

## CITY COUNCIL MEETING APPROVED MINUTES

March 5, 2018

7:00 p.m. Regular Meeting



### I. PLEDGE OF ALLEGIANCE

- Mayor Pro Tem Reed opened the meeting at 7:00 p.m.
- Mayor Pro Tem Reed led the Pledge of Allegiance.
- Roll Call: Council members present were Ms. Reed, Mr. Himpel, Ms. Stevens, and Mr. Oroke. Mayor Ward was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, Public Works Director Kent Heskett, and City Attorney Shannon Marcano were also in attendance.

### II. APPROVAL OF MINUTES – REGULAR MEETING DATED FEBRUARY 20, 2018

- Mr. Himpel made a motion to approve the minutes from the February 20, 2018 City Council meeting.
- Ms. Stevens Seconded.
- Vote of all ayes, motion carried.

### III. APPROVAL OF CONSENT AGENDA

#### a) REVIEW BILL PAYMENTS

- Mr. Himpel made a motion to approve the consent agenda.
- Ms. Stevens Seconded.
- Vote of all ayes, motion carried.

### IV. OPEN AGENDA

- No members of the public signed up to address the City Council in open agenda.
- Cecilia Pruitt, 21200 Parallel Road, addressed the Council and requested more information about the LCDC item on the agenda.
- Mayor Pro Tem Reed closed the open agenda portion of the agenda.

### V. OLD BUSINESS

- No items

### VI. NEW BUSINESS

#### a) REQUEST FOR WAIVER OF FEE FOR ONE WATER PARK FAMILY SEASON PASS FOR GENESIS CHRISTIAN ACADEMY

- Denise Bixby, the Secretary at Genesis Christian Academy, addressed the Council, thanked them for the continued support, and offered to answer any questions.

- **Mr. Himpel made a motion to approve the request to waive the fee for one water park family season pass for Genesis Christian Academy.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

**b) REQUEST FOR APPROVAL OF ANNUAL PUBLIC SECTOR FUNDING FOR THE LEAVENWORTH COUNTY DEVELOPMENT CORPORATION (LCDC)**

- Mr. Brajkovic introduced the item and Steve Jack from the Leavenworth County Development Corporation (LCDC).
- Steve Jack, LCDC Executive Director, addressed the Council and provided an overview of the organization, description of its funding sources, and a listing of recent projects the organization was involved with in the County.
- Mr. Himpel asked for more information about the difference in the Port Authority and LCDC.
- Mr. Jack described the origins of each organization and summarized the difference being that the Port Authority focuses on development activities and the LCDC focuses on marketing and recruitment efforts.
- Ms. Stevens asked for more information regarding any other funding sources for LCDC.
- Mr. Jack noted that the County sets aside a part of a mill to fund LCDC and the Port Authority for economic development. LCDC receives its funding from the County, the Port Authority, the cities in Leavenworth County, 80 private sector members, and in specific cases from administrative fees associated with grants.
- Ms. Stevens asked how much funding the LCDC has received from the County over the last five years.
- Mr. Jack replied that it equates to approximately \$80,000.
- Mr. Himpel asked whether all Leavenworth County communities participate in funding the organization.
- Mr. Jack stated that the cities of Leavenworth, Lansing, and Tonganoxie are expected to continue to fund LCDC in 2018. Basehor has chosen not to participate.
- Ms. Stevens asked if LCDC was a government agency.
- Mr. Jack replied that the entity was a 501c6.
- Mr. Brajkovic added from the perspective of City staff that the organization provides a valuable connection to the Department of Commerce and KCADC and that the request amount is fair.
- Monica Gee also commented that the organization has participated in an active manner with the Tonganoxie Business Association which is appreciated.
- **Mr. Oroke made a motion to approve the 2018 annual public sector funding for LCDC in an amount not to exceed \$7,723.**
- **Mr. Himpel Seconded.**
  - Mr. Oroke noted the importance of continuing to focus on Tonganoxie.
  - Mr. Jack commented that it is exciting to him and the organization to have a marketable product within the City of Tonganoxie to work with in the future.
  - Ms. Stevens mentioned the events of the prior year involving Tyson which didn't include proposed placement of the project within the confines of the City or the business park specifically.
  - Mayor Pro Tem Reed commented that in the 2019 year the City might consider some performance criteria which could potentially be built into a funding agreement.
- **Vote of 3 ayes, 1 nay (Ms. Stevens), motion carried.**

**c) REQUEST FOR APPROVAL TO PURCHASE DUMP TRUCK WITH A PLOW BRACKET AND A SERVICE VEHICLE**

- Kent Heskett, Public Works Director, introduced the item and described the proposed purchases of a dump truck, equipment associated with the dump truck, and the pickup truck in detail, including information regarding the competitive bidding process, specific information on the components of each purchase, and more detail on the age and condition of the vehicles which would be replaced with this purchase. Mr. Heskett also described the pattern of use and associated wear and tear on vehicles utilized in the Public Works department.
- **Mr. Himpel made a motion to approve the purchase of a 2019 Freightliner dump truck from Kansas City Freightliner for an amount not to exceed \$71,962.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**
  
- **Mr. Himpel made a motion to approve the purchase of a snowplow bracket and dump body from American Equipment Company for an amount not to exceed \$34,160.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**
  
- **Mr. Himpel made a motion to approve the purchase of a 2018 Ford F-150 service truck from Laird Noller Automotive for an amount not to exceed \$26,344.**
- **Ms. Stevens Seconded.**
- **Vote of all ayes, motion carried.**

**d) RESOLUTION NO. 03-18-01; AUTHORIZING THE PURCHASE OF REAL PROPERTY**

- Mr. Brajkovic introduced the item and described the property as Kansas Department of Transportation right of way located at State Highway 24-40 and Smiley Road. He provided a history of the property and described the associated potential for economic development.
- **Ms. Stevens made a motion to approve Resolution No. 03-18-01.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

**e) ORDINANCE NO. 1434; AMENDING CITY CODE TO REFLECT THE UPDATED PROCEDURE FOR THE GOVERNING BODY VACANCY PROCESS**

- Mr. Brajkovic described the ordinance as updates to a specific portion of the City Code applying to the procedure to filling governing body vacancies. The updates are necessary in order to bring the City Code into compliance with State statutes, which differ in this area between cities of the 3<sup>rd</sup> class and cities of the 2<sup>nd</sup> class.
- Ms. Marcano described the difference in state law associated with 2<sup>nd</sup> and 3<sup>rd</sup> class cities and provided an overview of the changes in the ordinance to the Council.
- **Ms. Stevens made a motion to approve Ordinance No. 1434 as amended and submitted to City staff.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

- Mr. Brajkovic and Ms. Marcano clarified that the Mayor and staff will prepare for the inclusion of this item on an upcoming Council agenda, and that the 60 day requirement is considered from the date of resignation.

**f) CITY MANAGER AGENDA**

- No items

**g) CITY ATTORNEY AGENDA**

- No items.

**h) MAYOR AGENDA**

- No items.

Item J was moved forward in the agenda.

**j) CITY COUNCIL AGENDA**

- Mr. Oroke gave an update on Tonganoxie Days which included the date selection of June 9, 2018. He also noted that bands have been secured at a discounted cost from the prior year. He reported that a search for volunteers is currently underway.

**i) MAYOR PRO TEM AGENDA**

**1. EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF NON-ELECTED PERSONNEL MATTERS**

- Ms. Marcano described the necessary motion as “I would like to make a motion to recess into executive session to discuss an individual employee’s performance evaluation pursuant to the non-elected personnel matter exception, K.S.A. 75-4319 (b) (1). The open meeting will resume in the City Council chamber in 10 minutes and shall include the City Manager and the City Attorney.
- **Ms. Reed made a motion to move to the executive session as described by the City Attorney at 7:48 p.m.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Mr. Himpel made a motion to return from executive session at 7:58 p.m.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Ms. Reed made a motion at 8:00 p.m. to move to recess into executive session to discuss an individual employee’s performance evaluation pursuant to the non-elected personnel matter exception, K.S.A. 75-4319 (b) (1). The open meeting will resume in the City Council chamber in 5 minutes and shall include the City Manager and the City Attorney.**
- **Mr. Himpel seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Mr. Himpel made a motion to return from executive session at 8:05 p.m.**
- **Ms. Stevens seconded the motion.**

- **Vote of all ayes, motion carried.**
- **Ms. Stevens moved to increase the City Manager's base salary in conjunction with his annual performance evaluation in which he exceeded requirements established by the Governing Body and in conformance with the City's Pay for Performance Policy.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

**2. EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF NON-ELECTED PERSONNEL MATTERS**

- **Ms. Reed made a motion at 8:08 p.m. to move to recess into executive session to discuss an the acquisition of real property pursuant to the acquisition of real property exception, K.S.A. 75-4319 (b) (6). The open meeting will resume in the City Council chamber in 10 minutes and shall include the City Manager, Assistant City Manager, and the City Attorney.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Mr. Himpel made a motion to return from executive session at 8:18 p.m.**
- **Ms. Stevens seconded the motion.**

**VII. INFORMATION AND COMMUNICATIONS (NO ACTION REQUIRED)**

**VIII. ADJOURN**

- **Mr. Himpel made a motion to adjourn the meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:19 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager