

City Council Meeting Minutes
November 4, 2019
7:00 PM 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, Ms. Patterson, Mr. Himpel, Mr. Bennett, and Mr. Oroke. Ms. Stevens was absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, City Attorney Anna Krstulic, and City Engineer Brian Kingsley were also in attendance.
- Mayor Ward led the Pledge of Allegiance.

II. Approval of Minutes – Regular meeting dated October 14, 2019

- **Ms. Patterson made a motion to approve the minutes from the October 14, 2019 City Council meeting.**
- **Mr. Bennett seconded the motion.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

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

- Joe Herring, Herring Surveying, addressed the City Council and advised that his client's preliminary and final plat application for Saunders Estates was scheduled to be considered by the Planning Commission on November 7. He asked that the City Council hear his client's application at the November 18, 2019 City Council meeting.
- Ms. Krstulic commented that under Kansas statute, the Planning Commission has the authority to approve plats and not the City Council. The City Council only accepts or refuses dedication of land for public purposes, so in the case of the Saunders Estates application, the plat needs to go back to the Planning Commission if the applicant does not wish to adhere to Planning Commission's conditions for approval.
- No other members of the public addressed the City Council during open agenda.

V. Old Business

VI. New Business

- a) Resolution 11-19-01: Setting a Public Hearing on December 16, 2019 in Consideration of the Proposed Schoolyard Townhomes Development Plan and Designation of an RHID District
- Mr. Brajkovic introduced the item and delivered a short presentation
- Mr. Himpel asked how many more times the City Council will see the item.
- Mr. Brajkovic replied that the City Council would have the opportunity on December 16 to hold a public hearing and consider a Development Agreement, as well as possibly consider the Final Plat and Development Plan if approved by the Planning Commission on November 7, 2019.

- **Mr. Himpel made a motion to approve Resolution No. 11-19-01, determining that the City is considering establishing the Schoolyard Townhomes Rural Housing Incentive District within the City and adopting a plan for the development of housing and public facilities in the proposed district, and providing for notice of a public hearing.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

b) Tonganoxie Public Library Logo Update

- Nicole Holifield, Tonganoxie Public Library Director, addressed the City Council and introduced the representatives of Sprout Creative, who have completed the logo update project.
- Caleb Asher, Sprout Creative, delivered a presentation to the City Council about the new logo project for the Tonganoxie Public Library, including the public process used in developing the logo.
- Rachel Huff, Sprout Creative, presented the logo imagery to the City Council.

c) Consider Appointment of Jerome A. Gorman as City Prosecutor

- Mr. Brajkovic noted that Anna Wolf provided notice of termination of her agreement to act as the City Prosecutor effective at the end of October 2019. He shared that staff reviewed five proposals for the position and recommended the selection of Mr. Gorman. He added that Mr. Gorman included a favorable compensation proposal and offered additional training for the City's Police Department.
- **Ms. Patterson made a motion to select Jerome A. Gorman as City Prosecutor.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

d) Resolution 11-19-02: Authorizing Approval of a Construction Services Contract with Infrastructure Solutions, LLC for the 2019 Aerial Sanitary Sewer Repair project

- Mr. Porter introduced the item and explained that this is the initiation of the construction phase of the Community Development Block Grant ("CDBG") Urgent Needs project for the aerial sanitary sewer repair.
- Mr. Kingsley described the deadline for contract approval as well as completion of the bid process.
- Mr. Himpel asked what it will look like when completed.
- Mr. Kingsley replied that the corrugated pipes underneath the encasement around the aerial sanitary sewer line will be replaced by concrete pipes that should be a more permanent solution on the site. He added that the structure will be constructed in a fashion that will allow someone to walk on the structure.
- **Ms. Patterson made a motion to approve Resolution No. 11-19-02, authorizing execution of a notice of award and authorizing a construction services contract in the amount of \$199,480.00 with Infrastructure Solutions, LLC, for the 2019 aerial sanitary sewer repair project.**
- **Mr. Bennett seconded the motion.**
- **Vote of all ayes, motion carried.**

e) Resolution 11-19-03: Approval of Code of Ethics Policy

- Mr. Porter introduced the item and explained that a specifically worded Code of Ethics Policy and Civil Rights Complaints Procedure Policy are required as part of the City receiving CDBG funds, which are largely comprised of federal funding. These federal and state regulations cover a wide range of activities, such as labor practices, environmental impacts and civil rights. The City has an ethics policy and complaint procedure policy for City employees but does not have policies of general applicability and written in the manner and format required in order to receive CDBG funds.
- Ms. Patterson asked how employees would be notified of the policies.
- Mr. Porter responded that the respective policies will be referenced in the City's Personnel Policy and shared via email with public officials and employees.

- **Ms. Patterson made a motion to approve Resolution No. 11-19-03, authorizing approval of a Code of Ethics Policy.**
- **Mr. Oroke seconded the motion.**
- **Vote of all ayes, motion carried.**

f) Resolution 11-19-03: Approval of Civil Rights Complaints Procedure Policy

- **Mr. Oroke made a motion to approve Resolution No. 11-19-04, authorizing approval of a Civil Rights Complaints Procedure Policy.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

g) Consider Approval of Potential Change Items 002 and 003 for the Tonganoxie Public Library Project

- Mr. Brajkovic explained JE Dunn's request for the City to cover the costs of change items from the City's owner contingency. He said that the changes involve unforeseen conditions, including demolition of a manhole that was not identified on the site survey and the addition of an electrical sectionalizer that will enable future development to the north of the Library site.
- Ms. Patterson asked if the costs for the sectionalizer can be reimbursed by a future developer.
- Mr. Brajkovic replied that he will consider that possibility.
- **Mr. Himpel made a motion to approve the change items for the Tonganoxie Public Library in the amount of \$3,611.00 for item 002 and \$3,760.00 for item 003.**
- **Ms. Patterson seconded the motion.**
- **Vote of all ayes, motion carried.**

h) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic commented that the Urgent Need Grant was covered in depth with the new business items.
2. Library Project Update
- Mr. Brajkovic provided an update on the status of the Tonganoxie Public Library construction project.

i) City Attorney Agenda

- Ms. Krstulic noted that she will research whether the sectionalizer would be an eligible rural housing incentive district cost.

j) Mayor Pro Tem Agenda

- Mr. Himpel stated that a zoning table of uses would be considered at the Leavenworth County Planning Commission meeting on November 13.

k) City Council Agenda

- Ms. Patterson asked about the timing for consideration of parking on unimproved surfaces regulations.
- Mr. Brajkovic replied that staff are finalizing a proposed draft that should be ready for the next City Council meeting.

l) Mayor Agenda

- Mayor Ward noted that tomorrow is Election Day and thanked everyone for their public service.

VII. Information & Communications (No Action Required)

VIII. Adjourn

- **Ms. Patterson made a motion to adjourn the meeting.**
- **Mr. Himpel seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:01 p.m.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Porter". The signature is fluid and cursive, with the first name "Dan" being more prominent.

Dan Porter, Assistant City Manager