

City of Tonganoxie
City Council Meeting Minutes
05/10/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on May 10, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor, Michael Vestal. Councilmembers: Paula Crook, Tom Putthoff, Jim Truesdell and Jason Ward. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney. Councilmember Burdel Welsh was absent.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular meeting dated April 26, 2010
- b) Consider Approval of Bills - Approve Pay Ordinance A-1632
- c) Consider approval of appropriation to Danny Zeck Ford for the purchase of one 2011 F-250 4X4 pick up trucks in the amount of \$25,388.00, previously approved to be paid from the Fire Department Equipment Reserve Fund.
- d) Consider approval of appropriation to EMC Insurance Company in the amount of \$54,040.00 for annual Property and Liability Insurance.
- e) Consider approval of appropriation to Knapheide Truck Equipment Center in the amount of \$4,304.92 for shell on First Responder vehicle.

Motion by Ward to approve the consent agenda items a through e. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Open Agenda: First under open agenda was Thomas Fields, 506 Elmwood Court. He met with the Police Chief and the City Administrator and he agreed to back off but the dogs are still a problem at 504 Washington. He played a tape of barking dogs so the council could relate to his annoyance. He said the Chief of Police said the problem would be remedied in two weeks and it has not been done. City Administrator reminded Mr. Fields that he need to file a complaint as a witness and he would be cited in Municipal Court.

Bill Peak, 612 Washington thanked the council for their support of the Sampler Festival. Next he asked if there was specific mill levy totals or the affect on property taxes for the most recent bond issue. It was explained that final mill levy information would be available with the budget process. He asked for additional police presence and monitoring on Washington Street stating that this was his second request. He said that 504 Washington has nuisance violations and it was explained he should contact City Hall to see if letters have already been sent.

Patty Hagg, 25099 Parallel, Secretary for the Sampler Festival Steering Committee, thanked the council for their support of the festival and provided an overview of the weekend events.

Dennis Bixby, 704 East Street also thanked the council for their support of the Sampler Festival. He suggested the City consider a clean up day and have a central dump site, getting the local trash contractor and public works involved. He said that Tongie Days are coming

up and the Leavenworth County Fair and it would be nice if the town was cleaned up for visitors. Next he suggested we amend the policy to allow enforcement of junk cars by VIN instead of property so the offenders will quit moving junk cars back and forth to avoid compliance.

Old Business: The first item on the agenda under old business was to consider Ordinance 1299 adopting improved regulations for solicitors, canvassers and peddlers within the City of Tonganoxie and providing penalties for violation. The council agreed the reasonable time for solicitors to be allowed to go door to door should be from 10:00 AM until 5:00 PM.

Motion by Putthoff to adopt Ordinance 1299 with the hours changed to 10:00 AM until 5:00 PM. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda under old business was to consider adopting Resolution 05-10-01 adopting a Social Media Policy for the City of Tonganoxie. **Motion** by Ward to adopt Resolution 05-10-01. Second by Crook. All Ayes. Aye 4. Motion carried.

New Business: First item on the agenda under new business was Kevin Weldon, owner of Honey Creek Disposal, the City's refuse collection service. He went over the result of the recycling efforts stating the City has recycled over 200 tons of cardboard, 50 tons of plastic and the Boy Scouts have collected nearly \$6,000 from the aluminum collections. He asked the council if they would be interested in renewing his contract. There was not an increase in the collection rate expected. Councilmember Crook said the residents that she has heard from seem pleased with the service. Putthoff said he has also heard good comments being made as a result of the service. He said the service is consistent, courteous and they seem to go out of their way to do a good job. It was mentioned that once people got used to the blue containers they seemed happy with the service. City Attorney, Mike Kelly will review the contract to determine whether the contract can be renewed without rebidding the service.

Next on the agenda was Jim Pickett, KDOT Metro Engineer. He said that KDOT received an access permit for Ridge Street and 24/40. He went over the 24/40 corridor study recommendations. He spoke of a shared access at the East end of the property. They will have to close half of that access to approve the new intersection at Ridge Street. He said when the property is first developed it will be allowed full access. However, when traffic begins congesting it will be reduced to a $\frac{3}{4}$ access or right in, right out and left in only. This will be the case until again it becomes too congested and the intersection will again be reduced to a right in, right out only with a barrier in the median to alleviate the crossing of traffic and that conflict. They suggested the $\frac{3}{4}$ entrance and the right in, right out entrances and references to the 24/40 study be a condition of the plat so the current developer and any future developer will be made aware of the requirements. The City Council concurred with KDOT and their recommendations.

Next on the agenda was City Financial Advisor, Tom Kaleko with Springsted. He said the City received six bids of the sale of the General Obligation Bonds. Kaleko had estimated that 3.05% would be the interest rate and after the bids were reviewed we received a little better than that. The low bid was 2.9604%. He said, that Moody's had recalibrated municipal ratings to put them more in line with Corporate ratings and the City moved up from A3 to an A1 rating. Additionally, when staff went through the rating process for this issue we received an A1 credit rating for this issue as well.

The Clerk reported that pursuant to the Notice of Bond Sale heretofore duly given, bids for the purchase of \$1,075,000 principal amount of General Obligation Bonds, Series 2010A, dated June 1, 2010, of the City had been received.

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of Country Club Bank, Prairie Ville Village, Kansas, was the best bid for the Bonds.

Council Member Jim Truesdell moved that said bid be accepted and that the Mayor and Clerk be authorized and directed to execute the bid form selling the Bonds to the best bidder on the basis of said bid and the terms specified in the Notice of Bond Sale. The motion was seconded by Council Member Crook. Said motion was carried by a vote of the governing body with the vote being as follows:

Yea: Councilmembers, Paula Crook, Jim Truesdell and Jason Ward. __

Nay: Councilmember Tom Putthoff.

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,075,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF TONGANOXIE, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Council Member Jim Truesdell moved that said Ordinance be passed. The motion was seconded by Council Member Paula Crook. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: Councilmembers, Paula Crook, Jim Truesdell and Jason Ward. __

Nay: Councilmember Tom Putthoff.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 1300, was signed and approved by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF \$1,075,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF

TONGANOXIE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1300 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Thereupon, Council Member Jim Truesdell moved that said Resolution be adopted. The motion was seconded by Council Member Paula Crook. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: Councilmembers, Paula Crook, Jim Truesdell and Jason Ward.

Nay: Councilmember Tom Putthoff.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 05-10-02 and was signed by the Mayor and attested by the Clerk.

Next on the agenda, the matter of awarding the bid for the BPU waterline connection to Tonganoxie came up for consideration. Asst City Administrator explained this bid process was highly competitive and there were 25 General Contractors holding plans. Of those plan holders, 14 actually submitted bids. The bids ranged from a low bid of \$2,050,217 to a high bid of \$2,974,394. With the bid opening certainty was provided that the bid bond was received and addendum #1 and #2 were acknowledged. After all bids were opened, the apparent low bidder was that of Nowak Construction. Board of Public Utilities (BPU) representative Chuck Billups addressed the council and was available to answer any questions. He said that all the bids were reviewed by the BPU Water Engineering Division. The low bid of \$2,050,217 was that of Nowak Construction, Inc of Goddard, Kansas. Further, the BPU Water Engineering Division recommends award of this contract to Nowak Construction contingent upon KDHE approval.

Thereupon, Councilmember Thomas Putthoff moved the acceptance of the low bid by Nowak Construction in an amount not to exceed \$2,050,217 contingent upon KDHE approval. Councilmember Jim Truesdell seconded the motion. Thereupon, the motion was considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: Paula Crook, Tom Putthoff, Jim Truesdell and Jason Ward.

Nay: None

Absent: Burdel Welsh

Next on the agenda was Connie Torneden, Chairman of Tonganoxie Days. She said this update is to let the council know the progress of the planning for the event. She outlined several events that will be held that day in addition to the booth spaces up and down the street. As in the past, she requested that the 200, 300, 400, 500 and 600 blocks of 4th Street be barricaded. She said they would mark off the booth spaces Friday evening, which will save time on Saturday morning, when traffic control will be a concern. She thanked the council

members and the City of Tonganoxie for their cooperation in allowing them to put on the event again this year.

Next on the agenda was to consider approval of the Lifeguards, Admissions and Concessions employees for the 2010 swim season as recommended by Pool Manager Darren Shupe. **Motion** by Ward that upon recommendation of the Pool Manger the recommended employees be hired at the recommended salaries. Second by Crook. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider the award of financing for the 2011 F-250 and accompanying equipment purchased for use by the Tonganoxie Fire Department. Asst City Administrator, Kathy Bard said a RFP process was conducted and two Financial Institutions responded. First State Bank & Trust, Tonganoxie KS, 3.72%, total price \$40,652.77 and First Bank of Kansas, Sterling KS, 3.35%, total price \$40,012.00. Council discussion ensued. The procurement policy adopted by the governing body allows acceptance of a bid when it is within 3%, the difference is these bids was \$640.77 or less than 3%. The governing body agreed that even with budget shortfalls, as much as in kind work First State Bank and Trust does for the City of Tonganoxie and surrounding community it would be prudent to use local preference and award the bid to them.

Motion by Councilmember Putthoff to award financing to First State Bank & Trust in an amount not to exceed \$40,652.77. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was the City Administrator. He went over the draft RFP for developer of the Tonganoxie Industrial Site. One of the accomplishments of this RFP will be to determine the level of interest of the private sector parties in the development of the park. Council tabled the discussion until next meeting.

Next Yanez went over the draft RFP for consultant services with regard to the County Road No. 1 land use study. The council decided they would like a special meeting to discuss this item farther. **Motion** by Putthoff to schedule a special meeting May 17, 2010 at 6:00 PM to discuss the RFP. Second by Crook. All Ayes. Aye 5. Motion carried.

Next Mayor Vestal made the following appointments

Position	Appointee
City Clerk	Kathy Y Bard
Deputy City Clerk/Court Clerk	Mary Conway
City Treasurer	JoAnn Ferguson
City Attorney	Michael Kelly
Chief of Police	Kenny Carpenter
Fire Chief	David Bennett
Municipal Judge	William E Pray
City Prosecutor	Michael Kelly
Official Depository	First State Bank
Official City Newspaper	Tonganoxie Mirror

Secondary City Newspaper or	Lawrence Journal World
Additional Secondary City Newspaper	Leavenworth Times

Motion by Ward to accept mayoral appointments. Second by Crook. All Ayes. Aye 4. Motion carried.

Next the Mayor made the following Board appointments

Planning Commission

Bill Peak
Joshua Mast

Library Board

Amanda Altenhofen
Earleta Morey

Motion by Putthoff to accept Mayoral appointments. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next Mayor Vestal proclaimed May 15, 2010 as US Armed Forced Day and urged all citizens to join in programs and activities to pay tribute to our various military organizations.

Next Mayor Vestal initiated a discussion about possibly adopting a Charter Ordinance that would take the appointment of the Police Chief and the City Clerk away from the Mayor and make those positions employees. As with all other employees the City Administrator would make a recommendation for hiring for the City Council to approve. The Council requested City Attorney Mike Kelly to draft the appropriate Charter Ordinance to bring to the next meeting for further discussion.

Mayor called a 5-minute break at 8:50. The meeting was reconvened at 8:55 PM.

Next, there was a **Motion** by Putthoff to enter into an executive session at 8:55 PM for twenty minutes to discuss a matter of confidential data relating to financial affairs or trade secrets of second parties, such as corporations, partnerships, trusts and individual proprietorships and request City Administrator, Mike Yanez, Asst City Administrator, Kathy Bard and City Attorney Mike Kelly attend the executive session, to return at 9:15 PM. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 9:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 4. Motion carried.

With no further business to discuss, there was a **motion** by Crook to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 4. Meeting adjourned at 9:15 PM.

Respectfully submitted,
Kathy Y. Bard, City Clerk
Asst City Administrator