



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

City Commission Regular Meeting
Commission Chambers
Tuesday, October 23, 2018 7:00 p.m.

CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Mark Preisinger, Mayor Pro-Tem Jermaine Wilson, Commissioners Nancy Bauder, Larry Dedeke and Myron J. (Mike) Griswold.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Public Information Officer Melissa Bower, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

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

Proclamation:

Military Retiree Appreciation Day – Norm Greczyn accepted the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Bauder moved to approve the minutes from the October 9, 2018 regular meeting and October 16, 2018 special meeting as amended. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8089 Amending Chapter 82 Personnel – City Manager Paul Kramer stated there have been no changes since placed on first consideration at the October 9, 2018 meeting.

Mayor Preisinger called the roll and Ordinance No. 8089 was unanimously approved 5-0.

NEW BUSINESS:

Citizen Participation: none

General Items:

Consider Cereal Malt Beverage (CMB) License at 700 Kiowa Street – City Clerk Carla Williamson presented for consideration and approval a 2018 CMB on premise license for Bill's Kitchen located at 700 Kiowa Street.

Commissioner Griswold moved to approve the 2018 on premise Cereal Malt Beverage license for Bill's Kitchen located at 700 Kiowa Street. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Review and Discuss Massage Establishment and Massage Therapists Licensing – City Clerk Carla Williamson reviewed the items with the City Commission. At the October 2, 2018 Study Session staff presented for review the need for amendments to Chapter 26 Article III of the Code of Ordinances for the City of Leavenworth. At that meeting there was a consensus by the Commission to update the ordinance and to remove the current requirement that a Massage Therapist provide “*A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.*” The Commission was also in favor of options to allow home-based massage businesses and to allow massage therapy on a business premise or home of a massage client. In addition, the Commission provided a consensus to discontinue the licensing of Tattoo Establishments and Tattoo Artists as these are regulated and licensed by the State Board of Cosmetology. The regulating and licensing of Bathhouses, Modeling Studios and Body Painting Studios will be moved to a separate Article of Chapter 26 to allow Massage to be in an Article of the Code by itself. Staff invited local massage business establishment owners in town to be part of a discussion regarding changes and held two meetings. The meetings were well attended and staff obtained some great feedback on the topic. Massage therapists and business owners were notified of the City Commission meeting and were encouraged to be part of the discussion.

Massage Therapists and business owners present were: Jessica Johnson, Sonya Brown, Deborah Leavitt, Gail Reardon, Roxanne Joslin, and Deanna Monaco.

Discussion item 1

- City Commission discussed, with input from the massage therapists present, that the City would issue identification cards in addition to the license.
- Allowing massage to be performed in a person's home by the massage therapists.
- The City Commission discussed, with input from the massage therapists present, and agreed by consensus to allow massage therapists to perform massage therapy in a person's home if they would wish to do so.
- Hours for in home massage will be set at 6:00 am – midnight to conform to the same hours as massage performed in an establishment.

Discussion item 2

- Home occupancy allowed by Special Use Permit
- Discussion regarding allowing a person to be a traveling massage therapist and not work from a physical establishment.

Commissioner Dedeker moved to drop the discussion and come back to a study session. Commissioner Bauder seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Region L. Multi-Jurisdictional Hazard Mitigation Plan Modifications – Public Works Director Mike McDonald presented for consideration and approval of changes to the plan. The proposed changes were reviewed with the City Commission at the October 16, 2018 Study Session. The changes are related to additional threat ranking, status of mitigation items and additional mitigation items. There was opportunity for public comment at the October 16, 2018 Study Session and at this regular meeting prior to action by the Commission. No public comments were made.

Commissioner Bauder moved to approve changes to the current Regional L. Multi-Jurisdictional Hazard Mitigation Plan as proposed related to additional threat ranking, status of mitigation items and addition of mitigation items. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for Riverfront Community Center (RFCC) Phase 4 Stone Replacement Project – Deputy Public Works Director Mike Hooper and Public Works Director Mike McDonald presented for consideration the bids for the RFCC Phase 4 Stone Replacement Project. Staff recommends approval of the low bid in the amount of \$807,945.00 from Mid-Continental Restoration Co. Inc. In August 2017 the City was awarded a \$500,000 grant provided by Kansas Department of Transportation (KDOT) and distributed through Mid-American Regional Council (MARC) to be used for this project to begin in 2019.

Commissioner Griswold moved to award the contract to Mid-Continental Restoration Co. Inc. for the RFCC Phase 4 Stone Replacement Project in the amount of \$807,945.00. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

Consider Change Order No 1 to Contract 2016-93 For McAfee Henderson Solution (MHS) related to the 4th Street & Marion Intersection Project - Public Works Director Mike McDonald presented for consideration a change order to the engineering contract with McAfee Henderson Solution (MHS) related to the 4th Street & Marion Intersection Project in the amount of \$13,372.24.

Commissioner Griswold moved to approve Change Order No 1 to the engineering contract with McAfee Henderson Solution (MHS) related to the 4th Street & Marion Intersection Project in the amount not to exceed \$13,372.24. Commissioner Wilson seconded the motion and was unanimously approved. The Mayor then declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Griswold moved to approve Claims for October 6, 2018 through October 19, 2018 in the amount of \$1,222,657.06; Net amount for Payroll #21 effective October 12, 2018 in the amount of \$314,721.79; (No Police & Fire Pension) Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

Commissioner Bauder:

- Reminded everyone to vote

City Manager Kramer:

- Asked for clarification on dates for a Study Session to further the discussion on the revisions to the massage ordinance to make sure that the City Attorney is present.
- There was a consensus by the Commission to have the meeting on November 14, 2018 at 6:00 pm.
- Reminder of the community picnic and ribbon cutting of the new playground equipment at Cody Park on November 3rd.

Executive Session:

Discuss Personnel Matters of Nonelected Personnel per K.S.A. 75-4319 (b) (1), City Manager Contract Renewal

Mayor Preisinger moved that the City Commission recess into executive session pursuant to the *nonelected personnel matters* exception per K.S.A. 75-4319 (b) (1), in order to discuss the City Manager contract renewal. The open meeting to resume in the City Commission Chambers at 8:48 by the clock in the City Commission Chambers. City Attorney David Waters is requested to be present during the Executive Session. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

The City Commission returned to open session at 8:48 p.m.

Commissioner Bauder moved to approve the City Manager employment agreement for 3 years commencing on December 18, 2018 through December 31, 2021. Commissioner Dedeke seconded the motion and was unanimously approved. The Mayor declared the motion carried 5-0.

Adjourn:

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

Time Meeting Adjourned 8:49 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC