

City Council Meeting Minutes
February 18, 2020
7:00 PM Meeting

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese, Mr. Himpel, Mr. Donnelly, and Mr. Dale were present. Ms. Stevens and Ms. Patterson were absent. City Manager George Brajkovic, Assistant City Manager Dan Porter, Police Chief Greg Lawson, Public Works Director Kent Heskett, and City Attorney Anna Krstulic were also in attendance.
- Mayor Frese led the Pledge of Allegiance.

II. Approval of Minutes – Regular meeting dated February 3, 2020

- **Mr. Himpel made a motion to approve the minutes from the February 3, 2020 City Council meeting.**
- **Mr. Donnelly 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. Donnelly 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.

V. Old Business

a) Resolution 02-20-02: Consider Approval or Modification of New Public Library Lease Agreement

- Mr. Brajkovic introduced the item and explained recent adjustments to the Library lease terms previously reviewed as a term sheet, along with ongoing discussions with the City's risk pool representatives about whether to require the tenant to hold liability insurance.
- Mayor Frese noted that the Library Board met on February 17 but no approval action was taken pending legal review. He also shared that he communicated to the Library Board that he did not anticipate that the City Council would be in favor of the Library moving into the building without an executed lease agreement.

b) Request for Adjustment to Previous Streetlight Purchase Authorization

- Mr. Brajkovic introduced the item and explained that it is related to a previous approval to purchase one replacement streetlight pole that was damaged by a vehicle. Following that approval, another streetlight pole was damaged by a vehicle and the City now needs to update the order. City staff propose purchasing a total of 3 replacement poles to take advantage of cost savings when replacing the 2 damaged poles and holding an additional pole as surplus inventory. Mr. Brajkovic noted that the City would be reimbursed for the 2 poles that were damaged by vehicles.
- **Mr. Donnelly made a motion to approve a purchase from Stanion Wholesale Electric Co. for 3 replacement tall intersection light poles in an amount not to exceed \$16,145.98.**
- **Mr. Himpel seconded the motion.**

- **Vote of all ayes, motion carried.**
- c) Request for Authorization to Purchase 2017 Ford Explorer Interceptor in place of the Planned 2020 Dodge Charger for the Police Department
- Mr. Brajkovic introduced the item and stated that following the previous discussion with the City Council regarding the proposed vehicle purchase options, staff worked to confirm the cost of adding a manufacturer warranty on the 2017 Ford Explorer Interceptor vehicle.
- Mr. Porter noted that the budget for this vehicle purchase is \$33,000, including \$26,000 in the General Fund and up to \$7,000 in the Police Equipment Fund.
- Chief Lawson said that the terms of the warranty require the vehicle to undergo an extensive inspection process prior to the purchase.
- Mr. Donnelly asked where the inspection will take place.
- Chief Lawson replied that the Victory Ford dealership will complete the inspection process.
- **Mr. Himpel made a motion to authorize the purchase of a 2017 Ford Interceptor sold by 911 Customs, including the vehicle, lights, sirens, interior equipment, decals, and an extended Ford Powertrain warranty, for a total amount not to exceed \$30,130.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

VI. **New Business**

- a) Consider Approval of Request to Donate Tonganoxie Water Park Family Season Pass to Genesis Christian Preschool and Academy
- Mr. Porter introduced the item and explained that this request for the donation of a water park season pass to an upcoming auction benefitting the Genesis Christian Preschool and Academy was similar to requests approved in previous years. He added that Denise Bixby was present on behalf of the applicant.
- **Mr. Donnelly made a motion to waive the \$140 Tonganoxie Water Park resident family season pass fee and donate it to the Genesis Christian Academy for use at an upcoming annual silent auction.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**
- b) Public Hearing – Considering the Vacation of Easements on Property Owned by HMC Performance Coatings, LLC and Tongie Road Ptrs., LLC
- c) Ordinance 1482: Approving the Vacation of Easements on Property Owned by HMC Performance Coatings, LLC and Tongie Road Ptrs., LLC
- Mr. Brajkovic introduced the item and explained that items VI.a and VI.b are related and part of a statutory process to vacate easements. He stated that utilities are located along the front and back of the subject property and City staff have confirmed that no utilities are located within the easements requested to be vacated.
- Mayor Frese opened the public hearing.
- No members of the public spoke against the petition.
- Amie Bristol, 1625 Tonganoxie Road, addressed the City Council and shared that as an owner of HMC, she is excited and proud to grow the business in the City of Tonganoxie.
- Mayor Frese closed the public hearing.
- Mr. Donnelly asked what utilities are located around this property.
- Mr. Heskett replied that City water and sewer lines are along the east and west boundaries of the property.
- Ms. Krstulic noted that the ordinance reserves any presently unknown existing easements to the City as required by statute.
- **Mr. Donnelly made a motion to adopt Ordinance 1482 approving the vacation of specifically described utility easements at approximately 1625 Tonganoxie Drive.**

- **Mr. Himpel seconded the motion.**

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

d) Consider Special Event Permit and Draft Ordinance 1483 Authorizing Alcohol Consumption on Public Property for an Event at the New Tonganoxie Public Library

- Mr. Brajkovic introduced the item and explained that state statute requires the adoption of an ordinance to temporarily relax the prohibition on consumption of alcohol on public property. The Library Foundation wants to host a donor event with alcohol consumption at the new Public Library on March 5, 2020.
- Jill Breuer addressed the City Council on behalf of the Library Foundation and shared details about the donor recognition event.
- Mayor Frese asked if children would be permitted to attend.
- Ms. Breuer stated that children were not invited and were not anticipated to be in attendance.
- Mr. Donnelly asked whether the City's liability insurance would apply whether the event was hosted by the City or another group.
- Mr. Porter replied that the City's policy would apply and be in effect on the property.
- Ms. Krstulic noted that the City Council could add conditions to any approval of this item.
- Mr. Donnelly stated that the City Council's approval needs to be contingent on the approval and execution of a lease agreement between the Library Board and the City prior to March 5, 2020.
- **Mr. Dale made a motion to adopt Ordinance 1483 approving the consumption of alcohol for a private event to be held at the new Public Library at 217 East 4th Street on March 5, 2020 from 6-8 pm, contingent upon lease execution for the new Public Library.**
- **Mr. Donnelly seconded the motion.**
- **Vote of 2 ayes, 1 no (Himpel).**
- **Ms. Krstulic advised that ordinances require an affirmative vote from the majority of the members of the City Council, which is 3 votes, and when the number of votes is one less, the Mayor may cast the deciding vote in favor of the ordinance.**
- **Mayor Frese voted aye, motion carried.**
- Mr. Himpel stated that he does not feel that alcohol ought to be served at the Public Library.

e) Request for Authorization to Purchase F-450 Utility Vehicle, Utility Service Bed, and Snowplow for the Public Works Department

- Mr. Porter introduced the item and explained that the proposed purchase of the F-450 utility vehicle is related to the F-450 truck sale that is included later on the agenda.
- Mr. Brajkovic said that the City utilizes the American Public Works Association Fleet Replacement Guide matrix that incorporates mileage, age, conditions of use, and other variables to help provide a standard, data-driven approach to considering when to replace equipment in the City's fleet.
- Mr. Heskett detailed the use of the vehicle in the Public Works Department operations.
- Mr. Donnelly asked what the revenue budget implications were if the sale came in lower than anticipated.
- Mr. Porter responded that the implication of a sale lower than \$20,000 would be a lower year-end fund balance in the Sewer Equipment Fund, but the fund balance is adequate to easily handle the impact of any sale price greater than \$10,000.
- Mr. Himpel stated that he previously requested that maintenance records be included along with requests to dispose of City assets, and that such records were not provided in this case. He said that it is important to save money by extending vehicle use whenever possible.
- Mayor Frese asked if these items were approved in the 2020 Budget.
- Mr. Porter responded that the purchase was included in the 2020 Budget.
- Mr. Himpel commented that at the time of the 2020 Budget development, the City Council intended to re-evaluate the purchase at the time of final approval in 2020.

- **Mr. Donnelly made a motion to authorize the purchase of the F-450 Utility Service Truck from Laird Noller Ford for an amount not to exceed \$47,259, and the purchase of the Utility Service Bed and Snowplow from Knapheide for an amount not to exceed \$17,908.**
- **Mr. Dale seconded the motion.**
- **Vote of 2 ayes, 1 no (Himpel); motion carried.**

f) Request for Authorization to Dispose of City Equipment on Purple Wave Public Auction Site

- Mr. Brajkovic introduced the item and explained how the City's procurement policy requires the City Council to consider the disposition of assets with a value expected to be greater than \$1,000.
- Mr. Porter explained that the F-450 vehicle and Brush Hog mower are considered surplus equipment due to the F-450 vehicle replacement authorized for purchase in 2020 and the size of the brush hog mower being incompatible with the City's tractor required to operate the equipment. A 5' x 8' trailer seized by the Police Department is also proposed for disposition due to the owner's lack of response to all requests to collect the trailer. Mr. Porter noted that the City Attorney and staff are still evaluating whether state statute would permit the City to dispose of the trailer or whether it must be disposed of via Sheriff's sale, and a separate motion is requested to that effect.
- Mr. Himpel asked if the City could obtain title for the trailer prior to sale.
- Chief Lawson replied that he believes a title is not required due to the size of the trailer, but staff will research that question.
- **Mr. Donnelly made a motion to authorize the disposition of a 2009 F-450 Utility Truck and and Brush Hog Mower by utilizing the Purple Wave online auction site.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Mr. Donnelly made a motion to authorize the disposition of a 5' by 8' abandoned trailer in a manner approved by the City Attorney.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

g) Tonganoxie Public Library Board Appointments Discussion

- Mr. Porter introduced the item and explained that research into the Library Board's membership and previous appointments revealed that 3 current members of the Board had terms that expired in 2018 or 2019 without reappointment by the Mayor with confirmation by the City Council. The Library Board is currently recommending 3 new applicants to be considered for appointment to vacant positions. City Charter Ordinance requires 5 members of the Board to reside within City limits. With the reappointment of the 3 members with expired terms and appointment of the 3 new applicants, the Board's makeup would include the required minimum of 5 City residents. Staff recommends that in the future, the Governing Body specify whether appointments fill the remainder of a 4-year term in the case of vacancies in order to avoid difficulties in tracking terms of Board members.
- Mayor Frese noted that as the City is the taxing entity for the Library Board, he would support increasing the required number of City residents on the Library Board, and he asked staff to prepare research for a draft Charter Ordinance to this effect.
- Mr. Dale noted that the 3 members of the Library Board up for reappointment perform important functions on the Library Board, and he sees promise in the 3 proposed appointments.
- **Mayor Frese appointed Jennifer Kohl, Emily Arnold, and Dana Splichal to the Library Board and reappointed Steve Skeet, Teri Morgan, and Brittany McWilliams.**
- **Mr. Donnelly made a motion to confirm the Mayor's appointments and reappointments.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

h) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic provided an update on the status of the aerial sanitary sewer creek crossing repair project, indicating that equipment and materials have been delivered to the site.

2. Library Project Update

- Mr. Brajkovic provided an update on the current status of the Public Library construction project and noted that a tour of the new facility was completed for all members of the City Council who were available before tonight's City Council meeting. He added that the public dedication of the building is under discussion with JE Dunn, including where a commemorative plaque could be placed on the facility.

i) City Attorney Agenda

j) Mayor Pro Tem Agenda

- Mr. Himpel said that the County Planning Commission is considering the Table of Uses associated with the County's Comprehensive Plan, and he attended the County's Comprehensive Plan meeting in Lansing earlier in the day. He also attended the LCDC meeting that discussed the use of industrial revenue bonds for a new business relocating to the City.

k) City Council Agenda

l) Mayor Agenda

- Mayor Frese noted that the community events planning group cancelled previously scheduled meetings and needs to schedule another meeting soon.

1. Executive Session for Discussion of Personnel Matters of Non-Elected Personnel

- **Mr. Donnelly made a motion that the Governing Body recess into executive session to discuss the City Manager's annual review process pursuant to the personnel matters of nonelected personnel exception, K.S.A. 75-4319(b)(1). The open meeting will resume in the City Council chamber after 15 minutes at 8:30 p.m. The executive session will include the City Attorney, City Manager, and Assistant City Manager.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Mayor Frese resumed the meeting and noted that no binding action was taken in the executive session.**

VII. Information & Communications (No Action Required)

VIII. Adjourn

- **Mr. Himpel made a motion to adjourn the meeting.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**
- **Meeting adjourned at 8:31 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager