

CITY COUNCIL MEETING MINUTES
November 19, 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. Stevens, Mr. Oroke, and Mr. Bennett. City Manager George Brajkovic, City Attorney Shannon Marcano, Fire Chief John Zimbelman, Police Chief Greg Lawson, Administrative Assistant Melanie Tweedy, and Assistant City Manager Dan Porter were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

II. APPROVAL OF MINUTES – REGULAR MEETING DATED NOVEMBER 5, 2018

- **Mr. Oroke made a motion to approve the minutes from the November 5, 2018 City Council meeting.**
- **Ms. Stevens seconded.**
- **Vote of all ayes, motion carried.**

III. CONSENT AGENDA

- a) Review bill payments
- **Mr. Bennett 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.

- Cody Thornton, 227 South Village, addressed the City Council and asked for consideration for the topic of UTVs to be put on the agenda for the next City Council meeting.

V. OLD BUSINESS

- No Items

VI. NEW BUSINESS

- a) Introduction of New Administration Department and Police Department Employees
- Mr. Lawson introduced Eric Janesko and Bill Storms.
- Mr. Porter introduced Melanie Tweedy

b) Second Consideration of City Council Vacancy Applications (item was considered fourth under new business)

- Ms. Marcano provided an update on the steps to fill a council vacancy.
- Mayor Ward asked the other members of the governing body to describe their top two candidates, and described his top two as Lisa Patterson and Jake Dale.
- Mr. Himpel said his top two were Lisa Patterson and Andy Pierson.
- Mr. Oroke said his top two were Andy Pierson and Lisa Patterson.
- Mr. Bennett said his top two were Andy Pierson and Lisa Patterson.
- Ms. Stevens said her top two were Jake Dale and Sally Ryan.
- **Ms. Stevens made a motion to appoint Jake Dale.**
- **Motion died for lack of a second.**
- **Ms. Stevens motioned to appoint Lisa Patterson.**
- **Mr. Bennett seconded.**
- **Roll Call Vote: All ayes**
- Mayor Ward congratulated Ms. Patterson and said that she would be sworn in at the December 3, 2018 meeting.
- Ms. Marcano advised the Council to wait until the new councilmember is sworn in to elect a Mayor Pro Tem from amongst the Council.

c) Resolution 11-18-04: Fire Apparatus Purchase Proposal and Lending Agreement (item was considered third under new business)

- Mr. Porter and Chief Zimbelman delivered a presentation to the City Council about the proposed purchase and trade in, along with accompanying budget information and the amortization schedule.
- Mr. Bennett asked if the proper bids were collected for this purchase.
- Chief Zimbelman noted that this truck bid was received under the umbrella of NPP, which utilizes a lead public agency to solicit and award contracts through the public RFP process undergone by the lead public agency. This approach allows other entities like the City to consider that process as if it were performed by the City.
- **Ms. Stevens made a motion to authorize acceptance of quote to purchase stock unit 31454 and trade in unit 661 for an amount not to exceed \$300,449.46.**
- **Mr. Bennett seconded.**
- **Vote of all ayes, motion carried.**

- **Ms. Stevens made a motion to approve Resolution 11-18-04.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

d) Ordinance 1445: Amending the Light Industrial District Zoning Ordinance to allow Daycare: Child Care Center (or) Preschool (item was considered fifth under new business)

- Mr. Brajkovic introduced the item and described the revised staff report with additional research by the City Planner.
- Mr. Himpel noted several questions and comments that he had about the proposed adjustment, including the safety of other allowable uses in the zoning district which could be located in close proximity to the day care.
- Ms. Stevens commented that regulation of daycares by the State would exceed the level of regulation or oversight offered by City zoning use restrictions.

- **Ms. Stevens made a motion to approve Ordinance 1445, amending the light industrial district zoning to allow Daycare: Child Care.**
- **Motion died for lack of a second.**
- Zach Stoltenberg was recognized by the Mayor and he provided information on the discussion held at the Planning Commission meeting when the item was considered. He commented that the rationale behind this proposal was to avoid spot zoning.
- Ms. Marcano commented that the Planning staff report included information that an adjoining or nearby use of a dangerous nature being added once a day care in this zoning district was established would not be allowed due to the imposition of a burden on the daycare business.
- Mr. Oroke said that he would like more review and discussion on the issue.
- Mr. Bennett added that he would not like to see spot zoning pursued or unsafe conditions due to proximity of two incompatible businesses.
- **Mr. Himpel made a motion to deny Ordinance 1445.**
- **Motion died for lack of a second.**
- Ms. Marcano commented that staff would need to research how many times this can be sent to the Planning Commission for review, and that if that was done the motion ought to include clear direction for concerns to address.
- **Mr. Oroke made a motion to continue consideration of Ordinance 1445, amending the light industrial district zoning to allow daycare: child care, until the December 3, 2018 meeting in order for staff to complete more research on the options for the City Council.**
- **Mr. Bennett seconded.**
- **Vote of 3 ayes and 1 nay (Stevens), motion carried.**

- e) Ordinance 1458: Special Use Permit for Community National Bank Sign (item was considered sixth under new business)
 - Mr. Brajkovic introduced the item.
 - **Mr. Himpel made a motion to approve Ordinance 1458, approving a special use permit for Community National Bank's sign.**
 - **Ms. Stevens seconded.**
 - **Vote of all ayes, motion carried.**

- f) Ordinance 1459: Adoption of Specialized and Miscellaneous Building Permit Fees (item was considered seventh under new business)
 - Mr. Porter introduced the item.
 - Mr. Himpel asked how many fees or permits would be required for a project with 2 separate excavations on a single piece of property.
 - Mr. Porter stated that he would provide that information to Mr. Himpel after confirming with the City Building Official.
 - **Mr. Bennett made a motion to approve Ordinance 1459, adopting specialized and miscellaneous building permit fees.**
 - **Mr. Himpel seconded.**
 - **Vote of all ayes, motion carried.**

- g) Request for Approval of Disposition of City Vehicles & Equipment (item was considered eighth under new business)
 - Mr. Brajkovic introduced the item.

- Mr. Porter described the equipment being considered for disposal and the handling of sale proceeds.
- Mr. Oroke asked if an appraised value was available on the City property if a private or individual sale would be possible in the local community.
- Mr. Porter noted that the use of the Purple Wave online auction site is considered more equitable and advantageous to the City in the recovery of maximum value for assets and its objectivity helps protect the City from even the appearance of any impropriety.
- **Mr. Bennett made a motion to authorize the disposition of a 2005 Ford F-250 Super Duty Truck, a 1997 Chevy C8500 Dump Truck and a 1984 Chevy 4x4 Pickup, along with fire department equipment including a motor and 6 tires.**
- **Mr. Himpel seconded.**
- **Vote of all ayes, motion carried.**

h) Request for Approval of Payment to Jefferson County Sheriff's Office (item was considered ninth under new business)

- Mr. Brajkovic introduced the item.
- **Ms. Stevens made a motion to approve a payment to the Jefferson County Sheriff's Office in an amount not to exceed \$5,250.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

i) City Manager Agenda

1. October Monthly Budget Report

- Mr. Brajkovic noted that the October Monthly Budget report would be delivered to the City Council on the December 3, 2018 City Council meeting.

2. Library Project Update (item was considered second under new business)

- Mr. Brajkovic introduced the item and noted that Curtis Golba (JE Dunn), Nicole Holifield (Library Director) and Michelle Kaiser representing the Library Board were present for the update to the City Council.
- A joint presentation was delivered to the City Council describing initial design considerations and upcoming steps in the project implementation.

j) City Attorney Agenda

k) Mayor Pro Tem Agenda

l) City Council Agenda (item was considered tenth under new business)

- Mr. Oroke thanked all volunteers who worked to help make the Mayor's Tree Lighting event a success.
- Ms. Stevens described the inaugural Tonganoxie Business Expo as a success and thanked all participants and visitors.
- Mayor Ward commented on the outstanding Mayor's Tree Lighting event and noted his enjoyment every year. He thanked the volunteers who helped make this year's event run smoothly and provide a great benefit to the community.

m) Mayor Agenda (item was considered eleventh under new business)

1. Executive session for the discussion of matters related to security

- Ms. Stevens left the meeting prior to item m1.

- **Mr. Himpel made a motion at 8:58 PM to recess the City Council into executive session to discuss facility security pursuant to the discussion matters related to security exception, K.S.A. 75-4319 (b) (12). The open meeting will resume in the City Council chambers after 15 minutes at 9:13 PM.
The executive session will include the governing body, City Manager, City Attorney, Police Chief, and Assistant City Manager.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- ...
- **Mr. Himpel made a motion at 9:13 PM to return from executive session and noted that no action was taken.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

VII. INFORMATION & COMMUNICATIONS (NO ACTION REQUIRED)

VIII. ADJOURN

- **Mr. Himpel made a motion to adjourn the meeting.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 9:14 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager