

City of Tonganoxie
City Council Meeting Minutes
12/27/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on December 27, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor, Jason Ward; Councilmembers: Paula Crook, Chris Donnelly, Andy Gilner, 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 November 29, 2010
 - 2) Regular Meeting Dated December 13, 2010
 - 3) Special Meeting Dated December 20, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1647

- c) Consider Approval of appropriation to BG Consultants in the amount of \$10,964.50 for construction engineering associated with the 4th Street Phase III improvements.

- d) Consider Approval of appropriation of \$4,906.00 for 22 banners and initial installation charges of brackets and banners as requested by the Retail Commercial Development Committee.

- e) Consider Approval of appropriation of \$4,356.00 for medical supplies for the first response units at the Tonganoxie Fire Department.

- f) Consider Approval of appropriation of \$20,950.00 to Meadows Construction for work completed on sidewalk extension from the 4th Street Bridge to future East Street and \$160,536.71 for work completed on 4th Street Phase III project.

- g) Consider approval of Change Order No. 2 reducing the project total \$8,322.00 for the 4th Street Phase III project and authorize the Mayor to sign.

- h) Consider approval of the renewal of Cereal Malt Beverage licenses to B & J Thriftway dba, B & J Country Mart, B & J Thriftway dba B & J BP/Amoco, and G & P Country Market to sell retail cereal malt beverages in original unopened containers and not by consumption on the premises. Further, the council consider approval of renewal cereal malt beverage licenses to Fat Sam's LLC, and Country Cuisine for consumption on the premises.

Motion by Crook to approve the consent agenda items a through h. Second by Peak. All Ayes. Aye 5, except Councilmember Crook abstained from a3 because she was absent from the meeting. Councilmember Peak said that item d included \$2000 in grant funds that were

received from the Leighty Trust for beautification efforts reducing the total expenditure of the City.

Open Agenda: With no comments or concerns presented by the public the open agenda was closed.

Old Business: None

New Business: The first item on the agenda under new business was a public hearing for the 2010 Budget amendment. Mayor Ward opened the public hearing at 7:07 PM, with no one present to make comments on the budget amendment the budget hearing was closed. **Motion** by Councilmember Crook to approve the 2010 budget amendment. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Motion by Truesdell to approve Resolution 12-10-03 increasing the monthly salary for the Animal Control Officer to \$550. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Crook to approve appointing the current Utility Superintendent as Acting City Superintendent effective December 27, 2010 and until said position is filled. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Donnelly to enter into executive session at 7:12 pm to discuss a matter that would be deemed confidential in an Attorney Client Relationship, to include the Asst City Administrator, Kathy Bard, City Administrator, Mike Yanez and City Attorney, Mike Kelly for (5) five minutes to return at 7:17 p.m. Second by Crook. All Ayes. Aye 5. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 7:17 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 discussion concerning the future elementary school and a potential development agreement with USD 464 for cost sharing of offsite infrastructure. City Administrator, Mike Yanez gave a summary of the joint meeting that was held between the Governing Body and the School Board. The proposed bond issue is for \$26.9 million and does not include offsite improvements. State statute does not allow the school district to include offsite improvements in the bond issue. They can however, participate in financing of offsite improvements in conjunction with the City and include the annual payment in their Capital Improvement levy. Some of the needed infrastructure improvements include the street network. USD 464 would like the council to consider entering into a development agreement to make a commitment to finance the offsite infrastructure. Kansas law limits the long-term debt (Bonds and Temporary Notes) outstanding to a maximum of 30% of assessed valuation. Assessed value for the purposes of establishing the debt limit includes the value assigned to motor vehicles. Motor vehicles are not included in the assessed value for the purposes of establishing the mill levy. Currently the City has approximately 3.5 million available before it has reached the debt limit. The statute states that street infrastructure that directly fronts school district property is exempt from that limit and a portion of the street network does front the school property. The conceptual road improvements for the new middle school are estimated to cost 4.5 million.

Discussion ensued. Mayor Ward said that we need to evaluate the traffic study information to determine what streets have to be built to accommodate the new school. They may not all have to be built at first and we may be able to phase in portions of the network. It is completely dependent on what the study says. Council president Jim Truesdell said that if the school is not the City's number one asset then it is very close. He agreed that the City needs to work with the School District to accomplish their needs. He said the school has been expected to keep up with the City as it grows and now we are expecting them to keep up if we develop the industrial park or CR #1 development kicks off. He said he thinks we should involve the legislatures to attract Federal and State funding, at Washington DC and at home. We can send letters and attend meetings and come up with a work plan to work with the school on every aspect of this project. Councilmember Peak said the 4.5 million dollar number scares him but cannot determine the level of spending until the traffic study is complete. He thinks the study can be done for less than the \$61,000 price the School District has obtained. He concluded saying the school reciprocated the need for the study so the school should pay for it. He continued saying that we need to communicate with the school to know the economic impact that will be caused by this project. Truesdell disagreed and said we need to see the original scope and cost of the traffic study before BG Consultants revised the scope and the City should pay the difference for the additional study the City requested. City Administrator reminded the council that the City Engineers look for the best interest of the City and the added intersections were for that purpose. He said that \$31,600 of the \$61,000 was just for studying the intersections for the new Middle School. Councilmember Donnelly asked what portion of the 4.5 million would be a City debt and hit city mill levy? He asked what the dollar cost and impact on the mill levy if 12.5 mills were added to the school levy and the additional impact on City residents of a 7.5 mill increase on the City levy. None of the answers was readily available so the governing body directed staff to provide the information. Councilmember Gilner agreed with Donnelly, restating that we need to assess the impact on the homeowner. He continued stating that he sees the need for the improvements to the school to increase the safety of the students if they are able to connect the East and West campus of the High School then the children will not be going outside between classes anymore. Councilmember Crook concluded the discussion by repeating the fact we need the traffic study before anything can be determined on the level of City participation.

Motion by Donnelly to schedule a special meeting on January 13th at 7:00 PM at Bichelmeyers Banquet room to discuss the future Industrial Park. Second by Crook. All Ayes. Aye 5. Motion carried.

Motion by Crook to enter into executive session at 8:18 pm to discuss a matter that pertained to nonelected personnel to include the City Administrator, Mike Yanez and City Attorney, Mike Kelly for (10) ten minutes to return at 8:28 p.m. Second by Crook. All Ayes. Aye 5. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 8:28 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 5. Motion carried.

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 8:30 PM.

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