



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

City Commission Regular Meeting
Commission Chambers
Tuesday, January 23, 2024 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 Griff Martin (via telephone call-in), Mayor Pro-Tem Holly Pittman, Commissioners Nancy Bauder, Edd Hingula and Jermaine Wilson.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Human Resources Director Lona Lanter, Human Resources Deputy Director Michelle Meinert, Planning & Community Development Director Julie Hurley, Police Chief Patrick Kitchens, Animal Control Supervisor Les Cline, City Prosecutor Catalina Thompson, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the January 16, 2024 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8233 Allowing a Special Use Permit for Child Care Center at 1913 Choctaw Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the January 16, 2024 special meeting.

Mayor Pro-Tem Pittman called the roll and Ordinance No. 8233 was unanimously approved.

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

Louis Klemp, 1816 Pine Ridge Dr.:

- Discussed 407 Maple Avenue property
- Mentioned quarterback CJ Stroud being cut off on NBC
- Provided a handout to the Commission

Jeff Culbertson, County Commissioner, 300 Walnut St.:

- Requesting a letter be written to the State to return the LAVTR Funds to local communities

General Items:

Acceptance of Land for Public Utilities for Dollar Tree – Leavenworth, Final Plat – Planning & Community Development Director Julie Hurley presented for acceptance the dedication of land for public utilities for the Dollar Tree – Leavenworth final plat. The subject property is located at 2017 S 4th Street and owned by

Great Western Manufacturing Co. The property is currently unplatted, and the plat is being requested in order to vacate a portion of the parcel owned by Great Western Manufacturing Co., to be separated and sold for development to Dollar Tree. The plat was reviewed at the November 16, 2023 Development Review Committee meeting, all comments from that meeting have been addressed. Staff recommends accepting the dedication of land for public utilities for the Dollar Tree – Leavenworth final plat.

Commissioner Wilson moved to accept the dedication of land for public utilities for the Dollar Tree – Leavenworth final plat. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

Recommendation for Revisions to the Personnel Policy Manual – Human Resources Director Lona Lanter reviewed policy revisions to the City Personnel Policies & Procedures Manual. Periodically changes to the Personnel Manual are recommended. The majority of the revisions to the Personnel Manual are primarily housekeeping items to outline or more clearly define the processes and procedures that are currently in place or minor revisions to more accurately reflect the intent of the policy, such as revisions to reflect changes to the insurance policy coverage or updates to the government organization to reflect staff changes. There are occasional revisions to maintain compliance due to changes within federal, state, or local laws and/or regulations. Ms. Lanter reviewed the proposed revisions with the Commission.

Mayor Pro-Tem Pittman:

- Asked how changes and revisions were made previously

Mr. Kramer:

- All changes were brought before the Commission for approval

Commissioner Wilson moved to approve the revisions to the City Personnel Policies & Procedures Manual as submitted by the Human Resources Department effective immediately. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Approval of Contract Change Order No. 1 for 2023 Pavement Management Project – Crack Sealing & Micro-surfacing Program – Public Works Director Brian Faust presented for consideration approval of Contract Change Order No. 1 for the 2023 Pavement Management Project – Crack Sealing & Micro-surfacing Program. On March 28, 2023, the City Commission approved a construction contract with Vance Brothers for the 2023 Crack Sealing & Micro-surfacing component of the Pavement Management Program. The awarded contract of \$507,790.04 was under the Engineer’s Estimate by \$67,274.96. The 2023 budget included \$2M for all components of the Pavement Management Program. The Engineering Department came up with a list of additional streets to add to the project that would put the total closer to the engineer’s estimate. Upon completion of the project, the final square yards of material placed was measured and a final change order created based on the actual measured quantities. For the micro-surfacing project, quantities were slightly higher than originally estimated. The final project cost with the additional streets ended up at \$580,845.92. This is \$73,055.88 over the awarded contract amount.

Mr. Faust:

- Important to maximize the budgeted amount each year, which allows for additional streets to be included

Mayor Pro-Tem Pittman:

- How are people notified when their streets are being worked on

Mr. Kramer:

- The streets and potential additional streets are part of the bidding and award process
- Notification methods are used when the need arises

Commissioner Bauder moved to approve Change Order No. 1 with Vance Brothers for the Crack Sealing & Micro-Surfacing Program, in an amount not to exceed \$73,055.88. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

Consider Agreement with The Guidance Center for Mental Health Co-Responder Program – Police Chief Patrick Kitchens presented for consideration an agreement with The Guidance Center to establish a Mental Health Co-Responder Program. The issue of mental health is very difficult and complicated. Until recently, there was steady decline in funding of services and programs available to people who were suffering from mental illness. The results of those funding cuts and loss of programs pushed those people out into the community and became the responsibility of Police Officers, Jails and Emergency Rooms. Those entities don't have the proper infrastructure to help effectively. In the last 3 years, Leavenworth Police Department has responded to 302 calls for service relating to Mental Health. The Mental Health Co-Responder Program is designed to help expand our tool bag when dealing with mental health calls and the after effects. This pilot program is a collaborative effort between the Police Department and senior staff at The Guidance Center. The primary goal of the program is the safety of everyone involved. Police Officers are given basic levels of training in recognition of mental health symptoms but it's difficult to go beyond that. The availability of a highly trained mental health professional at the time of the crisis presents a greater possibility of resolving the matter. Further, this person would be available to follow-up in the days after the crisis to ensure the person receive more comprehensive resources. The proposed agreement calls for the City to provide The Guidance Center with annual funding to hire the Mental Health Co-Responder. The City of Leavenworth's funding will come from the use of the Opioid Settlement Funds, which allows the City of Leavenworth to received funds associated with opioid litigation under the supervision of the Kansas Attorney General. To date, Leavenworth has \$109,128.83 available, and will receive allocations of funding for the next 16 years as part of the settlements. The agreement was prepared in collaboration with the City Attorney, The Guidance Center Attorney, senior staff at the Police Department and senior staff at The Guidance Center. Chief Kitchens introduced Dr. William Warnes and Ashley Phillips with The Guidance Center.

Ms. Phillips

- Excited for this opportunity to provide services to the community
- Co-Responder will be a certified, qualified individual who will be able to provide a myriad of services

Dr. Warnes:

- The Guidance Center is expanding services and excited to pilot this program

- Very comfortable working with law enforcement
- Valuable program to the community

Mayor Pro-Tem Pittman:

- Asked for clarity on how they envision the position
- Will they be just waiting for calls

Ms. Phillips:

- Doing follow up calls, paperwork, administrative work/tasks
- They will respond when called out
- They will be in the appropriate attire
- Will go through training with both entities to ensure safety of all

Commissioner Hingula:

- Asked if the co-responder will be armed
- Asked about liability between the entities

Ms. Phillips:

- Not armed, but walkie talkie, safety vest and identification will be worn

Attorney Waters:

- Liability measures are addressed in the agreement, specifically that the person cannot be an employee of the City
- Insurance and indemnification requirements are part of the agreement as well

Commissioner Hingula moved to approve the agreement with The Guidance Center – Leavenworth to establish a Mental Health Co-Responder program. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

First Consideration Ordinance:

First Consideration Ordinance Amending Chapter 8, Animal Control and Regulation, of the Leavenworth Code of Ordinances – Police Chief Patrick Kitchens, Animal Control Supervisor Les Cline and City Prosecutor Catalina Thompson presented revisions to the Animal Control and Regulation Chapter of the Code of Ordinances. The Municipal Court Attorney and staff at the Animal Control Facility undertook a significant review of the ordinances that govern Animal Control. The primary purpose of the review is to extend the Municipal Court Judge more latitude in dealing with the variety of circumstances that are dealt with in Municipal Court. Further, to clean up some out of date language and establish a more defined permitting and appeal process. Chief Kitchens, Mr. Cline and Ms. Thompson reviewed the proposed revisions to the Chapter.

Mayor Pro-Tem Pittman:

- Asked how one would permit bees
- Asked about enforcement for feeding feral cat

Mr. Kramer:

- This would be similar to how we regulate chickens
- There are requirements that would need to be met in order to receive a permit

Chief Kitchens:

- We receive a lot of complaints about feral cats
- The point is to discourage the feeding of feral cats

Commissioner Hingula:

- Asked about the appeal process

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

Staff Report:

Form of Government and Swearing in Process Discussion – City Manager Paul Kramer discussed an interest from the Governing Body in formalizing the current practice regarding the annual selection of Mayor and Mayor Pro-Tem. If the Commission is in favor of formalizing this process, staff will bring back an Ordinance for consideration. The Commission will also need to provide direction regarding the swearing in of elected officials. The City Code states the Commissioners-elect will be sworn in on the first Tuesday of December following certification of election results. This can remain and the City can call a Special Meeting to do this or it can be changed to the first regular meeting of December or another date the Commission is in favor of.

Commissioner Bauder:

- In favor of first regular meeting for the swearing in

Mayor Pro-Tem Pittman:

- Liked the special meeting option, family can attend and no business
- In favor of codifying the current practice for selecting the Mayor and Mayor Pro-Tem

Commissioner Wilson:

- Liked the special meeting option

Mayor Martin:

- No issue with the first regular meeting option and consolidating it to one meeting

There was consensus from the Commission to hold the swearing in on the first regular meeting in December and to codify the tradition of the selection of the Mayor and Mayor Pro-Tem.

Mr. Kramer:

- We will finalize the ordinance based on the feedback from the Commission and bring back the matter for First Consideration

Goal Setting and Budget Calendar Presentation – City Manager Paul Kramer presented a draft of the 2024 City Commission goal-setting and budget calendar for discussion. Mr. Kramer noted that the CIP Budget

discussion will be held on a separate date to give the Commission and public more time to review and provide feedback.

Leavenworth 2030 Comprehensive Plan Update – Assistant City Manager Penny Holler provided an update on activity towards implementing the Leavenworth 2030 Comprehensive Plan. Updates included:

- Adopted June 2021
- Professionally facilitated
- High-Level of Community Involvement
- Community Identity
- Built Environment
- Harmony with Nature
- Resilient Economy
- Healthy Community
- Land Use and Community Design
- City Commission sets priorities through annual goals and budget
- Balance between comprehensive plan next steps and daily operation

Food Truck Survey Results – Assistant City Manager Penny Holler provided the results of the recent public food truck survey. Discussion with the Governing Body included:

- Good response rate
- Cannot be certain that the survey captured those who may be most impacted by an Ordinance change
- Top questions/concerns from survey
 - Support existing businesses/restaurants
 - Don't impact all parking or busy parking areas
 - Consider traffic/safety
 - Reasonable distance from restaurants
 - Address trash
 - Ensure health/food handling
- Reviewed Food Truck Regulations/Restrictions in 5 different communities: Emporia, Wichita, Shawnee, Edgerton and Salina
- Requesting feedback and/or direction from the Commission regarding any potential changes to the Food Truck Ordinances

Mayor Pro-Tem Pittman:

- Asked for feedback from Main Street, Chamber of Commerce, and brick and mortar restaurants

Commissioner Bauder:

- Asked to see the examples from the cities mentioned in the presentation
- Need to also consider how any change would impact the whole city, not just the downtown

Commissioner Hingula:

- Mentioned the width of the streets being a concern for on-street food truck parking
- Thinks parking lots may be a good place for the trucks to locate
- Asked for information as to why Chick-fil-A stopped having a truck in town

Mayor Martin:

- Not in favor of obstructing traffic or anything that may have a direct negative impact
- Ok with a phased approach to allow leeway to help ascertain a better solution in the end

Mr. Kramer:

- We will gather feedback from community partners (Main Street and the Chamber) and our brick and mortar restaurants and come back with that information

Consent Agenda:

Commissioner Hingula moved to approve claims for January 5, 2024, through January 18, 2024, in the amount of \$1,183,403.34; Net amount for Payroll #1 effective January 12, 2024, in the amount of \$427,614.59 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Pittman declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Mentioned that LAVTR has been an adopted point by the Commission based on the League of Kansas Municipalities Statement of Municipal Policy for 2024
- Based on consensus from Commission, will put together a letter of support regarding LAVTR
- Cody Park Sports Court project is out to bid and bids will open on February 6th

Commissioner Hingula:

- Stay warm and keep shoveling

Commissioner Wilson:

- Would like a discussion with the Commission about moving funding from the Southside Park to the Skate Park expansion

Commissioners discussed the matter and provided consensus to have the discussion at a future meeting.

Mayor Pro-Tem Pittman:

- Thanked the Commission for their support and assistance for her first meeting running the meeting
- Presented Commissioner Wilson with a plaque for his time serving as Mayor for the past year

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 7:42 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC