager Paul Kramer:

- Provided clarity on funds for the Chiller System Replacement project
- Noted that the basketball program has the highest registration numbers they've seen

Commissioner Pittman:

- Congratulated the Christmas Market on a successful event
- Great event for local vendors as well

Commissioner Hingula:

- Echoed Commissioner Pittman's comments on the Christmas Market
- Talked to several vendors and they said they'd be back next year

Commissioner Wilson:

- Congratulated the Christmas Market on a successful event
- Recognized Edna Wagner for holding another successful Christmas Tea Event; it was the last one before she leaves Leavenworth
- Honor and privilege to serve on this Commission

Commissioner Bauder:

- Attended the Christmas Market and saw people walking around to other businesses in the downtown; great event
- Asked about adding a long-term goal, a study on self-sustainability, solar, energy, power, etc.; a focus on environment

Mayor Martin:

- Echoed the other Commissioners sentiments on the Christmas Market
- Thanked the team for the nomination and support for being the Mayor
- Love the different ideas and opinions of the Commission
- Thanked the Lord for the opportunity to serve

**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 7:36 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC