

City Council Meeting Minutes
August 19, 2019
7:00 Regular Meeting

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

- Mayor Ward opened the meeting at 7:00 PM with the Pledge of Allegiance.
- Roll Call: Council members present were Mayor Ward, Mayor Pro Tem Himpel, Mr. Oroke, and Ms. Patterson. Ms. Stevens and Mr. Bennett were absent. City Manager George Brajkovic, City Attorney Anna Krstulic, Public Works Director Kent Heskett, Police Chief Greg Lawson, and Assistant City Manager Dan Porter were also in attendance.

II. Approval of Minutes –Regular meeting dated August 5, 2019

- **Mr. Himpel made a motion to approve the minutes from the regular meeting dated August 5, 2019.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

- a) Review bill payments
- **Mr. Oroke made a motion to approve the consent agenda.**
- **Ms. Patterson 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.

- Mike Stieben, Leavenworth County Commissioner representing the Fifth District, addressed the City Council and provided updates on ongoing and upcoming Leavenworth County business and events.
- No other members of the public provided comments.

V. Old Business

a) Discussion Regarding Chapter XIV of the City Code Including Section 14-206. PARKING ON UNPAVED SURFACES IN CERTAIN AREAS PROHIBITED and Section 14-209. PARKING IN RESIDENTIAL AREAS

- Mr. Brajkovic introduced the item and provided a presentation on the current and previous local regulations in the City Code relating to parking on unpaved surfaces and parking in residential areas. He commented that previously the City had local regulations in place controlling parking in unimproved areas and parking in residential areas. In 2010 the City Council approved amendments to those local regulations which addressed these subjects back to reference in the Standard Traffic Ordinance for Kansas Cities, which in fact didn't specifically prohibit parking in unimproved areas. He clarified that the City still has a local regulation in place addressing junked vehicles on private properties, but these regulations don't apply to operable vehicles.
- Chief Lawson provided an update to the City Council on the request from staff for clarifying what the City's ordinances prescribe for towing and impounding of improperly parked vehicles, specifically in regards to defining the location of a vehicle on a highway, or paved road service, in order to be eligible to be towed.
- Mr. Himpel asked if the right of way along the road was under the authority of the Police Department to towed improperly parked vehicles.
- Chief Lawson clarified that vehicles creating a traffic hazard are able to be towed, but generally this occurs when vehicles are located on a highway, or paved road surface.

- Mr. Himpel commented that his major concerns with codes enforcement could be summarized as cleaning up trash, addressing vehicles that are not running, and considering weight loads placed on City streets when large vehicles are parked in certain areas.
- Mayor Ward commented on the nature of the discussion back in 2010 that resulted in the decision to revert regulation of parking on unimproved surfaces to the Standard Traffic Ordinance and how it was considered in light of personal property rights. He stated that he wanted to gather input from the public in a well-structured fashion and that we need to understand more exactly what the issue or issues are that need to be considered for any change in regulations.
- Ms. Patterson commented that she had heard more concerns from residents about addressing nuisances and parking location in residential areas.
- Mr. Oroke commented that the issue is very complex and needs to be simplified in order to gather feedback from residents to consider when making a decision about changing the City Code. He stated that subjects like screening and location of parking on parcels also need to be considered when making a decision.
- Mayor Ward added that residential properties in several older parts of town don't have the infrastructure in place to always provide multiple places for parking on improved surfaces and that needs to be considered.
- Mr. Heskett added that parking on unimproved surfaces at times impacts storm water drainage and presents issues that can impact multiple properties.
- Mr. Brajkovic offered that additional research could be performed to determine how other communities address these issues in order to glean insights for our decision making.
- Ms. Patterson asked what the timeline for consideration should be moving forward.
- Mayor Ward reiterated the need to collect input from Mr. Bennett and Ms. Stevens on the subjects being considered.
- Ms. Patterson asked that the presentation offered tonight be included in the agenda packet for the next discussion in order to provide background information to interested parties.

VI. New Business

a) Consideration of Draft Tonganoxie USD 464 School Resource Officer Interlocal Cooperation Agreement

- Mr. Brajkovic introduced the item.
- Chief Lawson described the negotiation process with USD 464 completed with the superintendent, Loren Feldkamp, who was in attendance.
- Ms. Krstulic described the approval process necessary for an interlocal agreement between two public agencies, which includes consideration for a period of up to 90 days by the Kansas Attorney General's office.
- **Mr. Oroke made a motion to authorize staff to present the draft interlocal agreement to the USD 464 School District Board for consideration.**
- **Ms. Patterson seconded.**
- **Vote of all ayes, motioned carried.**

b) Consideration of Change Order for Contract with Little Joe's Asphalt, Inc. for 2019 Street Maintenance Mill and Overlay Project

- Mr. Brajkovic introduced the item and provided a presentation demonstrating the location of the proposed change order street maintenance activities.
- Mr. Porter commented on the budget in the Special Highway Fund available to accept this change order and noted that acceptance of the change order left less funding available for the upcoming chip and seal project which would be advertised for bid within the next two weeks.
- **Mr. Himpel made a motion to approve the change order according to the updated bid from Little Joe's Asphalt, Inc. and authorize the amendment to the 2019 Mill and Overlay project contract with Little Joe's Asphalt, Inc. for an amount not to exceed \$286,196.**
- **Ms. Patterson seconded.**

- **Vote of all ayes, motioned carried.**

c) Consideration of Draft Tonganoxie Public Library Lease Term Sheet

- Mr. Brajkovic presented the item and described it as the beginning of the preparation of a lease with the Library Board for the new library facility currently under construction. Upon the collection of feedback from the City Council the document will be able to be shared with the Library Board.
- Mayor Ward noted that it would be important to collect feedback from members of the City Council who were not able to attend this meeting on the contents of the term sheet.
- Ms. Patterson asked if the cap on FF&E expenditures needed to be an item included in the term sheet.
- Mr. Brajkovic noted that this term would be removed from an edited version of the term sheet, as it was actually more applicable to an earlier memorandum of understanding completed with the Library Board. He commented that staff would bring the draft Tonganoxie Public Library Lease Term Sheet back to the City Council for consideration on September 3, 2019.

d) Consideration of Temporary CMB Application for Abdallah Shrine Rodeo

- Mr. Porter presented the item for consideration and commented that the applicant typically completed this event in May or June, but that this year the event was delayed until the fall.
- **Mr. Himpel motioned to approve the temporary CMB application for Abdallah Shrine Rodeo for consumption on the Leavenworth County Fairgrounds premises.**
- **Mr. Oroke seconded.**
- **Vote of all ayes, motion carried.**

e) Resolution 08-19-04: 2 Year Extension Agreement with Honey Creek Recycling for Solid Waste and Recycling Services Provision

- Mr. Brajkovic presented the item. He explained the process of collecting bids. He stated that Ms. Krstlic did have a chance to review the contract and make any modifications and did not see any issues. He stated that the bids did come in higher than projected and the city did include an alternate project. He stated that Little Joe's was the low bid.
- Mayor Ward commented that the City had enjoyed a long history of working with Honey Creek for solid waste services, specifically with Randy Wheldon and his brother, and he appreciated the partnership towards providing residents with excellent customer service.
- **Mr. Oroke motioned to approve Resolution 08-19-04, approving a 2 Year Extension Contract Agreement with Honey Creek Recycling for Solid Waste and Recycling Services.**
- **Ms. Patterson seconded.**
- **Vote of all ayes, motion carried.**

f) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic provided an update on the submission and subsequent additional documents being provided in support of the application by the Kansas Department of Health and Environment.

2. Library Project Update

- Mr. Brajkovic provided an update on the progress of the project and noted that the 6 rain days allotted in the construction schedule were nearly exhausted due to recent weather conditions.

3. July Budget Report

- Mr. Porter provided the July budget report to the City Council, which included a unique report for the June and July financial reports.

4. September City Council Meeting Date Reminder – Scheduled for Tuesday, September 3

- Mr. Brajkovic reminded the City Council that the upcoming City Council meeting will be held on Tuesday, September 3 due to observance of the Labor Day holiday.

g) City Attorney Agenda

h) Mayor Pro Tem Agenda

i) City Council Agenda

- Mr. Oroke commented that a septic truck had been parked near the intersection of 4th Street and 24/40. He asked staff to evaluate the issue for compliance with local regulations.

j) Mayor Agenda

VII. Information & Communications (No Action Required)

VIII. Adjourn

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Himpel seconded.**
- **Vote of all ayes, motion carried. Meeting Adjourned at 8:38 PM.**

Respectfully submitted,

Dan Porter, Assistant City Manager