

**City Council Meeting**  
July 5, 2016  
7:00 p.m. Regular Meeting



Mayor Jason Ward opened the meeting at 7:00 p.m. with the pledge of allegiance. Council members present were Curtis Oroke, Andy Gilner, and Kara Reed. Jim Truesdell and Chris Donnelly were absent. Also in attendance were City Manager Nathan McCommon, Assistant City Manager Jamie Shockley, and City Attorney Michael Kelly.

**Approval of Minutes and Consent Agenda**

- Mr. Gilner moved to approve the minutes from June 20, 2016. Ms. Reed seconded. All ayes. Motion carried.
- Mr. Gilner moved to approve the consent agenda for July 5, 2016. Mr. Oroke seconded. All ayes. Motion carried.

**Open Agenda**

- Nothing in open agenda.

**New Business**

**Consider approval of CMB Licenses for Leavenworth County Fair**

- Ms. Reed moved to approve the temporary CMB license for Leavenworth County Fair. Mr. Oroke seconded. All ayes. Motion carried.

**First Reading: Ordinance 1409, amending the City Code and repealing the ban on specific breeds of dogs**

- Mr. McCommon introduced the ordinance.
- Crystal Swan-Blackdeer with the Leavenworth County Humane Society addressed the Council and spoke in favor of repealing the ban.
- Mayor Ward thanked the residents for their input throughout this process and explained that in order to repeal the ban, the city would need to do a second reading of the ordinance in the next City Council meeting on July 18. If a majority of the City Council members vote in favor of the ordinance, a summary of the ordinance would then be published in the newspaper and would become effective on its publication date.

**First Reading: Ordinance 1410, annexing certain parcels into the city limits**

- Mr. McCommon explained the ordinance, which would annex certain parcels of land just north of 24/40 and east of Stone Creek subdivision into the city limits.
- Chris Brewster, contracted city planner with Gould Evans, gave a report on the proposed annexation.
- Council took no action, as this was the first reading of the ordinance.

**Discuss planned annexations – Todd Luckman, Counsel for Rural Water District 9**

- Mr. Todd Luckman, attorney representing RWD 9 addressed the city council, and wanted them to be aware of the water district's concerns pertaining to the proposed annexations.
- Mr. Kelly informed the Council that the city has been in contact with Mr. Luckman and plans to work with the water district to address their concerns as development occurs on the property.
- Mayor Ward thanked Mr. Luckman for coming and assured him that the City wants to continue to have a good relationship with RWD 9 and we will continue to work with them to address their concerns.

**Discuss city engineer's report on stormwater drainage in Greystone Subdivision**

- Brian Kingsley and David Hanby, engineers with BG Consultants, explained to the Council their findings after being directed to study the drainage issue in the Greystone Subdivision.
- Mr. Hanby explained that when evaluating the calculations from the original design engineer (Lutgen Engineers), it appears that there was an error in calculations and the storm pipe that was installed is not adequate to handle a 100 year storm. Mr. Hanby went on to explain that the City relies on the engineer's stamp on design plans to ensure the infrastructure is adequate and meets industry standards. By the engineer stamping these plans, he/she is assuring that the calculations are correct and they assume liability if anything were to go wrong.
- Mark Brewer, 20041 Evans Road, addressed the Council as legal counsel for Mr. Provost, and said that he agrees with BG Consultants that the pipe isn't large enough and would need to be replaced to fix the issue. However, he believes the City should adopt stormwater design industry standards to avoid issues like this in the future.
- Ms. Reed said that it's clear there is an issue, and she wants to hear about what the solution is. What action does the city council need to take, if any, to address this issue?
- Mr. Gilner asked Mr. Kelly what the City's liability is pertaining to this issue. Mr. Kelly said that the City has no legal liability to the homeowners. The City could chose to correct the issue, but then the City is setting a precedent to fix other areas around town on private property with flooding issues. Mr. Kelly would caution the Council not to set this precedent.

- Mayor Ward said that his opinion is that before the Council will take action on whether or not to spend community funds to fix this issue, he would like to exhaust all other options. He asked the residents of Greystone to continue to work with Nathan on the issue, and he asked Council members to continue to share thoughts with Nathan as they have them.

#### **Consider a budget amendment to the Fire Equipment Reserve Fund**

- Chief Holcom explained that the Fire Department recently received a grant from the Kansas Forestry for wireless headsets to be used during grass fires. In order to purchase the headsets, the Fire Department needs additional budget authority in the fund.
- Ms. Reed moved to increase the budget authority in the Fire Equipment Reserve Fund for 2016 to \$95,000. Mr. Gilner seconded. All ayes. Motion carried.

#### **Consider approval of expense for grass-fire response transmitters**

- Mr. McCommon explained that on June 17 the County Commission agreed to contribute \$5 million towards the development of the Tonganoxie Industrial Park. The County Commission invited the port authority and the City of Tonganoxie to draft an inter-local agreement with the port authority and county.
- To assist in drafting and negotiating the inter-local agreement, city staff is requesting permission to hire Shannon Marcano for legal services not to exceed \$5,000.
- Mr. Gilner moved to authorize the City Manager to execute the letter of engagement with Shannon Marcano in an amount not to exceed \$5,000. Ms. Reed seconded. All ayes. Motion carried.

#### **Discuss T21, a regional movement to raise the legal age to purchase cigarettes**

- Mr. McCommon asked the Council for feedback as to whether they were interested in joining this regional movement and adopting legislation that would raise the age for purchasing tobacco from 18 to 21.
- Ms. Reed said she's not interested, as she believes this legislation is a way of trying to trump a state law, which says an individual can use tobacco at the age of 18.
- Mr. Gilner said he thinks it should be done.
- Mr. Oroke said he didn't think it should be done.
- Ms. Reed asked to clarify that if the legislation would ban tobacco altogether or raise the smoke age to 21, she would be interested in voting for the legislation, but the city is not able to do this due to state laws that are in place.

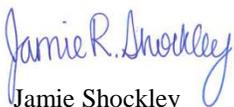
#### **City Manager Agenda**

##### **Update on City Hall and Police Station Construction**

- Mr. McCommon gave an update on the City Hall and Police Station construction, which is ahead of schedule. Both buildings are expected to be complete by the third week of August.

Mr. Gilner moved to adjourn. Ms. Reed seconded. All ayes. Motion carried. Meeting adjourned at 8:45 p.m.

Respectfully submitted,



Jamie Shockley  
Assistant City Manager