

## CITY COUNCIL MEETING APPROVED MINUTES

May 7, 2018

7:00 p.m. Regular Meeting



### Open Regular Meeting – 7:00 p.m.

#### 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, Mr. Bennett, and Mr. Oroke. City Manager George Brajkovic, Assistant City Manager Dan Porter, Police Chief Jeff Brandau, and City Attorney Shannon Marcano were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

#### II. APPROVAL OF MINUTES – REGULAR MEETING DATED APRIL 16, 2018

- Ms. Reed made a motion to approve the minutes from the April 16, 2018 City Council meeting.
- Mr. Bennett seconded.
- Vote of all ayes, motion carried.

#### III. CONSENT AGENDA

- a) Review bill payments
- Ms. Reed made a motion to approve the consent agenda.
- Mr. Oroke Seconded.
- Vote of all ayes, motion carried.

#### IV. OPEN AGENDA

Members of the public are welcome to use this time to comment about any matter relating to City business. The comments that are discussed under Open Agenda may or may not be acted upon by the Council during this meeting. In order to speak during open agenda, you must sign up with your name and address with the city clerk or designee **before the meeting**. Comments will be limited to 3 minutes. Please wait to be recognized by the Mayor and **state your name and address** for the record.

- Mayor Ward requested that agenda comments related to items VI. a, b and c wait until that portion of the agenda to make their public comment.
- No other 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) Police Department - Presentation of award from American Automobile Association (AAA) of Kansas
- Police Chief Jeff Brandau introduced Bob Hamilton, who presented the City of Tonganoxie Police Department with the AAA Kansas Gold Award for Community Traffic Safety. Mr. Hamilton also outlined the numerous initiatives by the City which impacted the level of award received.

## VI. NEW BUSINESS

### a) Resolution 05-18-01: Findings of Fact related to Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD

- Mr. Brajkovic introduced items VI. a, b, and c. as associated with the RV Resort project. He explained that the presentation for the three items would be combined, though each required separate actions as outlined in the agenda statements. He also noted that valid protest petitions were received for both the proposed rezoning and special use permit items.
- Abby Newsham, of City Planning consultant Gould-Evans, delivered a staff presentation to the City Council outlining the background of the project, details on the property associated with these items, the elements of the staff recommendation approved for consideration of the City Council by the Planning Commission in April 2018, and the next steps should the Council take action to approve all three items.
- Chris Armer, of Hoefer Wysocki, delivered a presentation representing the applicant.
- Mr. Himpel asked how many units were proposed for the RV Resort.
- Mr. Armer responded that the applicant anticipated 496 units at this point.
- Mr. Bennett asked if the applicant has experience in this type of development.
- Mr. Armer responded that there was some experience with this sort of development within the group.
- Mr. Himpel asked if there were wells known to be located on the property.
- Mr. Armer responded that there were not any wells the applicant is aware of.
- Todd Luckman, of Stumbo Hanson LLP, spoke on behalf of Rural Water District #9. He noted the Water District would like to request additional considerations be added to the staff recommendations included in the ordinance for the special use permit associated with water source protection.
- Larry Demoss, 20241 State Ave, spoke in opposition to the project.
- Patti Woodhead, 20441 State Ave, spoke in opposition to the project.
- Doug Woodhead, 20441 State Ave, spoke in opposition to the project.
- Howie Brewington, 20260 Parallel Road, spoke in opposition to the project.
- Jim Cunningham, 20029 State Avenue, spoke in opposition to the project.
- Mr. Himpel asked whether the zoning change on the project would stand alone without the completion of the RV Resort.
- Ms. Marcano responded that the rezoning would remain in effect and allow the uses permitted in the zoning district, but that submitted projects for a specific use would be required to complete the site plan process administered through the Planning Commission.
- Ms. Stevens questioned whether the view along the highway would be impacted beyond the commercial development adjoining the highway.
- Mr. Oroke made additional comments on the project.
- Ms. Marcano outlined the impact of the protest petitions on the
- Mr. Luckman commented that he interpreted the state statute associated with the protest petition as requiring a  $\frac{3}{4}$  majority vote of the governing body, which would include the Mayor in his interpretation.
- Ms. Marcano informed that while the Mayor does not vote except in the case of a tie, before advising the City Council on procedure she would like to do additional research on the matter of whether governing body would be defined in the City as including the Mayor or only the Council members.
- Mayor Ward initiated a 10 minute recess at 8:15 PM.

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- Mayor Ward called the meeting to order at 8:25 PM.
- Ms. Marcano offered a staff opinion that in this case, a ¾ majority vote was required of the governing body, defined as the City Council members and the Mayor. Thus, the Council members would vote and all 5 aye votes would be required to approve an item with a valid protest petition.
- Mayor Ward addressed item VI. f. and noted that he would like to cover this item in order to allow applicant representatives to complete their business with the Council.
- Mr. Brajkovic introduced the item and explained that the item included a revised final development plan with a realignment of the building and that it was addressed at the Planning Commission meeting held on May 3 without notable concerns.
- **Ms. Stevens made a motion to approve Ordinance No. 1442, approving a Revised Final Development Plan for Lot 5 of the Tonganoxie Business Park.**
- **Ms. Reed seconded.**
- **Vote of all ayes, motion carried.**
  
- Mayor Ward resumed discussion tied to the RV Resort items on the agenda.
- Mayor Ward commented on the considerations he takes into account when evaluating applications like the RV Resort.
- **Mr. Himpel made a motion to approve Resolution 05-18-01, adopting the findings of fact and conclusions as the basis for a decision to approve the rezoning of certain property filed by KCRVR LLC.**
- **Mr. Oroke seconded.**
- **Roll Call Vote of all ayes, motion carried.**
  
- b) Ordinance 1439: Amending the “Zoning Ordinance and Subdivision Regulations” of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property in the City of Tonganoxie, Kansas from R-Rural to GBD
- Mayor Ward moved forward on the agenda to item VI. b.
- **Mr. Himpel made a motion to approve Ordinance No. 1439, amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by rezoning certain property in the City of Tonganoxie, Kansas generally described as north of State Ave (Hwy 24/40) and east of future 206th St. from “R-R” – R-Rural Zoning District to “GBD” – General Business Zoning District, subject to the staff recommendations and zoning consideration included in the Planning Staff Report from the May 3, 2018 Planning Commission Meeting.**
- **Mr. Oroke seconded.**
- **Roll Call Vote of all ayes, motion carried.**
  
- c) Ordinance 1440: Granting a Special Use Permit For a RV-Resort to Certain Property in the City of Tonganoxie, Kansas
- **Ms. Stevens made a motion to approve Ordinance 1440 including the staff recommendations, along with several additional considerations requested from the Rural Water District #9.**
- **Ms. Stevens withdrew her motion.**
- **Mr. Himpel made a motion to approve Ordinance No. 1440, accepting the Planning Commission’s recommendation to approve a special use permit for an RV Resort in the R-R zoning district subject to the conditions provided by staff, along with additional conditions that all property within the special use permit be connected to public water & sewer infrastructure and that any wells located on the property be plugged by a professionally licensed company.**
- **Mr. Bennett seconded.**

- Ms. Marcano noted that while any adjustment to the staff recommendation by City Council is permitted when making a motion, it would be prudent to confirm whether the applicant is amenable to the changes to the motion.
- Mr. Armer confirmed that the applicant would be amenable to the additional conditions to the approval of the Special Use Permit.
- Alice Demoss, 20241 State Ave, spoke in opposition to the project.
- Ms. Reed noted that she is amenable to and welcomes any input she receives on a project.
- Ms. Stevens commented that she also has been contacted by people in support of the item.
- **Roll Call Vote of all ayes, motion carried.**
- Mr. Himpel noted that he has studied this project in detail and believes there are multiple future opportunities for safeguards to be applied to the project.
- Mayor Ward initiated a 5 minute recess at 8:58 PM.
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- Mayor Ward resumed the meeting at 9:03 PM.

d) Resolution 05-18-02: Findings of Fact related to Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD

- Mr. Brajkovic introduced items VI. d and e as related items tied to the Casey's development project, specifically the proposed rezoning impacts the 1.3 acres recently annexed into the City limits.
- Jeff Laubach, of SBB Engineering, addressed the Council representing the applicant.
- **Mr. Himpel made a motion to approve Resolution 05-18-02, adopting the findings of fact and conclusions as the basis for a decision to approve the rezoning of certain property filed by Casey's Retail Company.**
- **Mr. Reed seconded.**
- **Vote of all ayes, motion carried.**

e) Ordinance 1441: Amending the "Zoning Ordinance and Subdivision Regulations" of the City of Tonganoxie, Kansas, 2003, by Rezoning Certain Property in the City of Tonganoxie, Kansas from R-R to GBD

- **Mr. Himpel made a motion to approve Ordinance No. 1441, amending the Zoning Ordinance and Subdivision Regulations of the City of Tonganoxie, Kansas, 2003, by rezoning certain property in the City of Tonganoxie, Kansas generally described as generally located on the west side of West St. (Hwy 24/40) and between 5th & 6th Streets, more commonly known as 500 West St. from "R-R" – R-Rural Zoning District to "GBD" – General Business Zoning District, subject to the staff recommendations and zoning consideration included in the Planning Staff Report from the April 5, 2018 Planning Commission meeting.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

f) Ordinance 1442: Approval of Revised Final Development Plan, Lot 5 of Tonganoxie Business Park (this item was considered and acted upon under item VI. a. on the agenda)

- g) Consider authorization of Temporary Cereal Malt Beverage (CMB) license for the Abdallah Shrine Rodeo Event
- **Ms. Reed made a motion to authorize the temporary CMB application for Abdallah Shrine Rodeo for consumption on the Leavenworth County Fairgrounds premises.**
- **Mr. Oroke seconded.**
- Ms. Marcano confirmed she had an opportunity to review the application materials.

- **Vote of all ayes, motion carried.**
  
- h) Consider approval of health insurance agreement with Blue Cross Blue Shield of Kansas for 2018-2019
  - Mr. Porter presented information on the renewal of the City's health insurance agreement with Blue Cross Blue Shield of Kansas for the 2018-2019 plan year.
  - **Mr. Himpel made a motion to approve the City's agreement with Blue Cross Blue Shield of Kansas for the 2018-2019 plan year**
  - **Ms. Stevens seconded.**
  - **Vote of all ayes, motion carried.**
  
- i) Consider approval of dental insurance agreement with Delta Dental of Kansas, Inc. for 2018-2019
  - Mr. Porter presented information on the renewal of the City's dental insurance agreement with Delta Dental of Kansas, Inc. for the 2018-2019 plan year.
  - **Ms. Reed made a motion to approve the City's agreement with Delta Dental of Kansas, Inc. for the 2018-2019 plan year**
  - **Ms. Stevens seconded.**
  - **Vote of all ayes, motion carried.**
  
- j) City Manager Agenda
  1. 2019 Budget Calendar
    - Mr. Brajkovic outlined the proposed budget calendar for the City Council, which will complete by at least August 25.
  
  2. City Council Chambers Security Update
    - Mr. Porter described the recent changes in state statute in terms of the permitted level of security for open carry and concealed carry of firearms. He noted that there is no official ordinance or resolution requested from the City Council, instead this is intended as a conversation about the preferences of the Council which will be reflected in the signage posted to the City Council Chambers.
    - Mayor Ward commented that based on the elevated level of passionate discussion at public meetings he supports the highest level of security available and would be interested to hear more in the 2019 budget discussions about the potential to screen for both open and concealed carry.
    - Ms. Reed agreed that the security of the audience and legislative body are important in highly emotional settings like public meetings.
    - Chief Brandau noted that he thought it worth investigating to determine whether detector wands would suffice as a metal detector staffed by armed personnel as required by state statute for public entrances for buildings not permitting concealed carry.
  
- k) City Attorney Agenda
  
- l) Mayor Pro Tem Agenda
  
- m) City Council Agenda
  
- n) Mayor Agenda

## **VII. INFORMATION & COMMUNICATIONS (NO ACTION REQUIRED)**

### **VIII. ADJOURN**

- Ms. Reed made a motion to adjourn the meeting.
- Mr. Himpel seconded the motion.
- Vote of all ayes, motion carried.
- Meeting adjourned at 9:42 p.m.

Respectfully submitted,



Dan Porter, Assistant City Manager