



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Pro-Tem Nancy Bauder, Commissioners Charles Raney, Mark Preisinger and Lisa Weakley; not present: Mayor Larry Dedeke

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Parks and Recreation Director Steve Grant, Fire Chief Gary Birch, Finance Director Ruby Maline, City Planner Julie Hurley, Public Information Officer Melissa Bower, CVB Manager Kristie Lee, Michelle Baragary Community Development Admin Assistant, City Attorney Tom Dawson and City Clerk Carla Williamson

Mayor-Pro Tem Bauder opened the meeting with the pledge of allegiance followed by silent meditation.

PROCLAMATIONS AND PRESENTATIONS:

Proclamations: First Female Buffalo Soldier Cathay Williams Proclamation presented to the members of the Richard Allen Cultural Museum. Parks and Recreation Month July 2016 Proclamation presented to Parks and Recreation Director Steve Grant.

Presentations: City Manager Paul Kramer presented proposed budget for fiscal year 2017. Budget works sessions are scheduled for July 13 and 14 1:00 p.m. to 5:00 p.m. with July 15 reserved if needed.

- No proposed mill increase
- No personnel additions or cutbacks
- Controlled expenses
- Modest revenue growth
- No changes to service
- Maintain fund balance

OLD BUSINESS:

Consideration of Previous Meeting Minutes – Commissioner Weakley moved to approve the June 28, 2016 Regular Meeting minutes, as presented. Commissioner Preisinger seconded the motion and was unanimously approved.

Second Consideration Ordinances:

Ordinance No. 8000 Amending Chapter 50, Fire Prevention and Protection, Article 1, Sec 50-5 Insurance Proceeds – City Manager Paul Kramer stated that there were no changes to the ordinance since the June 28, 2016 meeting.

Mayor-Pro Tem Bauder called for the roll call vote and Ordinance No. 8000 was unanimously approved.

NEW BUSINESS:

Citizen Participation: none

General Items:

Review Unsafe Structures – City Planner Hurley reviewed structures that are assessed to be in an unsafe and dangerous physical condition and pose a threat to the public health, safety and welfare of the City. To address and

abate these structures, the City Commission, through its powers under Chapter 22, Article X (Dangerous Structures) of the Code of Ordinances, has requested that City staff annually develop an inventory of unsafe and dangerous structures for review and potential removal through demolition. The Commission recently approved the language in KSA 17-4759 to establish criterion for evaluating the structures. City Planner Hurley reviewed each of the following structures and the criteria causing the structures to be unsafe and dangerous:

1. 50 Logan Ave
2. 426 Limit Street – previously on demolition list in 2014, signed remediation agreement
3. 655 South Street
4. 776 Thornton Street
5. 113 Chestnut Street
6. 616 Spruce Street
7. 717 Olive Street
8. 717 Ottawa Street
9. 800 Osage Street - Previously on demolition list in 2011
10. 856 Cherokee Street – on same parcel as 860 Cherokee, signed remediation agreement
11. 860 Cherokee Street – on same parcel as 856 Cherokee, signed remediation agreement
12. 1107 N 10th Street
13. 1158 Kenton Street – signed remediation agreement
14. 1261 High Drive

Commissioner Preisinger moved to approve the list of dangerous structures as presented to be formally placed on a list for public hearing, review and consideration for Resolution of demolition. Commissioner Weakley seconded the motion and was unanimously approved.

Bids, Contracts & Agreements:

Sole Source Request for Purchase of Hurst Rescue Tools for the Fire Department – Fire Chief Gary Birch presented for consideration a sole source purchase of Hurst Rescue Tools. The new tools would be compatible with several of the regional departments and tools provided through a MARC homeland security grant that are currently in use at Station 1. The purchase is included in the 2016 CIP. Cost for tools: \$26,609.67.

Commissioner Preisinger moved to approve the sole source purchase of the Hurst Rescue tools in the amount of \$26,609.67. Commissioner Raney seconded the motion and was unanimously approved.

Change Order No 3 to Contract 2016-24; 2015 Sanitary Sewer Rehabilitation and Replacement Linaweaver Construction – Public Works Director Mike McDonald presented for consideration Change Order No. 3 in the amount of \$7,810.00 for the 2015 Sanitary Sewer Rehab and Replacement; new total Contract amount of \$673,823.00. Changes to the contract will include adding repairs to manhole 0766 located on Garfield between Broadway and 7th Street and deleting line repairs near 601 Kiowa.

