

City Council Meeting Minutes  
November 18, 2019  
7:00 PM Meeting

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

- Mayor Pro Tem Himpel opened the meeting at 7:00 p.m.
- Roll Call: Council members present were Mayor Pro Tem Himpel, Ms. Patterson, Ms. Stevens, Mr. Bennett, and Mr. Oroke. Mayor Ward was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, Police Chief Greg Lawson, and Fire Chief John Zimbelman were also in attendance.
- Mayor Pro Tem Himpel led the Pledge of Allegiance.
  
- Mr. Bennett addressed the City Council and notified the governing body that due to increasing personal and professional commitments he would be resigning his position on the City Council effective immediately. He added that he was glad to know that there are people interested in serving on the City Council in his place, and he thanked the other members of the governing body and City staff for their many efforts to improve the City. He shared that it had been an honor and a privilege to serve on the City Council.
  
- Mayor Pro Tem Himpel thanked Mr. Bennett for his service and excused him from the meeting.

**II. Approval of Minutes – Regular meeting dated November 4, 2019**

- **Ms. Patterson made a motion to approve the minutes from the November 4, 2019 City Council meeting.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**

**III. Consent Agenda**

- a) Review bill payments
- Ms. Patterson asked for more information about the negative items listed in the check report.
- Mr. Porter shared that the negative amounts listed in the check report reflect a series of checks that were voided due to a printing error, and that the checks with numbering errors were reprinted as exhibited in the report.
- **Mr. Oroke made a motion to approve the consent agenda.**
- **Ms. Patterson seconded the motion.**
- **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.

- No members of the public addressed the City Council during open agenda.

**V. Old Business**

- a) Consideration of Parking on Unimproved Surfaces Policy
- Mr. Brajkovic introduced the item and delivered a presentation on the draft policy assembled by staff.
- Mr. Himpel asked if the building official would have latitude in enforcing the policy.
- Mr. Brajkovic commented that the policy was designed to arm the City's codes officials with the ability to enforce the policy.

- Mr. Himpel shared that he believed that the appeals process should be designed to come to the City Council.
- Ms. Patterson commented that she believed that due to storm water impacts, parking in any yard should be prevented. She stated that she understands that public works uses curb cuts to identify a driveway and she felt that this may be a way to grandfather properties in more established neighborhoods. She also asked if this proposed policy was restricted to just residential properties.
- Mr. Brajkovic replied that the zoning ordinance includes related restrictions for non-residential zoning districts so the draft policy is largely intended to address the issue in residential areas.
- Ms. Stevens commented that she believed that the previously raised concerns about yard parking also included issues about the negative impact of hazardous chemicals emitted from vehicles but needed to balance against the property rights of individuals. She added that she believed this policy is a good compromise.
- Ms. Patterson stated that this compromise could unintentionally cause excess parking in backyards that will have adverse effects on City infrastructure. She noted that this could also cause a need for more screening and enforcement of the screening by City staff.
- Mr. Brajkovic stated that he appreciated the feedback as it helps staff to move forward.
- Ms. Stevens said that requiring residents to have improved surfaces for vehicles and boats that are in good working order, not leaking chemicals and so on, would put an undue burden and expense on them to add improved, hard surfaces. In that situation, property owners should be able to do what they would like on their property. She said that the focus should be more on junk vehicles for which the City already has an ordinance. She reiterated that this draft ordinance is a fair compromise.
- Mr. Oroke stated that he agrees that this is a good compromise, as long as there is a designated area for parking with a hard surface such as gravel. He also said that screening would benefit neighbors.
- Ms. Patterson asked for clarification on the backyard parking. She asked if the backyard was screened, whether parking would be allowed on an unimproved service.
- Mr. Brajkovic confirmed.
- Mr. Himpel stated that the policy may present another problem with building codes that prohibit screening or fences in the front yard.
- Mr. Brajkovic explained that they originally debated side yards in the draft. He said that there has been discussion of allowing parking in the rear yard without screening as long as there was an improved surface.
- Mr. Oroke stated that there should be some improvement to the ground to prevent the vehicle from sinking.
- Mr. Brajkovic clarified the direction that the City Council would like for staff to move forward with this ordinance.
- Ms. Patterson stated that she is not okay with parking on unimproved surfaces. She reiterated her concern that this will lead to unneeded strain on City infrastructure.
- Mr. Oroke stated his preference that vehicles should be parked on gravel at a minimum.
- Mayor Pro Temp Himpel sought comment from Jake Dale.
- Mr. Dale stated that he understood all aspects and points of view and wondered if we could limit the number of vehicles that can be parked in the yard.
- Mr. Brajkovic explained that the draft ordinance indicates that no more than 67% of the front yard can be covered by improved parking surface. He also explained that staff has considered language that would detail the requirements for the improved surface, such as the size and materials used. He noted that at this time the draft does not require a storm water review. He said that the next step would be for staff to review and refine this draft and return to the next council meeting with the updated draft.

## **VI. New Business**

a) Ordinance 1478: Water and Sewer Rates Temporary Adjustment to Minimum Charges for Large Meters

- Mr. Porter introduced the item and presented the proposed amendment to the monthly minimum charges for water and sewer that would allow staff to develop and offer a program for 30-40 customers with large meters to consider incurring the cost to downsize the water meter on their property to a more appropriate size for the range of likely uses. Rates for the large meters would be adjusted to the 1" monthly minimum charge for 18 months.
- Ms. Patterson asked what the communication plans were for the rate adjustments.
- Mr. Porter replied that staff plan to include email communications, bill insert mailings, and a targeted effort to educate the specific property owners with large water meters about the temporarily delayed increases in monthly minimum charges and the option that might be offered to replace or downsize meters.
- **Mr. Oroke made a motion to approve Ordinance 1478, amending minimum monthly charges for large meters.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

b) Consider Approval of Purchase of Ventilation Fan with Leighty Grant Proceeds

- Chief Zimbelman introduced the item and explained the proposed purchase of a battery operated ventilation fan with the funding received from the Leighty Trust Grant.
- Mr. Oroke asked about the size of the fan.
- Chief Zimbelman replied that the fan would be 18" in diameter.
- Ms. Patterson asked if the Fire Department prepares a version of the City's capital improvement plan.
- Chief Zimbelman replied that in response to analysis of the City's increasing emergency call volume, a needs assessment was being developed that would serve as a long term plan to meet the priority needs of the Fire Department.
- **Ms. Patterson made a motion to authorize staff to advance with the quote from Conrad Fire Equipment, Inc. to purchase a ventilation fan for an amount not to exceed \$4,618.09.**
- **Ms. Stevens seconded the motion.**
- **Vote of all ayes, motion carried.**

c) Consider Approval of Purchase of Active Shooter Response Safety Equipment with Leighty Grant Proceeds

- Chief Lawson introduced the item and explained the proposed purchase of ballistic shields with the funding received from the Leighty Trust Grant.
- **Mr. Oroke made a motion to authorize staff to advance with a ballistic vest equipment order from Boyd products for an amount not to exceed \$3,000.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

d) Consider Approval to Proceed with Geotechnical Borings as part of Interceptor Sewer Project

- Mr. Brajkovic introduced the item and explained that this is one aspect of the preliminary and final design efforts for the sanitary sewer extension from the waste water treatment plant to the Tonganoxie Industrial Park.
- Mr. Porter described how the purchase was proposed to be made from the remaining proceeds of the sale of property at the Industrial Park.
- **Ms. Stevens made a motion to authorize staff to execute a notice to proceed and draft agreement for geotechnical services associated with the Industrial Park Interceptor Sewer Project, subject to the review and approval of the City Attorney, for an amount not to exceed \$6,000.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

e) Planning Commission Attendance Evaluation

- Mr. Brajkovic introduced the item and explained that the Planning Commission's bylaws were amended in 2017 in part to help address the issue of attendance.
- Zach Stoltenberg addressed the City Council and expressed interest in remaining on the Planning Commission, sharing that one of his absences was because he needed to recuse himself from the only item on the agenda for that meeting.
- Crystal Henson addressed the City Council and expressed interest in remaining on the Planning Commission, noting that she gave prior notice well in advance of the November 2019 absence due to a planned vacation and that one of the other two absences was due to a work conflict.
- Ms. Patterson asked for more clarification on the bylaws in reference to declaring a vacancy and appointing a new commissioner.
- Ms. Krstulic explained that the City Council may decide to declare a vacancy or continue consideration of the vacancy or appointments.
- Mr. Oroke stated that he appreciated both commissioners coming to the meeting to speak. He stated that serving on the Planning Commission is very important as they advise the City Council on development matters, and attendance by commissioners to the meetings is very important.
- Mr. Brajkovic explained that due to the recent City Council election, which involves one commissioner leaving the Planning Commission to join City Council, staff considered this an appropriate time to bring the attendance record to City Council and open the application process for available positions.
- Mr. Himpel stated that the City Council needed to determine whether to declare the vacancies on the Planning Commission.
- Ms. Patterson stated that attendance is important, but she did not wish to declare the two vacancies at this time.
- **Ms. Patterson made a motion that City Council not declare any additional vacancies at this time.**
- **Motion failed for lack of second.**
  
- **Mr. Oroke made a motion to place the two commissioners in violation of the attendance policy on probation for three months with no absences during that time. If an additional absence is recorded for either commissioner, the matter will come back before the City Council to consider declaring a vacancy.**
- **Ms. Patterson seconded.**
- **Vote of all ayes, motion carried.**

f) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic stated that the Urgent Need Grant is underway, but the notice to proceed for the construction project was being delayed at the direction of the Kansas Department of Commerce due to a comment period for an environmental review.

2. Library Project Update

- Mr. Brajkovic provided an update on the status of the Tonganoxie Public Library construction project.

3. October 2019 Financial Report

- Mr. Porter delivered an update on the October 2019 Financial Report, which included that all funds were under annual expenditure limits but that a budget amendment was anticipated for the Sanitation Fund.

g) City Attorney Agenda

h) Mayor Pro Tem Agenda

- Mr. Himpel noted the City Council vacancy with the resignation of Dave Bennett and the need for discussion on how this will be filled.
  - Mr. Brajkovic explained the process of how an appointment would be made. He stated that the council has 60 days to make the appointment or a special election would be required. January 6<sup>th</sup> would be the last regular City Council meeting prior to the January 17<sup>th</sup> deadline for appointment.
  - Ms. Stevens asked if the appointments would be made using the same application as the last two openings.
  - Mr. Brajkovic stated that for the last City Council vacancy due to resignation, there was an application process that was open for approximately 40 days.
  - Ms. Patterson stated that if they wait until the January 6<sup>th</sup> City Council meeting, the mayor would be new and she wondered if this would be something to consider in timing.
  - Ms. Krstulic offered clarification on the process and timing.
  - City Council further discussed the timeline and options of appointing this year versus next year.
  - Mr. Oroke noted that an election occurred 13 days ago, and there were people who took the time and effort to run in that election so an application process should not be necessary.
- **Ms. Patterson made a motion that staff publish the notice for the opening the week of 11/18/19 and close applications on 12/27/19 with City Council to review for appointment on 1/6/19.**
  - **Ms. Stevens seconded.**
  - **Motion failed, vote of 2-2.**
- **Ms. Stevens made a motion that staff publish the city council opening the week of 11/18/19 with the appointment date to be determined at a future City Council meeting.**
  - **Ms. Patterson seconded.**
  - **Vote of 3 ayes, 1 no (Mr. Oroke). Motion carried.**
- i) City Council Agenda
  - j) Mayor Agenda

**VII. Information & Communications (No Action Required)**

**VIII. Adjourn**

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:55 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager