

City Council Meeting
December 19, 2016
7:00 p.m. Regular Meeting



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

Approval of Minutes and Consent Agenda

- Mr. Gilner moved to approve the minutes from December 5, 2016. Ms. Reed seconded. All ayes. Motion carried.
- Mr. Gilner moved to approve the consent agenda A-E and approve Pay Ordinance A-1793. Ms. Reed seconded. All ayes. Motion carried.

Open Agenda-

- Greg Ward, Ward Development LLC, Timber Hills Subdivision, addressed the council regarding a bid he received for moving a used water tower for placement on Hatchell Rd. Ms. Shockley will review the bid with the city engineer and report back to the council on the feasibility of using the tower.

New Business

Second Reading: Ordinance 1416 – Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities, 2016 edition

- Ms. Shockley explained the ordinance.
- Mr. Gilner moved to adopt Ordinance 1416. Mr. Truesdell seconded the motion. All ayes. Motion carried

Second Reading: Ordinance 1417 – Incorporating by Reference the Uniform Public Offense Code for Kansas Cities, 2016 edition

- Ms. Shockley explained the ordinance.
- Ms. Reed moved to adopt Ordinance 1417. Mr. Truesdell seconded the motion. All ayes. Motion carried.

Consider recommendation of the Planning Commission to deny a rezone request or adopt Ordinance 1418 and Resolution 12-16-01

- Ms. Shockley reviewed the history of the project. She stated at the Planning Commission held a Public Hearing on 12/1/16. The vote to rezone ended in a 3-3 tie and their recommendation to the Council is to deny the rezone application. She stated a protest petition has been filed. A vote for the rezone must be passed by a $\frac{3}{4}$ vote of the entire governing body.
- Mr. Brewster, Gould Evans, City Planning Consultant, reviewed conditions that are included with the preliminary plat and the rezone application. He also reviewed the mandatory zoning conditions. He stated the special use permit for the RV Resort would be the next step if the rezone passes and all conditions and recommendations from the planning staff and city engineers would have to be met before a final plat is approved and filed.
- Robert Walquist, Quist Engineering, Representative for KCRV Resort, explained the rezone request was for approximately 32 acres on the north side of Hwy 24/40. The design also shows a frontage road that would connect to existing Woodfield Dr. and extend a portion of 206th St. He stated this area would provide for eight lots that could be developed for General Business uses.
- Mayor Ward stated he would hear from the audience but would like the comments to be unique to the rezone request and different from comments that were heard at the Public Hearing on 12/01/16.
- Patty Woodhead, 20441 State Ave.; David Druten, 20689 State Ave; Jim Cunningham, 20029 State Ave; Larry DeMoss, 20241 State Ave.; George Henley, 20171 State Ave.; Troy McKittrick 18604 198th St.; spoke against the project citing the following reasons and raised questions such as why was the property being rezoned as GBD and not LBD, who pays for the intersection & traffic signal at 206th St., if approved there will be an increase in traffic and safety on Hwy 24/40, is there buyers for the lots in the rezone area, existing commercial lots should be filled before adding more General Business districts, development of 206th St. as a dead end road instead of a through street to Parallel Rd and why isn't the Special Use Permit approved before approving the rezone request.
- Todd Luckman, Attorney for RWD#9; spoke in favor of the project but wanted the City to be aware of their requests to protect RWD #9 wells that are on the north side of the rezone property. Amanda Altenhofen 214 E 8th St.; Cecil Hayden, 20319 State Ave.; Zach Stoltenberg, 403 W. Washington St.; all spoke in favor of the rezone citing reasons such as economic growth for the city, increase in job market for residents, increase in development.
- Mayor Ward explained that developers come to the city with plans and it is up to the Planning Commission and Council Members to decide if the plans meet city requirements by reviewing the project to see if it meets conditions as set in the City Comprehensive Plan, Hwy 24/40 Corridor Plan and Zoning & Subdivision Regulations.
- The council members discussed the audience comments and reviewed the rezone application. Ms. Reed questioned if the rezone were approved and the special use permit failed would the property remain as GBD or would another rezone need to be initiated to return the property to R-Rural zoning. She also questioned whether we had the applications in proper order stating maybe the

special use permit and zoning application should be heard together. Mr. Gilner stated if a city is not growing in some fashion it is not good for the community. Mr. Donnelly abstained from the discussion citing conflict of interest. He stated he owns property that connects to Woodfield Dr. Mr. Oroke stated this is an opportunity for the city to grow. He stated the city needs both residential and business properties in their tax base. Mr. Truesdell stated the council and staff works hard to attract business and residential development and that commercial zoning along Hwy 24/40 has been in future planning discussions for many years.

- Mayor Ward advised the council on the next steps in the process. He advised the council they could vote to send the application back to the Planning Commission for further review and include the special use permit application with the rezone application or the council could vote to deny the rezone application. He stated if the application is denied by the council the developer would have to wait six months before filing another zoning application.
- Mr. Gilner moved to send the rezone application back to the Planning Commission for review and consideration along with the Special Use Permit application. Mr. Truesdell seconded. Roll Call Vote – Ms. Reed, yes; Mr. Gilner, yes; Mr. Donnelly, abstain; Mayor Ward, yes; Mr. Oroke, no; Mr. Truesdell, yes. 4 yes votes, 1 no vote and 1 abstain vote. Motion carried.
- Mayor Ward called for a 5 minute recess from 8:31-8:36 pm.

First Reading: Charter Ordinance 27 Exempting the City from K.S.A 14-103 & K.S.A 14-204

- Ms. Shockley explained the Charter Ordinance pertains to the election of council members, terms of office, and appointments. This will transition elections from April to November. She stated the ordinance would repeal Ordinance 3 and replace Chapter 6, Article 1, Section 6-102 of the Tonganoxie City Code. She stated the ordinance will need 2 readings and will go into effect 61 days after publication.
- No action was taken at this time.

Consider approval of services and purchasing agreement with Taser International

- Lt. Naff was present to discuss the advantages of updating the equipment and renewing the contract with Taser International. He explained the body cameras have been an asset to the city in litigations and court cases.
- Mr. Donnelly made a motion to authorize the mayor to sign the updated contract with Taser International. Mr. Gilner seconded. All ayes, Motion Carried.

Consider approval of CMB license renewal for Brother's Market

- Mr. Donnelly moved to approve the CMB license application for Brother's Market. Mr. Truesdell seconded. All ayes. Motion carried.

City Manager Agenda

- Ms. Shockley presented an overview of the November financial report. No action was taken.
- Ms. Shockley presented an update on the ¾ cent sales tax election. She reviewed several flyers and brochures that will be available to the public and on the city website. No action was taken.
- Ms. Shockley reviewed sponsorships and costs of having more than one festival. Ms. Reed discussed the benefits of having a fall festival to coincide with the Grinter Farm Sunflowers and Mr. Oroke discussed the benefits of keeping the Tongie Days festival in June.
- Mr. Gilner made a motion to provide funds for two festivals in the amount of \$35,000. Mr. Donnelly seconded the motion. 3 ayes – 2 nos. Motion carried.

City Council Agenda

- Mr. Gilner complimented the city crew for clearing the roads after the snow and ice storm.

Open Agenda

- David Frese, Library board member asked the council packet could be made available to the public on the website.

With no further business, Mr. Gilner made a motion to adjourn the meeting. Ms. Reed seconded. All Ayes.
Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Patty Hagg
City Clerk