Commissioner Weakley moved to approve Change Order No. 3 to Contract 2016-24 2015 Sanitary Sewer Rehabilitation and Replacement in an amount not to exceed \$7,810.00 for a total contract amount of \$673,823.00. Commissioner Preisinger seconded the motion and was unanimously approved.

Change Order No 1 to Contract 2016-33; 2016 Sidewalk Replacement Project-Julius Kaaz Construction Co. Inc. - Public Works Director Mike McDonald presented for consideration Change Order No. 1 in the amount of \$15,160.00 for the 2016 Sidewalk Replacement Project. The Change Order will include sidewalk repairs along 20th Street and increase the total contract to \$243,974.45. The breakdown of costs associated with change order no 1 are as follows:

20th Street ADA Ramps	\$7,800.00
20th Street Flowable Fill	\$3,375.00

20th Street Handrail	<u>\$3,985.00</u>
Total Amount	\$15,160.00

Commissioner Weakley moved to approve Change Order No. 1 Contract No 2016-33 received from Julius Kaaz Construction in the amount not to exceed \$15,160.00. Commissioner Preisinger seconded the motion and was unanimously approved

First Consideration Ordinance:

Ordinance Amending the 2016 Development Regulations Chapter 8, Signs regarding Political Signs- City Manager Paul Kramer presented the background on the ordinance for first consideration an ordinance amending Chapter 8 of the 2016 Development Regulations appendix E of the code of ordinance.

- City code prohibits the placement of non-governmental/traffic signs in the city right-of-way.
- Kansas Statute created an exception to allow placement of political signs in city right-of-way during the 45 days prior to and 2 days after an election.
- Recent Supreme Court rulings have prohibited the regulations of signs based on content, which may be in conflict with the current state statute.

Staff presented three options for consideration by the City Commission.

There was a consensus by the Commission to go with option A to place on first consideration with the following Language:

- Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. No political signs are permitted on public right-of-way or on public property. In commercial or industrial areas, signs shall not exceed 32 square feet in area per face. In residential areas, signs shall not exceed 3 square feet per face. Signs shall not be placed where they interfere with intersection sight distances, and may not be affixed to any utility poles, trees, street lights, bridges, benches or similar public structures. Signs must be removed within 3 days after the election.

CONSENT AGENDA:

Claims for June 25, 2016 through July 08, 2016 in the amount of \$1,212,579.71 ; Net amount for Payroll #14 effective July 8, 2016 in the amount of \$301,233.20; (no Fire & Police Pension). Commissioner Raney moved to approve the consent agenda, as presented. Commissioner Preisinger seconded the motion and was unanimously approved.

Other Items:

Commissioner Preisinger:

- Attended the International Officers event earlier in the day.
- 112 International Officers are in the current class.
- Commended the Community Center, Police Department and all City staff for a nice event.

Mayor Pro-Tem Bauder:

- Commented on calls regarding fireworks. Many calls before the 4th of July asking about the ban and many calls after relating to the amount of fireworks that were set off in the City.
- Discussed the information she received from the City Manager and City Clerk regarding the history on the ban of fireworks in the City.
 - In 1981 a petition brought forward a request to ban fireworks due to injuries sustained by citizens.
 - Went to a vote of the people in the 1982 General election.
 - Votes cast – 4371 yes to ban fireworks; 2688 no.

- The Police Chief reported to Mayor Pro-Tem Bauder that 83 warnings were issued by the Police Department this year during the 4th of July holiday.

Commissioner Weakley:

- Commented on the fireworks issue coming up over the years from time to time.
- Leavenworth Times published an unofficial pole and the majority did not want to lift the ban of fireworks in the City.

Commissioner Preisinger:

- He would consider a valid petition if it was brought up to vote on or have the issue put on a ballot.
- He would not overturn a vote of the people.
- He is not aware of a valid petition being submitted to the Commission since his time on the Commission.
- Anyone wishing to submit a valid petition should have to follow the process set out by the State.
- The City Clerk and staff do not advise citizens on submitting a petition; it is a State requirement not a City requirement-Commissioner Preisinger confirmed that with the City Clerk.
 - The City Clerk and City Attorney confirmed that statement.

Adjourn – Commissioner Preisinger moved to adjourn the meeting. Commissioner Raney seconded the motion and was unanimously approved.

Time Meeting Adjourned 8:13 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC