



**CALL TO ORDER** - The Governing Body met in regular session and the following commission members were present: Mayor Larry Dedeke, Mayor Pro-Tem Nancy Bauder, Commissioners Mark Preisinger, Charles Raney and Lisa Weakley.

**Others present:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Chief Building Inspector Hal Burdette, City Planner Julie Hurley, Community Development Coordinator Mary Dwyer, CVB Manager Kristi Lee, Finance Director Ruby Maline, Parks and Recreation Director Steve Grant, Public Information Officer Melissa Bower, City Attorney Tom Dawson, and City Clerk Carla K. Williamson

Mayor Dedeke opened the meeting with the pledge of allegiance followed by silent meditation.

**PRESENTATIONS AND PROCLAMATIONS:**

**Proclamation:**

**Domestic Violence Awareness Month October 2016:** Jennifer Cherrie was present to accept the Proclamation.

**Food Day October 24, 2016:** Bill Kromer was present to accept the Proclamation.

**Lights on After School October 20, 2016:** Annette Taylor was present to accept the Proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes** – Commissioner Bauder moved to approve the September 27, 2016 Regular Meeting minutes and October 4, 2016 Special Meeting minutes as presented. Commissioner Preisinger seconded the motion and was unanimously approved.

**Second Consideration Ordinances:**

**Ordinance No. 8014 - Increasing the amount required for sealed proposals for Capital Improvements Projects** –City Manager Paul Kramer stated that there were no changes to the ordinance since the September 27, 2016 meeting.

Mayor Dedeke called for the roll call vote and Ordinance No. 8014 was unanimously approved.

**Ordinance No. 8015 - Wastewater Rate Increase** –City Manager Paul Kramer stated that there were no changes to the ordinance since the September 27, 2016 meeting.

Mayor Dedeke called for the roll call vote and Ordinance No. 8015 was unanimously approved

**Ordinance No. 8016 - Refuse Rate Increase** –City Manager Paul Kramer stated that there were no changes to the ordinance since the September 27, 2016 meeting.

Mayor Dedeke called for the roll call vote and Ordinance No. 8016 was unanimously approved

**NEW BUSINESS:**

**Citizen Participation:** none

**General Items and Resolutions:**

**Consider Construction of a Training Facility at Sherman Army Airfield / City Municipal Airport** – City Manager Paul Kramer reviewed the request from Dean Ayres, the Fixed Base Operator (FBO) at Sherman Army Airfield to construct a new building for training. Approval is still pending from Fort Leavenworth. Dean Ayres, the Fixed Base Operator (FBO) at Sherman Army Airfield/Municipal Airport spoke to the City Commission and requested approval to construct a new building for a training facility.

Commissioner Preisinger moved to approve the construction of a training facility building at Sherman Army Airfield as presented. Commissioner Raney seconded the motion and was unanimously approved.

**Public Hearing for Unsafe and Dangerous Structures:**

**Open Public Hearing-** Commissioner Preisinger moved to open the public hearing. Commissioner Bauder seconded the motion and was unanimously approved.

**Staff and Public Comments:** City Planner Julie Hurley reviewed each of the following structures that are unsafe or dangerous under K.S.A. 17-4759 and adopted by the City.

1. A one-story wood frame house and any accessory structures on the property located at **50 Logan Avenue**, legally described as Lot Twelve (12), in Block Thirty-three (33) in Southside Park Subdivision. CAMA NO. 1010104013009000.
  - a. City Planner Julie Hurley stated that the owner has contacted staff indicating intent to repair, no repairs made to date. There has been some fire damage to this structure.
  - b. Owner not present.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
2. A one-story wood frame house and any accessory structures on the property located at **426 Limit Street**, legally described as Lots 28 and 29, Block 6, Halsey Heights. CAMA NO. 1010104016007000.
  - a. City Planner Julie Hurley stated that all items noted on remediation agreement dated 6/10/16 completed. Windows have been replaced and are covered by plywood to ensure security of the house due to vandalism. The owner has a buyer for the property and once the house is occupied the plywood will be removed. Staff would recommend removal from the demolition list.
  - b. Owner Mario Munoz addressed the Commission and asked that this structure be removed. All repairs have been accomplished.
  - c. Mayor and Commissioners discussed the issue and agreed to remove the one-story wood framed house and any accessory structure from the demolition list.
3. A one-story wood frame house and any accessory structures on the property located at **655 South Street**, legally described as Lot Three (3), Four (4) and the East Twenty-six (26) feet of Lot Five (5), all in Block fourteen (14) in Fees, Doniphan and Thornton's Addition. CAMA NO. 1010102019002000.
  - a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.
  - b. Owner Diana Bartow addressed the Commission and stated that she had asked that the property be torn down and a lien be placed on the property. The owners combined income was too high to qualify for assisted demolition.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
4. A one-story wood frame house and any accessory structures on the property located at **776 Thornton Street**, legally described as all that part of Block 17, Marshall's Subdivision, City of Leavenworth, Leavenworth County, Kansas, described as follows: Beginning at the Southeast corner of said Block 17, thence West along the North side of Thornton Street 100 feet; thence due North to the right-of-way of the Atchison, Topeka and Santa Fe Railroad Company, thence Southeast along the said right-of-way to the East line of said Block, thence South to the place of beginning. CAMA NO. 1010201017021000.
  - a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.

- b. Owner not present.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
5. A two-story wood frame house and any accessory structures on the property located at **113 Chestnut Street**, legally described as Lot 13, Block 4, Clark and Rees Addition. CAMA NO. 0773601001003000.
- a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.
  - b. Owner not present.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the two-story wood framed house and any accessory structure on the property.
6. A one-story wood frame house and any accessory structures on the property located at **616 Spruce Street**, legally described as Lot 12 in Block 30 in Clark and Rees Addition. CAMA NO. 0773602042012000.
- a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.
  - b. Owner not present
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
7. A two-story brick house and any accessory structures on the property located at **717 Olive Street**, legally described as the West 20 feet of Lot 4 and the East 15 feet of Lot 5, all in Block 38, Clark and Rees' Addition. CAMA NO. 0773602040002000.
- a. City Planner Julie Hurley stated roof added to detached garage, no building permit issued, no contact from owner, as of today garage roof has been completed and garage has been painted.
  - b. Owner Kevin Lis address the Commission:
    - i. Repaired roof on garage and painted
    - ii. Did not get a permit because he said he gets a permit after the work
    - iii. Nothing has been done to the house
  - c. Chief Building Inspector Hal Burdette clarified that the practice of issuing permits after the fact is not for building permits only for electrical, mechanical, and plumbing with a city bond for contractors.
  - d. Mayor and Commissioners discussed the issue not a significant amount of work done in the time allowed, taxes not current, has had time to do work and waited until the day before to do minimal work. Agreed to demolish the two-story wood framed house and any accessory structure on the property.
8. A one-story wood frame house and any accessory structures on the property located at **717 Ottawa Street**, legally described as Lot 39, Block 98, Day and Macaulay's Subdivision. CAMA NO. 0772604107003000.
- a. City Planner Julie Hurley stated windows boarded up by owner to deter squatting activity, no other change.
  - b. Owner Scott Cross addressed the Commission:
    - i. He has owned the house for 5 years
    - ii. No utilities in the house
    - iii. Thinks \$3,000 to make house habitable
    - iv. Mr. Scott asked why he could not do a remediation agreement
    - v. Stated he was not aware of the process to repair the house.
  - c. Commissioner Preisinger asked Ms. Hurley the process of notification to the home owners; Ms. Hurley explained the notification process and explained that property owners are notified and must show funding to take care of the problems as part of the remediation agreement.
  - d. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
9. A one-story wood frame house and any accessory structures on the property located at **800 Osage Street**, legally described as Lots numbered One (1) and Two (2), in Block numbered One (1), Mix's Subdivision. CAMA NO. 0772604302024000.
- a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner. As of yesterday code enforcement staff noticed work and a permit issued for roof work.
  - b. Owner Kevin Lis addressed the Commission

- i. Stated that he had done work some work today.
    - ii. Uses the structure for storage; no water needed.
  - c. Mayor and Commissioners discussed the issue: Property was on the demolition list 6 years ago and work was never completed. There are 25 code violations on the property and the taxes are not current. Commission agreed to demolish the one-story wood framed house and any accessory structure on the property.
10. A one-story wood frame house and any accessory structures on the property located at **856 Cherokee Street**, legally described as Lots numbered One (1) and Two (2) in Block Two (2), in Central Subdivision. CAMA NO. 0773501007005000.
- a. City Planner Julie Hurley stated that this is on the same parcel as 860 Cherokee, signed remediation agreement. Building permit issued to remove and rebuild front stoop and for partial siding replacement. Work not completed. Signed a condemnation agreement in September and estimates 50% of the work is complete.
  - b. Peggy Hide appeared for the owner Tom Hide who is out of town. Provided a list of what is still to be completed and estimates 60 days to complete.
  - c. Mayor and Commissioners discussed the issue and agreed to 45 day extension for repairs.
11. A one-story wood frame house and any accessory structures on the property located at **860 Cherokee Street**, legally described as Lots numbered One (1) and Two (2) in Block Two (2), in Central Subdivision. CAMA NO. 0773501007005000.
- a. City Planner Julie Hurley stated that this is on the same parcel as 856 Cherokee, signed remediation agreement. Building permit issued to remove roof cover from front porch and replace roof. Work not completed.
  - b. Peggy Hide appeared for the owner Tom Hide who is out of town. Provided a list of what is still to be completed and estimates 60 days to complete.
  - c. Mayor and Commissioners discussed the issue and agreed to 45 day extension for repairs.
12. A one-story wood frame house and any accessory structures on the property located at **1107 N. 10<sup>th</sup> Street**, legally described as Lots Three (3), Four (4) and Five (5), Block Four (4), Hannon's Addition. CAMA NO. 0772602003014000.
- a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.
  - b. Owner not present; may be deceased.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.
13. A one-story wood frame house and any accessory structures on the property located at **1158 Kenton Street**, legally described as Lots 21 and 22, Block 3, Stilling's Subdivision. CAMA NO. 0773503003015000.
- a. City Planner Julie Hurley stated all items noted on remediation agreement dated 6/10/16 have been completed. Staff would recommend removal from the demolition list.
  - b. Owner Mr. Bateman said he signed a remediation agreement and completed the work.
  - c. Mayor and Commissioners discussed the issue and agreed to remove the one-story wood framed house and any accessory structure from the demolition list.
14. A one-story wood frame house and any accessory structures on the property located at **1261 High Drive**, legally described as Lots 24 and 25, Block 4, Maplewood Addition. CAMA NO. 0773502038002000.
- a. City Planner Julie Hurley stated that there have been no changes and no contact from the owner.
  - b. No owner present.
  - c. Mayor and Commissioners discussed the issue and agreed to demolish the one-story wood framed house and any accessory structure on the property.

**Close Public Hearing:** Commissioner Weakley moved to close the public hearing. Commissioner Bauder seconded the motion and was unanimously approved.

**Resolution B-2148 Demolition or Repair of Unsafe Structures** - Commissioner Preisinger moved to approve Resolution B-2148 to demolish the unsafe or dangerous structures except 426 Limit and 1158 Kenton to be

removed and 856 Cherokee and 860 Cherokee to allow an additional 45 days for repairs. Commissioner Raney seconded the motion and was unanimously approved.

**Public Hearing for Fire Damaged/Unsafe Structure at 1029 Ironmoulders Street:**

**Open Public Hearing-** Commissioner Preisinger moved to open the public hearing. Commissioner Weakley seconded the motion and was unanimously approved.

**Staff and Public Comments:**

- a. Public Works Director Mike McDonald and Chief Building Inspector Hal Burdette reviewed the progress on the structure. The structure has damaged by fire on June 19, 2016. The property owner Saluda Kitt applied for a building permit on June 30, 2016 for repair. Progress on the necessary repairs has been steady and has passed all inspections to date. The City received insurance proceeds which are to be used to remove the structure if the owner decides not to repair, or return proceeds to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy. Hal stated that they have gone further than what is required. He has been in contact with the owner and contractor and not quite ready to release the funds. Typically we wait until electrical, mechanical and plumbing is complete and the structure is ready for sheet rock.
- b. Mayor and Commissioners discussed the issue and agreed to allow an additional 90 days for repairs and review again.

**Close Public Hearing:** Commissioner Bauder moved to close the public hearing. Commissioner Raney seconded the motion and was unanimously approved.

**Resolution B-2149 Demolition or Repair of Unsafe Fire Damaged Structure at 1029 Ironmoulders Street -**

Commissioner Preisinger moved to approve Resolution B-2149 allowing a 90 day extension. Commissioner Bauder seconded the motion and was unanimously approved.

**Retaining Wall at 3713 Lakeview Built on Public Property without Permit** – Public Works Director Mike McDonald presented information regarding a retaining wall built on public property without a permit at 3713 Lakeview. On August 30, 2016 City Staff observed a retaining wall that was being built approximately ten feet into the street right-of-way leaving approximately three feet between the curb to the face of the wall. Franchised utility companies were contacted regarding the wall and impact. Kansas Gas has expressed a desire to have an agreement so that they will not be responsible for costs associated with the wall if there are conflicts.

**Commission Comments:**

- These are difficult situations
- Discussion regarding areas that are designated as the right-of- way
- If others asked for this same permit they would not be able to get the permit
- Would like an agreement/legal document to be filed with the deed on the property holding the utility companies and the City harmless for any issues associated with the wall.

Kevin Wendt addressed the commission. He was hired by the owner to do inside work of her house. It was his understanding that if the retaining wall was less than 4 feet tall there was no need to have a permit.

Owner Pam Henderson discussed the grade of her driveway and the other homes in her area and similar structures in the area. She was not aware of the need for a permit. Is willing to sign an agreement regarding utility companies but hesitant to be accountable should the City be sued regarding the wall.

Attorney Tom Dawson recommended that the City pursue the agreement/legal documents and that Ms. Henderson should obtain counsel and have a document prepared for him to review.

Mr. McDonald said it might be proper for the homeowner to obtain a permit so that staff can look at what is required.

The City Commission agreed to table the item for a future date to look over the documents for approval.

**Mayor Dedeke called for a 10 Minute break**

**Mayor's Appointments:**

Mayor Dedeke moved to appoint Debi Denney to the Leavenworth Preservation Commission to a term ending 04/15/2019. Commissioner Preisinger seconded and the motion and was unanimously approved.

**Quarterly Report from the Convention and Visitors Bureau** – CVB Manager Kristi Lee presented an update of activities by the CVB.

- Staff plans to meet with Hotel representatives from the Fairfield Inn and Hampton Inn quarterly to share ideas
- Reviewed Social Media statistics July 1 – September 23, 2016
- Reviewed various print advertisements
- Reviewed Group Tours and Reunions booked
- Veterans Traveling Wall booked for October 23-30, 2016
- Looking Ahead
  - Tourism Grant Fund guidelines
  - New rack card for placement in and around the KC Metro area
  - Meeting Planners Guidebook
  - 2017 Visitors Guide

**Consider City Policy on Title VI** – Assistant City Manager Taylour Tedder presented the formal Title VI policy of the City of Leavenworth. The City has historically complied with the Title VI guidelines but has never formally adopted a plan. KDOT requires that all Cities have a plan on file with them. Title VI Plan consists of a report and supporting documents that provides evidence of the equitable distribution of services, promotion of full and fair participation in decision-making without regard to race, color, or national origin.

Commissioner Bauder moved to approve the Title VI Plan put together for the City of Leavenworth. Commissioner Raney seconded the motion and was unanimously approved.

**Zeck Ford Industrial Revenue Bonds (IRB):** City Manager Paul Kramer presented for consideration the Funding Agreement and Resolution B-2150 related to the request from Zeck Ford for Industrial Revenue Bonds for sales tax use only. The City Commission heard the request at the October 4, 2016 Study Session and provided a consensus to move forward with a non-binding resolution.

- **The Funding Agreement (Contract No. 2016-80)** provides for the payment of City incurred expenses by the Applicant, Zeck Brothers Development LLC.
- **Resolution B-2150** is a resolution expressing the intent of the City of Leavenworth to issue taxable Industrial Revenue Bonds in the maximum principle amount of \$9,000,000.

Commission Comments:

- Commissioner Preisinger reiterated that as discussed at the Study Session last week that funding stops if Zeck is not in compliance with the agreement as it relates to the South lot and work to be completed by the December 31, 2016 deadline. Mr. Maxwell, counsel for Zeck Ford confirmed that they were aware.
- Commissioner Weakley was not in favor of the project. The City has already approved three incentives to Zeck Ford and not in favor of offering any more incentives. Commissioner Preisinger stated again that funding dries up as of December 31, 2016 if they are not in compliance with the agreement.

Commissioner Preisinger moved to approve the Funding Agreement with Zeck Ford for the Sales Tax IRBs as presented. Commissioner Raney seconded the motion and was approved 4-1; Commissioner Weakley voting no.

Commissioner Bauder moved to approve Resolution B-2015 as presented. Commissioner Raney seconded the motion and was approved 4-1; Commissioner Weakley voting no.

**Bids, Contracts and Agreements:**

**Ferguson Properties Request for Amendment to Development Agreement** – At the September 27, 2016 regular meeting the City Commission reviewed the request from Mr. Ferguson and made a motion to table the items for further review and consideration until the October 11, 2016 meeting. City Manager Paul Kramer reviewed the request from John Ferguson to amend Section 2.10, Item D, Subsection (iii) of the Development Agreement for construction of a hotel at the corner of 4<sup>th</sup> Street and Metropolitan Avenue (Second Hotel Project). The current agreement states that a building permit shall not be issued sooner than October 1, 2017. Mr. Ferguson has requested a change to allow a building permit to be issued sooner.

Mr. Ferguson addressed the Commission and discussed the need for hotel accommodations in the City. The Campus-setting he is building will accommodate the needs of the military.

Commissioner Preisinger:

- Very disappointed with the Hilton property in not starting their project
- Understands Mr. Ferguson has a lot of site work to be done
- Not sure that he could do all the site work by March 1 2017
- Would like to propose that the City issue a permit within 30 days once all site work has been completed and approved

Greg Mullenix from EQH-Leavenworth addressed the Commission:

- Does have an issue with moving the time line up
- Should be able to open per their schedule; lost three months due to Hilton and lenders
- Two similar hotels; Both extended stay
- Has always felt that they needed some time to get business operating appropriately before another hotel opens

Mr. Ferguson stated that hotels at the airport and legends are pulling business from Leavenworth. He is willing to take the challenge of the 30 days from completion to pull a building permit.

Commissioner Preisinger move to amend the agreement with Ferguson Properties to be able to pull a building permit 30 days after all site prep work is completed but no sooner than March 1, 2017 pending staff presenting a revised development agreement. Commissioner Bauder seconded and the motion was approved 4-1 with Commissioner Weakley voting no.

**Reject Bids for Wastewater Treatment Plant Dewatering Pad** - Public Works Director Mike McDonald reviewed the bids opened on October 5, 2016 for the Dewatering Pad. Bids came in substantially higher than the Engineer's Estimate. Staff recommends rejecting all bids. Bids were as follows:

<b>Company</b>	<b>City</b>	<b>Bid Total</b>
BKM Construction	Leavenworth KS	\$62,392.71
Mega Industries	N Kansas City MO	\$77,774.00
Pfefferkorn & Drury	Olathe KS	\$98,640.00
Engineer's Estimate		\$39,325.01

Commissioner Bauder moved to reject all bids for the WWTP Dewatering Pad Project and allow staff to re-evaluate. Commissioner Raney seconded the motion and was unanimously approved.

**Change Order No. 1 to Contract 2016-11 with R.A. Knapp Construction Company – Cherokee Bridge Project** – Public Works Director Mike McDonald presented for consideration a change order in the amount of \$22,359.88 increasing the amount of the contract to \$950,387.57.

Commissioner Bauder moved to approve the Change Order No. 1 for R.A. Knapp Construction Company for additional work in the amount of \$22,359.88. Commissioner Preisinger seconded the motion and was unanimously approved.

**Contract No. 2016-81 Bids for Performing Arts HVAC Project** – Parks and Recreation Director Steve Grant reviewed the bid for the Performing Arts Center HVAC Upgrade Phase I. One bid was received from D’Agostino Mechanical Contractors, Inc. Staff recommends accepting the following Bid and Add Alternates:

<b>Item</b>	<b>Cost</b>
Electrical Distribution Replacement	\$29,400.00
Tandom Scroll Compressor	\$32,700.00
Digital Temperature Control System	\$20,490.00
Construct Roof Hatch	<u>\$13,045.00</u>
Total	\$95,635.00

Commissioner Bauder moved to accept the bid from D’Agostino Mechanical to include the add alternate scroll type compressor in the amount not to exceed \$95,635.00. Commissioner Raney seconded the motion and was unanimously approved.

**CONSENT AGENDA:**

Claims for September 24, 2016 through October 7, 2016 in the amount of \$1,013,771.90; Net amount for Pay #20 effective September 30, 2016 in the amount of \$307,864.59 (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 Comments:**

Commissioner Bauder: Sister Vickie would like a letter of support for the homeless shelter in applying for a grant. The Commission was in favor of having the City Manager prepare and sign a letter of support.  
City Manager Kramer: October 13, 2016 at the Community Center KCPL and Westar will hold a meeting discussing their potential merger. The meeting is at 9:00 a.m.

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

Time Meeting Adjourned 9:55 p.m.  
Minutes taken by City Clerk Carla K. Williamson, CMC