



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

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Fire Chief Gary Birch, Finance Director Ruby Maline, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, City Planner Julie Hurley, Community Development Coordinator Mary Dwyer, City Attorney Tom Dawson and City Clerk Carla Williamson.

Mayor Bauder opened the meeting with the pledge of allegiance followed by silent meditation. Ethan Myers from Boy Scout Troop 66 from Fort Leavenworth was present to assist with the pledge of allegiance.

PROCLAMATIONS:

- Leavenworth Public Schools Education Foundation Week October 2-6, 2017 – Catey Edwards was present to accept the proclamation
- Fire Prevention Week October 8-14, 2017 – Fire Chief Gary Birch was present to accept the proclamation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Weakley moved to approve the minutes from the September 12, 2017 regular meeting as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Second Consideration Ordinances:

Second Consideration Ordinance 8058 Amending Chapter 54 Article III Food - City Clerk Carla Williamson presented for second consideration an ordinance amending the Code of Ordinances Chapter 54, Article III Food. This was presented for first consideration at the September 12, 2017 Commission Meeting. There have been no changes since that meeting. Ordinance 8058 was presented for Roll Call Vote.

Mayor Bauder called for the roll call vote and Ordinance No. 8058 was unanimously approved.

NEW BUSINESS:

Citizen Participation:

None

General Items:

Appeal for Signage – University of Saint Mary, 4100 S 4th Street

Open Public Hearing:

Commissioner Preisinger moved to open the public hearing for the Sign Appeal University Saint Mary. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Comments on Appeal:

Staff Comments:

City Planner Julie Hurley reviewed the sign appeal filed by the University of Saint Mary seeking to install a freestanding sign over the main entrance to the campus. The property is zoned R1-9, High Density Single Family Residential. Section 8.08 of the Development Regulations allows for public and semi-public buildings located in residential zoned districts such as schools, to install signage as permitted in the Neighborhood Business District. Section 8.10 allows for a free standing sign with a maximum size of 32 square feet and maximum height of 15 feet to be construction in the Neighborhood Business District. The proposed sign will be 129 square feet in overall size and a height of 18 feet. Ms. Hurley reviewed the five criteria for sign appeals.

Other Comments:

Johnathan Kirby of University of Saint Mary addressed the Commission regarding the size and new design of the sign.

Commission Comments:

Discussed the previous sign at that location. Commissioner Preisinger asked about the zoning of the University as R1-9. Ms. Hurley explained that it is not uncommon for schools and universities to be in a residential zoning district as most were in place before zoning ordinances were established.

Close Public Hearing:

Commissioner Dedeke moved to close the public hearing. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Commissioner Preisinger moved to approve the sign at University of Saint Mary as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Consider Sale of City Owned Property on 4th Street Contract No. 2017-54 – Assistant City Manager Tylour Tedder presented for consideration a request by Sandeep and Karishma Khandelwal owners of Kare Pharmacy regarding the City owned property adjacent 2500 S 4th Street, which they have under contract to purchase. The 0.55 acre of City property would allow them to have additional parking on the property after building an approximately 6,000 square foot facility on the property. The property was given to the City by the Alexander Majors Historical Foundation in 2001. Staff has prepared a sales contract for the property at the price of \$10.00. The sale is contingent upon the purchase of 2500 S 4th Street and approved building plans by the City.

Commissioner Preisinger moved to approve the sale of the City property located adjacent to 2500 S. 4th Street to the Khandelwal's for \$10.00. Commissioner Weakley seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Resolutions:

Resolution B-2177 Consolidated Annual Performance Evaluation Report (CAPER) – Community Development Coordinator Mary Dwyer presented for consideration Resolution B-2177. HUD requires a Consolidated Annual Performance and Evaluation Report to show the accomplishments of the current program.

Commissioner Weakley moved to approve Resolution B-2177 for the Consolidated Annual Performance and Evaluation Report. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Bids, Contracts and Agreements:

Consider Bids for 2017 Sidewalk Improvements Contract No. 2017-55 – Public Works Director Mike McDonald presented the bids that were open on September 20, 2017 for the 2017 Sidewalk Improvements. The bids were as follows:

Company	City	Base Bid	Alternate 1	Alternate 2	Total Bid
Phillips Construction	Kansas City KS	\$259,057.00	\$118,053.00	\$33,245.00	\$410,355.00
Baker Construction	Leavenworth KS	\$318,395.00	\$141,717.00	\$42,250.00	\$502,362.00
Phoenix Concrete	Olathe KS	\$324,343.59	\$146,176.86	\$29,073.84	\$499,594.29
Kansas Heavy Construction	Tonganoxie KS	\$376,279.00	\$183,120.00	\$37,585.00	\$596,984.00
BKM Construction	Leavenworth KS	\$381,866.25	\$176,900.75	\$43,852.50	\$602,619.50
Freeman Concrete Construction	Shawnee KS	\$557,613.95	\$238,245.10	\$44,192.00	\$840,051.05
Engineer's Estimate		\$749,710.00			

City Manager Paul Kramer explained that after the bid opening it was determined that the low bidder, Phillips Construction, was given the wrong bid specifications from Drexel Technologies, the plan room that supplies all bid specifications and forms to bidders. Phillips Construction was provided the correct bid forms and attended the mandatory bid meeting where all areas of the project were discussed. Phillips Construction has withdrawn their bid based on the error. The error was through no fault of Phillips Construction and there will be no action by the City to prevent any future bidding by Phillips Construction. Staff recommends awarding the bid to Phoenix Concrete the next lowest bidder of total bid as per the bid specifications.

Commissioner Preisinger moved to award the bid for the 2017 Sidewalk Improvements Project to Phoenix Concrete in an amount not to exceed \$499,594.29. Commissioner Weakley seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

Consider Bids for Choctaw & 2nd Street Improvements Project Contract No. 2017-56 – Public Works Director Mike McDonald presented the bids that were open on September 20, 2017 for the Choctaw & 2nd Street Improvements Project. The bids were as follows:

Company	City	Base Bid Total
Baker Construction	Leavenworth KS	\$394,539.72
Linaweaver Construction	Lansing KS	\$395,141.95
Lexeco	Leavenworth KS	\$468,584.00
Kansas Heavy Construction	Tonganoxie KS	\$499,443.50
Mega Industries	North Kansas City MO	\$502,614.10
Amino Brothers	Kansas City KS	\$509,329.05
Freeman Concrete	Shawnee KS	\$522,461.80
Engineer's Estimate		\$706,890.80

Staff recommends accepting the low bid submitted by Baker Construction in the amount of \$394,539.72.

Commissioner Weakley moved to approve the low bid submitted by Baker Construction for the Choctaw & 2nd Street Improvements project in an amount not to exceed \$394,539.72. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor then declared the motion carried.

First Consideration Ordinances:

First Consideration Ordinance Wastewater Rate Increase – Public Works Director Mike McDonald presented for consideration a 3% rate increase as approved by the City Commission in the 2018 budget.

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

First Consideration Ordinance Refuse Rate Increase – Public Works Director Mike McDonald presented for consideration a 3% rate increase as approved by the City Commission in the 2018 budget.

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

Other Items:

Consider Removal of 800 Osage from Demolition List - City Planner Julie Hurley presented for consideration the removal of 800 Osage from the Demolition List. The City Commission passed Resolution B-2148 on October 11, 2016 listed certain properties to be unsafe or dangerous and directed the structures to be repaired or removed. 800 Osage was included in Resolution B-2148. Litigation was filed against the City by the property owner halting any further action by the City in the demolition of the structure. After consultation with staff and counsel, a list of needed repairs were submitted and completed. The owner has agreed to dismiss the case against the City in exchange for the removal of the property from the demolition list. Staff will continue to monitor the property and cite the owner for any future violations.

The Commission asked about the state of the property and if the property still has any code violations currently. Ms. Hurley stated that there are some violations but not to the point that the property would be considered unsafe or dangerous. Removal of the property from the demolition list would not prevent code enforcement from issuing future notices of violations.

The Commission asked City Attorney Tom Dawson for recommendation on removal. Mr. Dawson reviewed the state statutes and blight issues versus structural/dangerous issues and feels that the property should be removed from the demolition list based on these factors.

Commissioner Dedeke moved to support removal of 800 Osage from the demolition list. Commissioner Preisinger seconded the motion. The vote was 3-1 with Commissioner Preisinger voting no. The Mayor then declared the motion carried.

Commissioner Weakley asked that the City Manager give the Commission updates on this property and any code violations.

CONSENT AGENDA:

Claims for September 9, 2017 through September 22, 2017 in the amount of \$1,474,004.94 ; Net amount for Pay #19 effective September 15, 2017 in the amount of \$334,706.66 (Including Police & Fire Pension \$11,401.34).

Commissioner Weakley moved to approve the consent agenda, as presented. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion duly carried.

Other:

City Manager Paul Kramer discussed the upcoming Public Forum on Thursday, September 28, 2017 from 5:30 – 7:00 at the Riverfront Community Center regarding Stormwater Funding.

Commissioner Preisinger thanked Mr. Haas, the gentleman who requested a reduction in the assessments on the property on Kingman Street. Mr. Haas requested the reduction so he could purchase the property from the County. Mr. Haas is keeping the property mowed and maintained.

Commissioner Preisinger also addressed the homeless situation in town. Stated there is a lot of emotion and some misinformation. Commissioner Preisinger ask if the City Manager could meet with various groups, possibly business owners, Main Street, Clergy, Salvation Army, local homeless shelter (all stakeholders) to discuss concerns and what can be done. System seems to be somewhat out of balance. Some groups may not want to speak publicly. Would like a report to identify the issue, if there is one, and report back to the Commission.

Commissioner Weakley stated that this was a job of the Commission to meet with these groups. Commissioner Weakley said there is a real problem in Leavenworth.

The Commission was in agreement to have the City Manager look into the situation.

Adjourn:

Commissioner Dedeke moved to adjourn the meeting. Commissioner Preisinger seconded the motion and was unanimously approved. The Mayor then declared the motion carried and the meeting adjourned.

Time Meeting Adjourned 8:00 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC