

CITY COUNCIL MEETING APPROVED MINUTES

April 2, 2018

7:00 p.m. Regular Meeting



I. PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF MINUTES – REGULAR MEETING DATED MARCH 19, 2018 AND SPECIAL MEETING DATED MARCH 24, 2018

- Ms. Reed made a motion to approve the minutes from the March 19, 2018 and March 24, 2018 City Council meetings.
- Mr. Oroke 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.
- Mayor Ward closed the open agenda portion of the agenda.

V. OLD BUSINESS

a) REQUEST FOR AUTHORIZATION TO END PARTICIPATION IN DOWNTOWN REVOLVING LOAN PROGRAM GRANT WITH THE KANSAS DEPARTMENT OF COMMERCE

- Mr. Brajkovic introduced the item and explained that it had been presented to City Council at the March 26 continuation of the March 19 meeting. He also noted the staff recommendation.
- Mr. Porter noted that the state requested a response from the City Council by April 6 indicating the Council's decision on the direction of the program.
- Ms. Stevens noted that other assistance methods are now available that weren't at the time of the activity within this program and that the conditions placed on the program have changed significantly to the point that it would place a large burden on staff.

- **Ms. Reed made a motion to motion to authorize the Mayor to execute a letter to the Kansas Department of Commerce indicating the City's decision to return the entirety of the remaining funds associated with Grant 99-CP-002.**
- **Mr. Himpel Seconded.**
- Mayor Ward asked whether the caveat would be given in the letter that the City would cease to act as the loan administrator for the current loan.
- Mr. Porter noted that this would be negotiated with the Kansas Department of Commerce based on Council's preference.
- **Ms. Reed amended her motion to include a caveat in the letter that the City would ask to not continue to collect and remit payments for the existing loan with a local business.**
- **Vote of all ayes, motion carried.**

VI. NEW BUSINESS

a) RESOLUTION 04-18-01: AUTHORIZING ENGAGEMENT LETTER WITH LOCAL LAW, LLC

- Mr. Brajkovic explained the item acts as a summary of the scope of services and noted that the letter of engagement was prepared and delivered by Shannon Marcano.
- **Mr. Himpel made a motion to adopt Resolution 04-18-01, authorizing the Mayor to execute an engagement letter with Local Law LLC.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

b) RESOLUTION 04-18-02: APPOINTING MUNICIPAL COURT JUDGE AND CITY ATTORNEY

- Mr. Brajkovic introduced the item and described the item as formalizing the appointment of the Municipal Court Judge and City Attorney.
- **Mr. Oroke made a motion to adopt Resolution 04-18-02, authorizing the appointment of Municipal Court Judge and City Attorney.**
- **Ms. Stevens Seconded.**
- **Vote of all ayes, motion carried.**

c) RESOLUTION 04-18-03: APPROVING REAL ESTATE CONTRACT OF SALE OF FORMER CITY GARAGE FACILITY

- Mr. Brajkovic described the publication of availability of the property and the submittal review and evaluation process. He presented the staff recommendation to move forward with a proposal submitted by Robbins Acquisitions Inc. He also outlined the elements of the real estate contract of sale.
- Mayor Ward asked about the relative size of the two partitions of the building and the zoning designation.
- Mr. Brajkovic described the relative size of the two sections of the building as approximately split 60/40 and stated that he believed the zoning was general business district.
- **Mr. Himpel made a motion to adopt Resolution 04-18-03, authorizing the execution of the real estate contract of sale for the former city garage facility with Robbins Acquisition.**
- **Ms. Reed Seconded.**
- **Vote of all ayes, motion carried.**

d) ORDINANCE 1436: VOLUNTARY ANNEXATION OF REAL PROPERTY

- Mr. Brajkovic introduced the item.
- Mr. Porter noted that this property was previously part of an annexation ordinance but that further conversations with the County brought to light that the certificate of survey process was not completed by the applicant prior to the voluntary annexation. The County process has now been completed.
- Ms. Marcano noted that the next meeting will include an ordinance to repeal the earlier adopted ordinance.
- Mr. Porter noted that the April 5 Planning Commission meeting agenda does include several items related to the property being annexed and the timeline of this annexation would result in the annexation being completed prior to any consideration of items related to the project by the City Council.
- **Mr. Himpel made a motion to adopt Ordinance No. 1436, approving the voluntary annexation of real property.**
- **Mr. Oroke Seconded.**
- **Vote of all ayes, motion carried.**

e) CITY COUNCIL VACANCY APPLICATIONS REVIEW

- Mr. Brajkovic explained the process developed upon review of the legal procedures to fill the current City Council vacancies. Two applications were received by City staff but the governing body can nominate anyone for the position.
- Michael (Andy) Pierson, who had submitted an application, spoke before the Council and discussed his interest in the vacant position.
- **Mr. Oroke made a motion to appoint Dave Bennett to fill the current City Council vacancy.**
- **Mr. Himpel Seconded.**
- Mr. Himpel requested a roll call vote be taken.
- **Roll Call Vote – Aye: Himpel, Stevens, Oroke Nay: Reed, Ward**
- **Vote of 3-2, motion carried.**
- Mr. Brajkovic clarified that the next Council meeting will include the oath of office being administered at the beginning of the meeting.
- Ms. Marcano noted that the appointments approved earlier in the meeting by resolution serve as the formalization of the action.

f) CITY MANAGER AGENDA

- No items.

g) CITY ATTORNEY AGENDA

- No items.

h) MAYOR AGENDA

1. EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY

(Items i and j were completed prior to item h)

- **Mr. Himpel made a motion to recess the City Council into executive session to discuss property acquisition pursuant to the preliminary discussion of the acquisition of real property exception, K.S.A. 75-4319 (b) (6) at 7:51 p.m. The open meeting will resume in the City Council chambers after 25 minutes. The executive session will include the City Attorney, City Manager, Assistant City Manager, and City Council.**

- **Ms. Reed seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Ms. Reed made a motion to return from executive session at 8:16 p.m., noting that no action was taken during the executive session.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

i) MAYOR PRO TEM AGENDA

- No items.

j) CITY COUNCIL AGENDA

- Mr. Himpel noted the recent increase in animal control requests and raised the question of how to improve animal control services offered by the City.
- Mr. Brajkovic described the current approach to animal control and resources available to the public.
- Mr. Himpel asked if the resources available online can be updated to make the information more readily available to the public.
- Mr. Brajkovic stated that staff will update the information online.
- Monica Gee, 17685 214th Street, reminded the City Council of the upcoming rabies vaccination and microchip event to be held on April 14 in Chieftain Park and how the microchip is being used as a registration element for some cities.
- Ms. Stevens introduced the idea to potentially partner with the Tonganoxie Business Association to add a bicycle repair station to a community location like a pocket park. She described the contents of a typical station.
- Elizabeth Mullins, 20077 199th Street, introduced herself to the City Council and commented that she is the County representative on the Northeast Kansas Library System Board (NEKLS).

VII. INFORMATION AND COMMUNICATIONS (NO ACTION REQUIRED)

VIII. ADJOURN

- **Mr. Himpel made a motion to adjourn the meeting.**
- **Ms. Reed seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:18 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager