

City Council Meeting Minutes
March 2, 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, Ms. Stevens, Ms. Patterson, and Mr. Dale were present. City Manager George Brajkovic, Assistant City Manager Dan Porter, Police Chief Greg Lawson, and City Attorney Anna Krstulic were also in attendance.
- Mayor Frese led the Pledge of Allegiance.

II. Approval of Minutes – Regular meeting dated February 18, 2020

- **Ms. Patterson made a motion to approve the minutes from the February 18, 2020 City Council meeting.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

III. Consent Agenda

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

- Cindy Foley, 18730 Ward Parkway, Tonganoxie, KS 66086 addressed the City Council on the subject of the safety of the intersection of East Washington Street and East Street near the Tonganoxie Middle School and Tonganoxie Elementary School campus during times of busy traffic conditions. She expressed concerns with the behavior of drivers at the intersection and shared information including crash data.
- Mr. Himpel asked the City Manager if the road was a County or City road.
- Mr. Brajkovic replied that at the intersection in question, the City and Leavenworth County have an agreement that the County is responsible for the maintenance of the surface of the road.
- Ms. Patterson asked the City Manager for information about the past history of development and improvements near the intersection.
- Mr. Brajkovic replied that the City and the School District heard complaints about traffic and particularly queuing on East Washington Street in 2017, and over the 2017-2018 winter break, the School District instituted new traffic flow arrangements that dramatically reduced the extent of queuing on the public roadway.
- Ms. Foley asked if the City Council would support reviewing the issue within 90 days.
- Mayor Frese replied that he would like to discuss the issue with the School District. He noted that his home is nearby and he sometimes observes safety concerns with children crossing Pleasant Street before and after school.
- No other members of the public addressed the City Council.

V. Old Business

- a) Resolution 03-20-01: Approval of Lease for New Public Library
- Mr. Brajkovic introduced the item and explained recent adjustments to the Library lease terms.

- Ms. Krstulic stated that five issues remain in the negotiation of the lease terms, including whether City consent is required for room rentals, specifying City responsibilities for repairing the parking lot, City's remedies for Library default, Library's remedies for City default, and limitation of City liability.
- Councilmembers provided feedback on each issue and requested revisions to address two of the five outstanding issues: (1) room rentals are allowed without prior City consent, and (2) City will maintain the parking lot which includes filling potholes, restriping and repairing curbs as necessary, but not snow removal.
- Meagan Vestal, a member of the Tonganoxie Public Library Board, shared that the Library Board was in support of approving the agreement with the changes presented.
- **Mr. Donnelly made a motion to approve Resolution 03-20-01, approving the Lease for the New Public Library with the inclusion of the changes discussed with the City Attorney.**
- **Mr. Dale seconded the motion.**
- **Vote of all ayes, motion carried.**

VI. New Business

a) Presentation of AAA Safety Award

- Robert Hamilton addressed the City Council and presented a Platinum Award to the Tonganoxie Police Department ("TPD") on behalf of AAA insurance. He noted that this is the second time in three years that the TPD has received the award and that the TPD is one of 37 agencies in the State of Kansas to receive the award.
- Chief Lawson thanked KDOT for its support in the initiatives that led to this award and recognized Sergeant Nick Ontiveros for his work on those initiatives.

b) Consider the Recreation Commission's Recommendation of an Appointment to the Recreation Commission

- Mr. Brajkovic introduced the item and explained that the Recreation Commission recommends Ryan Brune be appointed to the vacant City-appointed position.
- Mr. Himpel stated that he is abstaining from voting because he does not feel it is transparent to consider only the application of the person recommended by the Recreation Commission. He stated that he believes the Council should consider all applications.
- **Mayor Frese appointed Ryan Brune to the vacant City-appointed position on the Recreation Commission and requested the City Council's consent.**
- **Vote of 4 ayes, 1 abstention (Himpel), motion carried.**

c) Resolution 03-20-02: Conveyance of Ball Fields Property to the Tonganoxie Recreation Commission

- Mr. Brajkovic introduced the item and explained that the City fulfilled its lease purchase agreement with First State Bank and Trust of Tonganoxie related to the purchase and improvement of 5 acres of property for ball fields. The City had an agreement with the Recreation Commission pursuant to which the Recreation Commission leased the property for 10 years and made payments to the City. Upon payment to the City of the entire amount of the City's obligations owed to the Bank over the 10-year term, the City agreed to donate the property to the Recreation Commission. The Recreation Commission completed its obligations, and staff recommends that the City Council consider approval of a quitclaim deed to transfer ownership of the property to the Recreation Commission.
- Mr. Donnelly commented that the ball fields are a tremendous asset for the community.
- **Ms. Stevens made a motion to approve Resolution 03-20-02, authorizing the conveyance of the ball fields property to the Tonganoxie Recreation Commission.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

d) Ordinance 1484: Special Use Permit for Tots to Teens Childcare LLC Daycare at 702 E 4th Street

- Mr. Brajkovic introduced the item and explained the conditions included in the staff report and the Planning Commission's recommendation for approval of the Special Use Permit.
- Desiree Kinney commented that she has no issue with the staff recommendations.
- Mr. Donnelly asked if members of the public offered input at the public hearing.
- Mr. Brajkovic confirmed that notice was provided for the public hearing, but no members of the public addressed the Planning Commission at the public hearing.
- Ms. Stevens asked if there were parking concerns on the site.
- Ms. Kinney replied that she worked with the neighboring property owners to ensure that the parking requirements of her customers for drop-off and pick-up of their children each day would cause as little conflict as possible. She added that there are also ADA-accessible parking stalls included in the site plan.
- **Ms. Patterson made a motion to approve Ordinance 1484 to accept the Planning Commission's recommendations for approval of a special use permit for a daycare facility at 704 East 4th Street subject to the conditions recommended by staff.**
- **Mr. Donnelly seconded the motion.**
- **Vote of all ayes, motion carried.**

e) 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 construction will be underway at the site later in the week if weather permits.

2. Library Project Update

- Mr. Brajkovic provided an update on the current status of the Public Library construction project and noted that substantial completion of the new facility was completed on February 28, followed by installation of much of the furniture and equipment for the building.

f) City Attorney Agenda

g) Mayor Pro Tem Agenda

- Mayor Pro Tem Himpel stated that the Leavenworth County Commission is evaluating fees for planning and zoning, and the County Planning Commission continues to workshop the proposed edits to the table of uses and comprehensive plan.

h) City Council Agenda

i) Mayor Agenda

- Mayor Frese stated that he and the City Manager presented information about the City's strategic plan and the West Village development project to the members of the Tonganoxie Historical Society on February 27 in a very productive discussion. He said that the community events planning group would be meeting soon and proposing a schedule and budget to the City Council at an upcoming meeting.

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 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.**
- **At 8:30 p.m., the City Council resumed the meeting, and Ms. Patterson noted that no binding action was taken in the executive session.**

VII. Information & Communications (No Action Required)

- Monica Gee, 612 East 4th Street, addressed the City Council and shared that the Tonganoxie Business Association Annual Dinner and Awards Banquet had a good speaker with many ideas about how the community could increase marketing efforts.

VIII. Adjourn

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

Respectfully submitted,



Dan Porter, Assistant City Manager