

**City of Tonganoxie**  
**City Council Meeting Minutes**  
**10/11/10**

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on October 11, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Councilmembers: Paula Crook, Chris Donnelly, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst City Administrator/City Clerk and Mike Kelly, City Attorney.

**Consent Agenda:**

- a) Approval of Minutes -
  - 1) Special Meeting Dated September 13, 2010
  - 2) Regular Meeting Dated September 13, 2010
  - 3) Special Meeting Dated September 20, 2010
  - 4) Regular Meeting Dated September 27, 2010
  
- b) Consider Approval of Bills - Approve Pay Ordinance A-1642
  
- c) Consider approval of Change Order No 1 in the amount of \$10,464.05 for the 4<sup>th</sup> Street Phase III project.
  
- d) Consider approval or appropriation to Arbor Masters for the tree removal at the Pleasant Street bridge in the amount of \$6,800.00
  
- e) Consider approval of appropriation to Meadows Construction in the amount of \$51,412.15 (pay request no. 3 in the amount of \$17,587.15 for work completed on the 4<sup>th</sup> Street Phase III, \$12,325.00 for work completed on Ridge Street, and \$21,500 for work completed on Ridge Circle)

**Motion** by Crook to approve the consent agenda items a through e. Second by Truesdell. Councilmembers Bill Peak and Paula Crook discussed the minutes from the meeting dated September 27, 2010 at the end of the update on the 4<sup>th</sup> Street project, the minute's read "council agreed." They said there was not any motions made or council action taken, the clerk agreed to remove that statement from the minutes. Next item for discussion by Councilmember Peak as to whether or not the City Attorney signs off on contracts that involve the City and who was the advocate for the City in the event of a large error in a contract. It was explained the City Attorney reviews contracts but does not sign off on them. Council directed staff in the future to add a line for the City Attorney to sign as approval of the document. With no further discussion, the question was called for a vote to approve as amended. All Ayes. Aye 4, except Truesdell abstained from item a (4) and Peak abstained from items a (1), (2) and (3). Motion carried.

**New Business:** The first item on the agenda under new business was Consider Resolution 10-10-04 recognizing Kenny Carpenter for his dedication to the City of Tonganoxie. Mayor Ward read the Resolution to the public and presented outgoing Police Chief Carpenter with a plaque

commemorating his years of dedication to Tonganoxie. Chief Carpenter thanked everyone for welcoming and accepting him into the community.

Next on the agenda was to consider accepting Planning Commission recommendation to approve a Special Use Permit for 2016 E Finch Drive for a child day care in a single-family residence with conditions set out by the Planning Commission. City Planner, Kevin Kokes with Bucher, Willis and Ratliff went over the application and process. He said the Planning Commission recommended approval of the permit based on their consistency with the mandatory zoning considerations. Additionally the recommendation was made with conditions that are outlined in Ordinance 1309. **Motion** by Donnelly to accept the Planning Commission recommendation to approve the Special Use Permit for 2016 E Finch Drive for a child day care in a single-family residence with conditions set out by the Planning Commission and approve Ordinance 1309 granting the Special Use. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider accepting Planning Commission recommendation to approve a Special Use Permit for 1177 S Bury Street for a Federally Licensed Firearms Dealer in a single-family residence with conditions set out by the Planning Commission. City Planner, Kevin Kokes with Bucher, Willis and Ratliff went over the application and process. He said the Planning Commission recommended approval of the permit based on their consistency with the mandatory zoning considerations. Additionally, the recommendation was made with conditions that are outlined in Ordinance 1310. **Motion** by Truesdell to accept the Planning Commission recommendation to approve a Special Use Permit for 1177 S Bury Street for a Federally Licensed Firearms Dealer within a single-family residence with conditions set out by the Planning Commission and further adopt Ordinance 1310 granting the Special Use. Discussion ensued. Councilmember Crook said she has concerns with this use in a neighborhood. She requested the council consider sending the request back to the Planning Commission with instructions to making the expiration date occur annually. City Planner went over the section of the Zoning Ordinance related to non-compliance as it related to Special Use Permit situations. Councilmember Donnelly wanted to make sure the Police Department was aware of the Special Use permit application and of the firearms sales in the community. He was assured the Police Department is informed through the licensing process. Councilmember Peak said Firearms dealers are highly regulated by other governmental agencies and thinks we should leave the expiration at two years. Mayor Ward said if enforcement of the conditions laid out in the permit is available then the duration of the permit is irrelevant. He said he would be comfortable as it is. Councilmember Truesdell agreed. The question was called. 3 Ayes. 1 Nay (Crook). The Mayor voted as a member of the governing body to make the 4<sup>th</sup> Aye. Motion carried.

Next on the agenda was to consider accepting Planning Commission recommendation to add Appendix D entitled Conveniently Connected Pedestrian and Bicycle Master Plan to the Vision 2020, a Comprehensive Plan for the City of Tonganoxie. City Planner, Kevin Kokes went over the committee processes to develop the plan, he spoke of the public meetings that were held and the various local organizations that contributed information for the plan. Motion by Crook to accept the Planning Commission to add Appendix D entitled Conveniently Connected Pedestrian and Bicycle Master Plan to the Vision 2020, a Comprehensive Plan for the City of Tonganoxie and adopt Ordinance 1311. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was Tom Kaleko, Financial Advisor for the City of Tonganoxie with Springsted Incorporated. He said in December of 2008 the City issued its \$1,770,000 taxable general obligation temporary notes, Series 2008 to finance the purchase of land to be used as a future industrial park. The notes carry a 5.75% interest and mature on December 15, 2012. The interest rates at the time the notes were issued had increased dramatically due to market uncertainty. Since that time rates have moderated significantly. If the City were to refinance the notes for the two years remaining, the interest cost savings would be approximately \$150,000. Given the City's current initiative to hold the land and begin development of the industrial park by extending utilities to the site, it may make sense to issue three or four year taxable temporary notes. This would lock in today's low interest rates for a longer period until the City can sell the land or identify a revenue source for payment of the bonds to finance the land for the long-term. He continued if the City is interested in pursuing this refinancing, he suggested that we utilize a standard competitive sale including preparing an official statement and obtaining a rating. Discussion ensued. The matter of providing for the offering for sale of Taxable General Obligation Bonds, Series 2010B, came on for consideration and was discussed.

Councilmember Chris Donnelly presented and moved the adoption of a Resolution entitled:

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF  
TAXABLE GENERAL OBLIGATION BONDS, SERIES 2010B, OF THE  
CITY OF TONGANOXIE, KANSAS.**

Councilmember Bill Peak seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: \_ Paula Crook, Chris Donnelly, Bill Peak and Jim Truesdell  
Nay:

The Mayor declared the Resolution duly adopted; the Clerk designating the same Resolution No. 10-10-01.

Next on the agenda was the Water Department's request to purchase water valves in the amount of \$24,995.00. In the 2010 Capital Improvement Plan for the Water Department, the City budgeted \$25,000 for the installation of water valves. Some of the valves will be installed to replace valves that are no longer working and additional valves will be installed to allow us to replace fire hydrants that are no longer in good working condition and only shut the water off in a smaller area of town with less disruption to the customers. Motion by Crook to approve the purchase of the water valves in an amount not to exceed \$25,000. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was Fire Chief, Dave Bennett, and to consider the bid proposals submitted for the addition to the Fire Station. Chief Bennett went over the bidding process including the advertisement, pre-bid hearing and the bid opening. There were nine bids received. The bids were opened on September 23, 2010. He explained there was an alternate bid submitted by CDM, LLC. The alternate bid does not meet the specifications requested but still has to be

considered. The council has to make a couple of decisions to accept or reject the alternate submitted by CDM, LLC and whether to award the bid to the low bidder, or give 3% local preference and award the bid to a local contractor. Once the method of award is determined then the Chief can negotiate with the low bidder to bring the bid down to under the \$200,000 allotted for the project. Discussion ensued as to whether or not the council could award the bid for an amount that was over the amount budgeted amount, they agreed they could not. Motion by Donnelly to reject all bids and direct Fire Chief Bennett to reevaluate the project to determine if it can be rebid and produce a bid at or below budget. Second by Peak. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider submitting KDOT Corridor Management Project application for 14<sup>th</sup> Street intersection improvements at 24/40. City Administrator, Mike Yanez said the KDOT has opened a project submittal for corridor management projects for the years 2012 and 2013. Projects that will receive consideration for funding are those that have been identified in the adopted 24/40 corridor study. The deadline for submittals is November 1, 2010. KDOT will consider applications and make reimbursement awards up to \$1,000,000 for awarded projects. The applicant will be responsible for costs associated with design engineering, right of way acquisition and construction inspection engineering costs. The Engineers estimate of project cost is \$1,152,415 with \$230,000 of that estimate for Engineering Design, Inspection, Legal, Bonds and Administration. The Right of Way and easement acquisition costs are not included with the estimate. Discussion ensued as to why we would build an intersection without a street. The USD #464 is proposing a bond issue to build a new school on the land North of future 14<sup>th</sup> Street if the school bond is approve the road will have to be built as well as to promote new development opportunities in the area. Council suggested staff set up a meeting with the New School Planning Committee to discuss infrastructure needs that are going to be associated with the new school. No action taken on this item.

Next on the agenda was to consider Resolution 10-10-02 authorizing the First amendment to the Loan Agreement with the Kansas Department of Transportation reducing the total loan amount and updating the repayment schedule for TRF 0131. Asst City Administrator, Kathy Bard said the original loan amount for the 24/40 & Main Intersection improvement project was for \$214,893 and the project has been completed for \$178,512.15. **Motion** by Peak to approve Resolution 10-10-02 authorizing the First amendment to the Loan Agreement with the Kansas Department of Transportation reducing the total loan amount and updating the repayment schedule for TRF 0131. Second by Donnelly. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider Resolution 10-10-03 authorizing the First amendment to the Loan Agreement with the Kansas Department of Transportation reducing the total loan amount and updating the repayment schedule for TRF 0132. Asst City Administrator, Kathy Bard said the original loan amount for the 2<sup>nd</sup> Street and Cox Street projects was \$550,077 and the project has been completed for \$466,960.39. **Motion** by Donnelly to approve Resolution 10-10-03 authorizing the First amendment to the Loan Agreement with the Kansas Department of Transportation reducing the total loan amount and updating the repayment schedule for TRF 0132. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider LCPA Cost Sharing Agreement – Marketing and Feasibility Study for Industrial Park Sites in Leavenworth County. City Administrator Yanez said the

LCPA directed the Land Search Committee to conduct a RFQ process for firms to conduct marketing and feasibility studies for the Industrial park sites in Tonganoxie and Leavenworth. Two firms submitted proposals, Tran Systems \$75,300 and Garnet Consulting Services \$39,395. The Land Search Committee interviewed the two firms and made a recommendation to the LCPA to negotiate an agreement for services with Garnet Consulting services. Upon development and approval of a final contract, the LCPA will provide an interlocal agreement to request funding support for the study costs. Tonganoxie's contribution will be \$9,848.75 to the total cost. No action necessary.

Next on the agenda was to consider hiring full time Utility Billing Clerk. Asst City Administrator, Kathy Bard said an advertisement for the position was recently completed. There were 132 applications received for the position. Ten candidates were contacted for interviews and they all elected to participate in the process. After careful consideration of the applicant's credentials and personality traits demonstrated in the interview process, she recommends that Heather Van Dyke be offered the position of full time Office Assistant with a starting salary of \$11.77 per hour. Motion by Truesdell to accept staff recommendation to hire Heather Van Dyke as a full time office assistant with a starting salary of \$11.77. Second by Peak. All Ayes. Aye 4. Motion carried.

Next on the agenda was Police Chief, Jeffery Brandau, he said the departure of a full time Police Officer left an open position in the department. A hiring notice was posted in newspapers and several websites requesting applications and 15 were received. Testing was conducted and ten applicants attended to fill the open position. Six applicants passed the entry examination and were offered an interview. Five applicants accepted to be interviewed. The interview board consisted of Lieutenant Billy Adcox, and Sergeants Steve Hawkins and Russ Moore. The board selected four applicants to proceed in the process to be interviewed by Chief Brandau for final selection. After careful consideration, Chief Brandau recommends that Jarrod Gill be hired to fill the full time vacancy. His hiring will be contingent upon passing the psychological test, physical and background investigation at a Range 7 Step A or \$15.77 per hour. Motion by Crook to accept the staff recommendation to hire Jarrod Gill as a full time Police Officer for the City of Tonganoxie with the starting salary and contingencies as stated. Second by Donnelly. All Ayes. Aye 4. Motion carried.

Next Chief Brandau asked that the second applicant Jeremiah Howell be placed on a hiring list to fill any full time positions that may come open within the next six months. Council agreed. Further, he would like to recommend hiring Jeremiah Howell and Gabrielle Ruzieka as Part Time Police Officers for the City of Tonganoxie pending psychological testing and physical and background investigations. Motion by Crook to approve the recommendation to hire the two stated part time police officers with the contingencies as stated. Second by Donnelly. All Ayes. Aye 4. Motion carried.

Mayor called for a five-minute recess at 9:00 pm.  
Mayor reconvened the meeting at 9:05 pm.

Next on the agenda was the City Administrator, he updated the Governing Body with his City Administrator report. He said annual the League of Kansas Municipalities hosts a series of dinners around the state inviting local elected officials to listen to presentations and to

participate in discussions regarding the upcoming Kansas State legislative session and LKM's lobbying position in support of Kansas communities. The local regional dinner has been scheduled for November 17 at Leavenworth's Riverfront community center.

Next on the agenda, was the City Superintendent position vacancy. Yanez said City Superintendent Butch Rodgers has informed the City he intends to retire January 1, 2011. This presents a pending position vacancy for the position that the governing body must address as the recent policy adopted directs the hiring authority to the Mayor and City Council. Prior to addressing the hiring the job description should be reviewed and approved as it will serve as the basis for applications. Yanez presented an updated job description for review, comment and approval. Discussion ensued and additional suggestions were requested to be added to the description, the job description will be updated by staff and brought back to the next meeting. Second, the governing body needs to determine if they wish to create a committee to review applications, conduct interviews and investigate and verify submitted materials. The Council agreed that they liked the way the committee process went with the Police Chief search as would like to stay with the same arrangement for City Superintendent. The Council directed the City Administrator to bring back recommendations for a hiring committee for City Superintendent.

Next on the agenda was the proposed Leavenworth County/Tonganoxie Interlocal Road Maintenance Agreement. At the request of Leavenworth County the City would like to forward a draft Interlocal Agreement for the maintenance of identified roads within or adjacent to the City limits. The draft has been developed and discussed between City Superintendent Butch Rodgers and the County Engineer Mike Spicklemeir. As presented, there are no changes from previous agreements between the County and the City. Accepting the updated draft agreement would be a reaffirmation of road maintenance commitments. Council agreed to forward the draft to the County for approval.

Next on the agenda was the Mayor agenda. The first item for the Mayor was he appointed Andy Gilner to fill the unexpired term of Burdel Welsh as Councilmember until 2013. Motion by Crook to accept the Mayoral appointment of Andy Gilner as Councilmember with a term ending 2013. Second by Peak. All Ayes. Aye 4. Motion carried.

City Clerk, Kathy Bard administered the Oath of Office to Andy Gilner and he took his place at the dais as Councilmember. The Governing Body welcomed him and shook his hand.

Next, there was a **Motion** by Donnelly to enter into an executive session at 9:30 PM for fifteen minutes to discuss a matter that pertains to non-elected personnel and request City Administrator, Mike Yanez, Asst City Administrator, Kathy Bard, Police Chief, Jeffery Brandau and City Attorney Mike Kelly attend the executive session, to return at 9:45 PM. Second by Crook. All Ayes. Aye 5. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 9:45 PM. No items were discussed other than that mentioned and no votes were taken. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Next on the agenda was the Council agenda, there was discussion by Donnelly concerning the level of debt the City has and a request for a copy of the CIP with an overlay of the impact on the debt.

Councilmember Peak mentioned the flashing beacon cannot be seen if you turn East off of Pleasant Street onto Washington and there is not any school zone signs after that intersection.

With no further business to discuss, there was a **motion** by Peak to adjourn. Second by Donnelly. Motion carried. All Ayes. Aye 5. Meeting adjourned at 10:05 PM.

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