

Council Meeting Minutes
February 5, 2024
7:00 PM Meeting

I. Pledge of Allegiance

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese led the pledge of allegiance.
- Mayor Frese, Mr. Partridge, Ms. Stevens and Mr. Dale were present. Mr. Donnelly was present via phone and Ms. McCutchen was absent.
- City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, Municipal Court Clerk Lindsay Huntington and Planning Commissioner Howie Brewington were also present.

II. Approval of Minutes – Regular meeting dated January 22, 2024

- **Mr. Partridge made a motion to approve draft minutes from the regular meeting dated January 22, 2024.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

- a) Review bill payments
 - **Mr. Dale made a motion to approve the consent agenda.**
 - **Ms. Stevens seconded the motion.**
 - **Vote of all ayes, motion carried.**

IV. Old Business

V. New Business

- a) Consider Acceptance of Public Dedications in Final Plat for Stone Creek Addition No. 10
 - Mr. Brajkovic stated the final plat has been recommended for approval by the Planning Commission. This final plat is for the dedication of any public easements. This is a two-phase project that will see 142 homes built.
 - Mr. Donnelly recused himself from the discussion and vote.
 - **Mr. Dale made a motion to accept the dedication of land for public purposes as part of the final plat for Stone Creek Addition No. 10.**
 - **Ms. Stevens seconded the motion.**
 - **Mr. Donnelly was recused from the vote.**
 - **Roll Call Vote of all ayes, motion carried.**
- b) Consider Recommendation from Planning Commission for the award of the Downtown Study Request for Proposal
 - Mr. Brajkovic stated there were two responses to the RFP and both firms were very qualified. A scoring matrix was developed so each participating member on the review committee could individually score the responses.
 - Mr. Porter stated the two respondents were Houseal Lavigne and Associates and Multistudio. Both applicants were interviewed by the review committee and two members of City staff.
 - Mr. Porter provided a summary compilation for each respondent as well as explained the results.
 - Mr. Porter stated at the conclusion of the Planning Commissioners discussion of the review committees results the Commissioners unanimously recommend the City Council consider awarding the project to Multistudio and to instruct staff to negotiate the terms of a draft contract.
 - Howie Brewington, 20260 Parallel Road, Tonganoxie, KS, stated he was a member of the review committee and highlighted some of the different considerations made by the Commissioners for the City Council. Mr. Brewington noted the scores assigned to each respondent by the four members on the committee were all very similar.

- **Ms. Stevens made a motion to approve the recommendation from the City Planning Commission to award Multistudio the Downtown Regulating Plan Project and request staff negotiate terms of a scope of service and contract agreement with Multistudio.**
 - **Mr. Partridge seconded the motion.**
 - **Vote of all ayes, motion carried.**
- c) Consider Proposal for provision of auditing services by BT&Co., P.A. for the year ended December 31, 2023 and for two subsequent years
- Mr. Porter stated in 2019 an RFP was completed for auditing services and the City entered into an agreement with Kramer and Associates for auditing services. During the 2019 fiscal year audit Kramer and Associates notified the City that they would be unable to complete the audit services as agreed.
 - Mr. Porter stated that Kramer and Associates has requested the City consider making a contract extension with a new firm Berberich Trahan & Co., P.A. (BT&Co.). The City is now at the conclusion of the last three-year agreement with BT&Co.
 - Mr. Porter stated the new proposal with BT&C. is a three-year term for fiscal years 2023, 2024 and 2025 and includes the expectation of cost for the base audit and additional single audit major programs.
 - Mr. Porter stated staff does have a good working relationship and experience with BT&Co. and expected cost do fall with the parameters set in this year's budget.
 - **Ms. Stevens made a motion to authorize the acceptance of the auditing services proposal from Berberich Trahan & Co., P.A. for the year ended December 31, 2023 and two subsequent years and authorized the Mayor and City Manager to execute a letter of engagement with Berberich Trahan & Co., P.A., for the preparation of an audit of the fiscal year ended on December 31, 2023.**
 - **Mr. Partridge seconded the motion.**
 - **Vote of all ayes, motion carried.**
- d) Public Wi-Fi Provision Project Update
- Mr. Brajkovic gave a summary of the City Wi-Fi and stated the funds were made available through the Federal Government from the CARES Act and ARPA funds received during COVID. The City Council agreed to provide the Library parking lot, Chieftain Park and the City Pool with access points for public Wi-Fi. The Federal funds were applied to the equipment and an advance in the monthly costs with Midco.
 - Mr. Porter stated Midco uses Solar Winds to analyze their data to glean data usage by access point. The data collected by Solar Winds can only go back 30 to 45 days. This limited the useful data at the City Pool due to the season use. Midco has provided the available data to City staff.
 - Mr. Porter stated staff will meet with Midco to discuss options for use at the three existing sites and to review the necessary level of service required for the amount of usage. Cost sharing with the entities that own and operate the properties will all be discussed with involved parties. Staff will also work with Midco to reduce and finalize costs as well as the term of the agreement.
- e) City Manager Agenda
- f) City Attorney Agenda
1. Executive Session for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship
 - **Ms. Stevens moved that the City Council recess into executive session to obtain legal advice regarding communications received from the County about a recent annexation, pursuant to attorney client consultation exception in K.S.A. 75-4319(b)(2). The executive session will include the City Attorney, City Manager, and Assistant City Manager. The open meeting will resume in the City Council chamber at 7:47 p.m.**
 - **Mr. Partridge seconded the motion.**
 - **Vote of all ayes, motion carried.**

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- **Mayor Frese resumed the meeting at 7:47 p.m. and noted that no binding action was taken in executive session.**

g) **Mayor Pro Tem Agenda**

h) **City Council Agenda**

- **Mr. Dale made a motion to approve Resolution 02-24-01 a third resolution requesting the Board of County Commissioners of Leavenworth County, Kansas to make a finding that annexation of certain real property not adjoining the primary boundary of the City of Tonganoxie, Kansas will not hinder or prevent the proper growth and development of the area or of any other incorporated city located within Leavenworth County, Kansas pursuant to K.S.A. 12-520(c).**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**

i) **Mayor Agenda**

- **Mayor Frese stated he visited with the fifth-grade class and gave them pizza for their food drive efforts.**

1. **Executive session for discussion of non-elected personnel**

- **Ms. Stevens moved that the City Council recess into executive session to discuss the City Manager's annual review process, pursuant to the personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1). The open meeting will resume in the City Council chambers at 8:01 p.m. The executive session will include the City Attorney, and Assistant City Manager.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

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- **Mayor Frese resumed the meeting at 8:01 p.m. and noted that no binding action was taken in executive session.**
- **Mr. Partridge stated on behalf of the Tonganoxie Historical Society a reminder their chili cookoff will take place on Thursday February 15th.**

VI. Adjourn

- **Mr. Dale made a motion to adjourn the meeting.**
- **Mr. Partridge seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:01 p.m.**

Respectfully submitted,



Lindsay Huntington, Municipal Court Clerk