

City of Tonganoxie
City Council Meeting Minutes
06/14/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on June 14, 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, Burdel Welsh and Jason Ward. Mike Yanez, City Administrator; Kelly Leonard, Acting City Clerk and Mike Kelly, City Attorney.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular Meeting dated May 24, 2010
- b) Consider Approval of Bills - Approve Pay Ordinance A-1634
- c) Consider appropriation to Leavenworth County Clerk in the amount of \$100,000.00 for County Road 1 Contribution.
- d) Consider appropriation to Meadows Construction in the amount of \$33,354.00 for tearing out Pleasant Drive and replacing curb and gutter and lay AB-3 for new subgrade.
- e) Consider appropriation to Meadows Construction in the amount of \$18063.00 for tearing out Delaware Drive and replacing curb and gutter and lay AB-3 for new subgrade.
- f) Consider approval of Resolution 06-10-01 authorizing the abatement of a junk vehicle violation located at 514 Washington Street.
- g) Consider approval of Resolution 06-10-02 authorizing the abatement of a nuisance located at 602 Yoeke Street.
- h) Consider approval of Resolution 06-10-03 authorizing the abatement of an environmental violation located at 602 Yoeke Street.
- i) Consider approval of Resolution 06-10-04 authorizing the abatement of a junk vehicle violation located at 602 Yoeke Street.

Motion by Ward to approve the consent agenda items a through i. Second by Putthoff. Discussion ensued concerning agenda item g through i. Mayor Vestal had contacted the property owner of 602 Yoeke St and gave an extension until July 1st because he was not aware that the City had sent a warning letter. In the future, he will check with the City first before making arrangements. Attorney

Michael Kelly advised that the extension bypasses the letter that the City sent, so no additional action can be taken until July 1st. Ward amends motion to remove agenda items g, h, and i and reconsider those resolutions at the special meeting on July 6th. Discussion also ensued related to agenda item c. Truesdell wanted to know if payment can be put off until the budget meetings and Ward indicated that the payment should be made 30 days after the interlocal agreement. There was also concern from Crook about the May 24, 2010 minutes. She wanted the discussion about the possible violation of open meeting by Mayor Michael Vestal to be added to the minutes. Staff was directed by Mayor Vestal to add that discussion. **Motion** by Ward to approve consent agenda items a through f. Second by Putthoff. All Ayes. Aye 5. Motion carried.

Open Agenda: Bill Peak, 612 Washington wanted to thank the City for mowing grass on Washington. In addition, he expressed concern that there is a car that drives in his neighborhood at all hours blasting its stereo. He will take that matter up with the police department. Putthoff asked if the council will consider raising the cost to the property owner when the city mows their yard because the city does not collect until the property is sold. Attorney Michael Kelly advised that the price could not be exorbitant because it is not a fee generating service and the city can only charge what it costs the city to mow the yard. Staff is directed to get information on how the price is determined and bring to the next council meeting.

John Williamson, 23554 W. 126th Terrace, Olathe representing the March of Dimes Bikers for Babies will be coming through the City of Tonganoxie on September 19th and would like the Police and Fire Department to help get the bikers through the intersections in town. He will contact the Police Department and arrange the details.

Old Business: The first item on the agenda under old business was Charter Ordinance No. 21. Putthoff felt that the appointment of department heads should not be made by just one person. Attorney Michael Kelly advised that this is the first step in a two-stage process. First, this Charter Ordinance will charter out of the mayor appointing the department heads, and then an ordinance can be crafted to determine the process of hiring future department heads. He indicated that the city can hire law enforcement officers to review the applicants for the Police Chief but the city still has to decide who has the ultimate hiring authority. Crook expressed concern that there will not be enough time to have the process in place in time to hire a police chief and that there was an unfavorable view from the public about Charter Ordinance No. 21. Truesdell said that he would want to know all the applicants and not just the recommendation from the hiring committee and Putthoff asked why have a committee then? Welsh indicated that a committee could do the background checks and the interviewing which would be the most time consuming part of the process and then make the recommendations to the council. The council would still be looking at the final people but filtered through professionals.

Motion by Ward to approve Charter Ordinance No. 21. Second by Putthoff. Aye 4. Crook opposed. Motion carried.

New Business: First item on the agenda under new business was to consider a merit increase for employee who has a satisfactory or better evaluation upon anniversary date. **Motion** by Putthoff to approve the merit increase. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next on the agenda was a request from the police chief to purchase two used police cars. Sergeant Billy Adcox testified that these two used police cars would replace a 1998 Crown Vic and a 2004 Crown Vic both of which have high maintenance costs due to issues related to the age of the vehicles. The two used police cars that are for sale are in good condition and would be an option to save money on the budget for 2011. Putthoff wondered why the \$10,000 proposed for the purchase of the two used police cars could not be applied towards the first payment for a new lease purchase of one new car because there is more of an advantage to keep the City's fleet of vehicles new. Crook requested to see the maintenance records for the two police cars that are proposed to be replaced. Four out of five council members agreed that the request for the purchase of two used police cars is not approved (meeting recording does not reflect a motion made or seconded). Crook asked if the full time cars could be shared. Welsh pointed out that new cars have a 5 year, 100,000 power train warranty. City Administrator Yanez indicated that the lease payment for a new car would come out of County Sales Tax whereas the purchase of these used cars would have come out of the equipment reserve fund. Sergeant Adcox said that if we tie up the equipment reserve fund for the next three years to purchase a new vehicle then that fund cannot be counted on to purchase other needed equipment, and he stated that the police department needs two replacement cars fairly quickly. Putthoff indicated that one new car could be purchased and then officers would have to be doubled up to cover the other car. The proposal to purchase one new car will be considered at the next council meeting.

Next on the agenda was the approval of the 2011 Budget calendar. **Motion** by Crook to approve the 2011 Budget calendar. Second by Ward. All Ayes. Aye 5. Motion carried.

The City Administrator said that work on the BPU waterline began on June 14th and is expected to take 211 working days to complete. He also showed the council examples of the No Soliciting sticker that is available for sale at Tonganoxie City Hall for \$1.00. Welsh pointed out that there is an error on the time permitted for solicitors to sell in the final draft of the City Code. Staff will correct.

Crook brought up her concern about the phone call that Mayor Vestal made to her proposing keeping Chief Carpenter as a part time officer and appointing Sergeant Adcox as the Police Chief. She was concerned that the Mayor had violated the open meetings act by calling council members to find out their

position on the issue. The Mayor had no comment and Putthoff indicated that he did not receive this phone call. Ward said that he perceived the phone call as a budgetary conversation and not polling for a vote.

With no further business to discuss, there was a **motion** by Crook to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 5. Meeting adjourned at 8:17 PM.

Respectfully submitted,
Kelly Leonard, Acting City Clerk