

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

Open Regular Meeting – 7:00 p.m.

I. Pledge of Allegiance (Replaced by Moment of Silence)

- Mayor Frese opened the meeting at 7:00 p.m.
- Mayor Frese, Mr. Himpel, Mr. Donnelly, Ms. Stevens, Ms. Patterson, and Mr. Dale participated via Zoom. City Manager George Brajkovic, Assistant City Manager Dan Porter, Public Works Director Kent Heskett, Water Park Manager Darren Shupe, and City Attorney Anna Krstulic also participated via Zoom.
- Mayor Frese noted that a flag was not available for the pledge of allegiance and instead led a moment of silence.

II. Approval of Minutes – Regular meeting dated May 4, 2020

- **Ms. Patterson made a motion to approve the minutes from the May 4, 2020 City Council meeting.**
- **Ms. Stevens seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

III. Consent Agenda

- a) Review bill payments
- **Mr. Donnelly made a motion to approve the consent agenda.**
- **Ms. Patterson seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

IV. Open Agenda

- No open agenda sign ups or submitted comments provided at this meeting.

V. Old Business

VI. New Business

- a) Public Hearing – West Village RHID
 - Mayor Frese opened the public hearing.
 - No members of the public participated in the public hearing.
 - Mayor Frese closed the public hearing.
- b) Ordinance No. 1485: Establishing the West Village Rural Housing Incentive District within the City and Adopting a Development Plan
 - Mr. Brajkovic shared a presentation about the West Village Rural Housing Incentive District project and the associated development plan.
 - Mr. Donnelly asked why the project capital investment estimate was greater than the projection for the assessed valuation.
 - Mr. Brajkovic responded that the total capital investment estimate includes soft costs like engineering services that are part of the project budget but will not be included in the County Appraiser's assessed valuation of the completed improvements.
 - **Mr. Himpel made a motion to approve Ordinance No. 1485, establishing the West Village Rural Housing Incentive District within the City and adopting a Development Plan.**
 - **Ms. Stevens seconded the motion.**
 - **Roll call vote of all ayes, motion carried.**

c) Tonganoxie Water Park 2020 Season Planning Discussion

- Mr. Brajkovic and Mr. Porter introduced the item and provided information about the decision whether to open the Tonganoxie Water Park in the summer of 2020.
- Mr. Shupe stated that he agreed with the information presented by the City Manager and Assistant City Manager and he will support whatever the Governing Body decides regarding the Water Park.
- Mr. Donnelly asked if anyone had received comments from the public.
- Mayor Frese replied that he conducted an informal social media poll and he estimated that 30% responded that they would not choose to visit the Water Park due to concerns about COVID-19.
- Ms. Patterson said that she had been approached by 2 citizens who asked if the City is going to open the Water Park, and she felt that the community is looking to the City Council for guidance.
- Mr. Dale said that he was reluctant to decide to close the Water Park for the summer and preferred to wait 2 weeks to assess the situation. He asked about the City's potential liability.
- Mr. Brajkovic responded that staff had been advised that the City could be liable for negligence under the Kansas Tort Claims Act for failure to ensure compliance with CDC guidelines for social distancing and cleaning the facility.
- Mayor Frese stated that he was saddened at the potential loss of this amenity for an entire season but he was worried about protecting public health.
- Ms. Stevens agreed that it would be heartbreaking not to open the Water Park, but she was concerned with safety, liability and financial issues.
- Mr. Himpel said that he did not believe the risks outweighed the benefits, and he was concerned with young staff, required procedures, and number of people that would come from other cities due to other pool closures.
- **Mr. Dale made a motion to table the decision of whether to open the Water Park to the June 1, 2020 City Council meeting in order to consider the progress of the State's Ad Astra plan and to allow City staff to provide more information about plans for complying with requirements for social distancing and sanitation.**
- **Motion failed for lack of a second.**
- **Mr. Donnelly made a motion to accept staff's recommendation to close the Tonganoxie Water Park for the 2020 season.**
- **Mr. Himpel seconded the motion.**
- **Roll call vote of all ayes, motion carried.**
- Mr. Himpel asked staff to review whether any savings realized by closure could be directed to improvements at the Water Park.

d) Resolution No. 05-20-01: Approval of 2020 Mill and Overlay Project Contract with Little Joe's Asphalt, Inc.

- Mr. Porter introduced the item and explained that staff propose entering into a contract with the lowest qualified bidder for the base bid and add/alternates #1 and #2.
- Mayor Frese asked if Little Joe's Asphalt performed quality work for the City in the past.
- Mr. Heskett replied that he was satisfied with their record of performance on past projects.
- **Mr. Donnelly made a motion to approve Resolution No. 05-20-01, accepting the bid of Little Joe's Asphalt, Inc. and authorizing the contract with Little Joe's Asphalt, Inc. for an amount not to exceed \$283,555.95.**
- **Mr. Himpel seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

e) Resolution No. 05-20-02: Approving and Authorizing the Execution of Supplemental Agreement #1 to the Water Treatment Plant Wastestream Summary Contract between the City of Tonganoxie and BG Consultants, Inc.

- Mr. Porter introduced the item and explained that the supplemental agreement would allow for completion of design engineering for the project, which would be followed by self-performance of construction activities by the Public Works Department.
- Mr. Himpel asked about the purpose of the project.
- Mr. Heskett responded that this project would address water runoff from filter backwashing and other maintenance activities at the Water Treatment Plant.
- **Mr. Donnelly made a motion to approve Resolution No. 05-20-02, approving and authorizing the execution of Supplemental Agreement #1 to the Water Treatment Plant Wastestream Summary Contract between the City of Tonganoxie and BG Consultants, Inc. in an amount not to exceed \$7,500.**
- **Mr. Himpel seconded the motion.**
- **Roll call vote of all ayes, motion carried.**

f) City Manager Agenda

1. Urgent Needs Grant Update

- Mr. Brajkovic provided an update on construction activity for the project and noted that damage to the VFW's asphalt had been addressed.
- Mr. Brajkovic said that City staff are researching the possibility of applying for economic development grant funds for relief from the impact of COVID-19 through the newly-launched CDBG-CV program.

2. 2021 Budget Revenue Assumptions Update

- Mr. Porter presented information about the City's estimate of revenues for the 2021 budget based on motor vehicle and sales tax information recently received from the State, and other sources of revenue.

g) City Attorney Agenda

h) Mayor Pro Tem Agenda

- Mr. Himpel said that the Leavenworth County Board of County Commissioners will consider scheduling a joint meeting with the City Council to discuss utilization of the remaining proceeds of the Tonganoxie Business Park economic development grant. He plans to attend the Board's meeting on 5/20/2020.

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. Donnelly seconded the motion.**
- **Roll call vote of all ayes, motion carried.**
- **Meeting adjourned at 8:58 p.m.**

Respectfully submitted,



Dan Porter, Assistant City Manager