

Council Meeting Minutes

January 2, 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, Mr. Donnelly and Mr. Dale were present. Ms. McCutchen was absent.
- City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, Public Works Director Kent Heskett and Municipal Court Clerk Lindsay Huntington were also present.

II. Approval of Minutes – Regular meeting dated December 18, 2023

- Mr. Donnelly made a motion to approve draft minutes from the regular meeting dated December 18, 2023.
- Mr. Partridge 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.
 - Mr. Donnelly seconded the motion.
 - Vote of all ayes, motion carried.

IV. Old Business

V. New Business

- a) Swearing in Mayor and City Council members following the November 2023 Election
 - Mr. Porter swore in reelected City Council member Jake Dale.
 - Mr. Porter swore in reelected Mayor David Frese.
- b) Ordinance No. 1517: Approval of Special Event Permit Application for the Rural Flavor; A Leavenworth County Wine and Grower Experience including consumption and sale of alcohol on City-owned property
 - Mr. Porter stated there will be alcohol sampling within a closed area of the library during a seminar presented by four local wineries.
 - Ms. Brockhoft stated the event is being co-sponsored by Rural Leavenworth Inc, Tonganoxie Farmers Market and Friends of the Tonganoxie Library. Ms. Brockhoft stated the goal is to build community around the food and wines produced in Leavenworth County.
 - Ms. Brockhoft also stated that participants of the seminar will need to purchase tickets in advanced to attended and a volunteer will be at the door to verify age. Each winery will provide participants with a 1oz wine sample. At the conclusion of the event each winery will have time to sell unopen bottles of wine for off premise consumption.
 - Mr. Partridge made a motion to adopt Ordinance 1517 approving the consumption of alcohol for a private event to be held at the Public Library, 4th & Shawnee, on February 13, 2024, from 6-9:00 pm.
 - Ms. Stevens seconded the motion.
 - Vote of all ayes, motion carried.
- c) Consider Approval of 2024 Cereal Malt Beverage (CMB) License Renewal Application for G&P Country Market
 - Mr. Porter stated the applications was received after the original deadline, therefore CMB sales will be restricted from the January 1, 2024 until all approvals are received. The applicant was made aware and agreed to the restrictions.
 - City Staff has no concerns regarding the application.

- **Mr. Dale made a motion to approve the 2024 renewal of the Cereal Malt Beverage Licenses for G & P Country Market to sell retail Cereal Malt Beverages in original unopened containers and not for consumption on premises.**
 - **Mr. Donnelly seconded the motion.**
 - **Vote of all ayes, motion carried.**
- d) Consider Approval of Payment of 2024 League of Kansas Municipalities Membership Fee
- Mr. Porter stated the League of Kansas Municipalities provides a variety of services to the City ranging from legislative lobbying interest, legal advice services, monthly publications and various other services and trainings.
 - Mr. Porter explained that fees are set with a base fee and a per capita and per assessed valuation fee based on the respective ratios amongst communities across the state. The fee was also factored into the 2024 adopted budget.
 - **Ms. Stevens made a motion to approve payment of the 2024 League of Kansas Municipalities Membership for the City of Tonganoxie in an amount not to exceed \$3621.62.**
 - **Mr. Partridge seconded the motion.**
 - **Vote of all ayes, motion carried.**
- e) Consider Approval of Public Works Loader Equipment Purchase
- Mr. Porter stated the review completed in 2023 of the existing loader equipment is aging and having more consistent operational and maintenance issues.
 - Mr. Porter stated the quote received is under the estimate cost. Budgeting for this item is coming from a variety of sources including the sewer and water operations fund, the water and sewer capital funds, and the capital projects fund.
 - **Ms. Stevens made a motion to authorize staff to purchase a 2024 Case 621G Zbar Loader & 72" wide manual forks attachment from VLP an Equipmentsshare Company for an amount not to exceed \$162,132.54 which includes the trade-in of the old equipment for \$31,000.**
 - **Mr. Donnelly seconded the motion.**
 - **Vote of all ayes, motion carried.**
- f) Consider Approval of Temporary Alcohol Permit for an on-premise event hosted by Basehor Linwood High School Project Grad on January 27, 2024 at 910 E 1st Street, Tonganoxie, KS
- Mr. Porter stated this event has been reviewed by staff for any zoning issues and found none. Event sponsors have been made aware all alcohol sales must end at 9 pm per City Code.
 - Mr. Porter stated the Police Department has reviewed the application and has no concerns.
 - **Mr. Donnelly made a motion to approve the Temporary Alcohol Permit for an On-Premise Event hosted by BLHS Project Grad on January 27, 2024 at the VFW located at 910 E 1st Street, Tonganoxie, KS.**
 - **Mr. Dale seconded the motion.**
 - **Vote of all ayes, motion carried.**
- g) City Manager Agenda
1. Presentation of the 2024 Budget Book.
 - Mr. Porter stated the 2024 adopted budget was approved by the City Council on September 5, 2023 and staff has completed the draft 2024 budget book. Mr. Porter stated although there is no legal requirement to compete such a publication however it is a good practice for transparency.
 - Mr. Porter stated the Police Department has reviewed the application and has no concerns.
 2. 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 related to correspondence received from Unilock Chicago, Inc. pertaining to the Real Estate Contract of Sale between the City and Unilock, pursuant to the attorney-client consultation exception, 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 7:43 p.m.

- Mr. Dale seconded the motion.
- Vote of all ayes, motion carried.

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- Mayor Frese resumed the meeting at 7:43 p.m. and noted that no binding action was taken in executive session.

h) 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 the attorney-client consultation exception, 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 8:05 p.m.
 - Mr. Dale seconded the motion.
 - Vote of all ayes, motion carried.
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- Mayor Frese resumed the meeting at 7:57 p.m. and noted that no binding action was taken in executive session.
 - Ms. Stevens made a motion to add something to the agenda.
 - Mr. Donnelly seconded the motion.
 - Vote of all ayes, motion carried.
- Ms. Krstulic stated Resolution 01-24-01 is being added to the agenda. This resolution is requesting the Board of County Commissioners of Leavenworth County, Kansas to make a finding that the 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 any other incorporated city within Leavenworth County, Kansas.
 - Ms. Krstulic stated this is related to the recent annexation that was completed and the concerns of the County. Ms. Krstulic stated this resolution is intended to address those concerns.
 - Mr. Dale made a motion to approve Resolution No. 01-24-01; a 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 within Leavenworth County, Kansas pursuant to K.S.A. 12-520(c).
 - Mr. Partridge seconded the motion.
 - Vote of all ayes, motion carried.

i) Mayor Pro Tem Agenda

j) City Council Agenda

k) Mayor Agenda

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 8:09 p.m.**

Respectfully submitted,

Lindsay Huntington

Lindsay Huntington, Municipal Court Clerk