

City of Tonganoxie
City Council Meeting Minutes
09/12/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on September 12, 2011. 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: Dennis Bixby, Chris Donnelly, Andy Gilner and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst City Administrator/City Clerk and Mike Kelly, City Attorney. Councilmember Bill Peak was absent.

After roll call, the Mayor requested everyone join him with the Pledge of Allegiance

Consent Agenda

- a) Approval of Minutes -
 - 1. Regular Meeting dated August 22, 2011
- b) Consider Approval of Bills - Approve Pay Ordinance A-1665
- c) Consider Approval of appropriation to BG Consultants for work performed for the Chieftain Trail Phase II project in the amount of \$2,945.50
- d) Consider Approval of payment to Central Sale for the purchase of Bulk Deicing Salt in the amount of \$4,513.87
- e) Consider approval of payment to First State Bank & Trust for a lease payment on a 2011 Ford First Responder Truck in the amount of \$2,903.77 and a payment of \$4,871.43 for a lease payment on Fire Department bunker gear
- f) Consider approval of payment to Kings Construction for the sidewalk extension by Pleasant Street Bridge in the amount of \$4,200.00
- g) Consider approval of payment to Leavenworth Asphalt in the amount of \$4,814.48
- h) Consider approval of payment to Vance Brothers for street maintenance in the amount of \$7,299.10

Motion by Truesdell to approve the consent agenda items a. through h. Second by Gilner. Discussion ensued. Councilmember Bixby requested to hold check #35329 payable to Kings Construction for construction of a sidewalk in connection with the Pleasant Street Bridge. He said Kings Construction poured the south section of the sidewalk. Then they had to remove it for a utility problem and deep excavation resulted. He said, due to possible settling and cracking of the sidewalk, he would like to see the warranty extended for that sidewalk to three years instead of the normal one-year warranty. Council agreed. The Motion was amended to exclude check #35329. All Ayes. Aye 4. Motion carried.

Open Agenda: Laurence Hill, 501 13th Street, asked how the City was coming on a Police Station solution. The Mayor said they were waiting on numbers from the industrial park development so they could lay out the costs using all potential debt to see what the city could afford.

Mr. Hill also said he was shocked to hear that Mike Yanez is being fired without any reason stated. The Mayor said they cannot discuss personnel issues with the public. This is to protect the employee. He further advised Mr. Hill that Mr. Yanez was not fired; his contract was not extended.

Next under open agenda was the appeal of the Code Enforcement violation letter regarding violations of the conditions placed on the Sign permit issued to the West Haven Baptist Church. Mayor Jason Ward asked the City Attorney for advice on whether the City has followed protocol with the violation notice, because the time limit for an appeal to the Planning Commission decision has expired. City Attorney, Mike Kelly said the appeal is to the Code Enforcement violation letter and the appeal is to the decision of the Code Enforcement Officer as to whether a violation actually exists. Councilmember Truesdell said that he would not have a problem extending the appeal period and have the Board of Zoning Appeals decide whether staff has interpreted the conditions set forth by the Planning Commission correctly. Councilmember Bixby said he can see the value in letting the sign remain as it is. When he was in Joplin for tornado recovery there were scrolling emergency services and it could be used for this as well as tornado warnings and amber alerts. It could be an emergency notification system. He continued saying that he is certain the church would not have put the sign up if they thought they were in violation and the council should give them the benefit of the doubt. It was mentioned that they changed the presentation of the display to flash every two seconds as opposed to what the original presentation looked like.

Mark Scribner, 2180 Rock Creek Drive, and Associate Pastor from West Haven Baptist Church, said he received an unsigned letter from Mark Lee stating that there was one violation which was the flashing, blinking issue. The letter says appeal to the governing body and the Planning Commission told them the same thing. Mayor said he would rather the BZA hear the issue of the appeal of the conditions placed on the Sign Permit and extending the appeal period would allow for that.

Mike Bronson, 496 13th Terr, Pastor of West Haven Baptist Church said he still does not understand. He wants to comply with the conditions placed on the sign permit and they want to be good citizens but he feels like a ping pong ball.

Karley Weatherford, 690 Meyers, said with regards to the sign being distracting to those driving on the highway, when does personal responsibility come into play. Claiming the sign is a distraction to drivers is a stretch. There are so many eyesores in this town and this sign looks nice.

Joseph Fridlington, 100 Rawlings Court, said he has tried several times to download Section 25, Signs of the Zoning Ordinance with no success. Staff will follow up in the morning to make certain the link is not broken.

Mike Vestal, 901 West Street asked when the issue goes to the Board of Zoning Appeals what exactly are they appealing. Mayor said they would be appealing the conditions placed on the sign permit.

There was a motion made by Councilmember Dennis Bixby to extend the appeal period as depicted in the Tonganoxie Zoning Ordinance to allow the West Haven Baptist Church to appeal the original sign permit conditions that were determined by the Planning Commission and interpreted by staff and further allow the sign as erected at the West Haven Baptist Church to remain as it has been installed today, until 30 days post decision of the Board of Zoning Appeals or any other legal forms or remedies of appeal. The motion was seconded by Truesdell. The motion was considered and discussed and agreed to as a whole; was further passed by the following vote: Yes: Dennis Bixby, Chris Donnelly, Andy Gilner and Jim Truesdell No: None. Thereupon, a majority of the members of the City Council having voted in favor of the motion the motion was officially carried.

There were no other comments or concerns presented by the public, and the open agenda was closed.

Mayor recessed at 7:55 PM and the meeting was reconvened at 8:00 PM.

Old Business: None.

New Business: The first item under new business was the 2010 audit. Abram Chrislip, City Auditor with Lowenthal, Webb and Odermann presented the 2010 audited financial statements. He said the opinion issued by his office, as it relates to the City's financial statements, is the highest such opinion that can be issued. Their office encountered no significant difficulties in performing the audit. **Motion** by Donnelly to adopt the 2010 audited financial statements as presented. Second by Gilner. All Ayes. Aye 4. Motion carried.

Next on the agenda was the Industrial Park infrastructure options. Councilmember Chris Donnelly presented on behalf of the Industrial Park Committee. Dan Gutshall was also present to answer any questions the council may have. They discussed the options that were available for developing the industrial park infrastructure to make it more competitive in the market. There were options for water, sewer, streets and grading. The council thanked the industrial park committee for the information.

Next on the agenda was to consider approval of the 2011 Infill and Infiltration (I&I) project. Kent Heskett, City Superintendent, said part of the City's I&I program is the lining of sanitary sewer mains. This process will seal the cracks and prevent the intrusion of tree roots that cause blockages. In addition it will also seal unwanted storm water from entering into our system causing homes that do not have a back flow preventer to have sewage back up into their basements during heavy rains. The wastewater treatment plant electrical usage will also go up with higher flows caused by I&I and may possibly take the treatment plant out of compliance with its state permit. **Motion** by Truesdell to accept the proposal from KC Construction in the amount \$95,880.00 from the sewer capital improvement fund for the purpose of installing 3,870 feet of 8" ultra liner. Second by Donnelly. All Ayes. Aye 4. Motion carried.

Next on the agenda was the installation of water valves. Heskett said during the past few years we have been replacing fire hydrants that have become defective. Most of the hydrants that have been replaced were done with minimal disruption to the water customers. Continuing with the effort of minimal disruption, we propose the installation of four EZ Valves. These valves will be installed without disruption to consumers and will minimize future disruptions. Water products have supplied this service to the City in the past and staff recommends continuing to do so. Water Products is the sole provider of this type of valve and installation system. **Motion** by Donnelly to authorize the purchase of four EZ Valve Installations from Water Products, Inc. in the amount of \$14,150.00 with funds from the Water Capital Improvement Fund. Second by Gilner. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider adoption of a sign inspection method. Heskett said that new Federal Highway Administration requirements maintain sign retro reflectivity to promote safety and efficiency. The first step in implementing these requirements is to adopt a method and procedure for evaluating the city's street signs. The most cost effective way to evaluate the signs is the Visual Nighttime Inspection method along with Consistent Parameters Procedure. **Motion** by Donnelly to adopt the Visual Nighttime Inspection method along with Consistent Parameters Procedure as the City of Tonganoxie's technique for maintaining sign reflectivity levels. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was to approve the purchase of signs, posts and hardware needed for sign installation. Heskett said with the new sign reflectivity requirements coming into effect the City needs to begin a sign replacement program. The program will consist of replacing all signs and posts to meet the new standards. To begin the program the City will begin replacing all signs from 5th Street south to the proposed 14th Street and from East Street to South Cox Street. **Motion** by Bixby to approve the purchase of signs, posts, and all necessary hardware for the sign replacement program not to exceed \$15,000 with funds from the Capital Improvement Fund. Second by Gilner. All Ayes. Aye 4. Motion carried.

Motion by Bixby to enter into executive session at 8:50 to discuss a matter that pertains to non-elected personnel for five (5) minutes to include the City Administrator, City Superintendent and the City Attorney. Second by Gilner. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 8:55 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Motion by Gilner to enter into executive session at 8:55 to discuss a matter that pertains to non-elected personnel for five (5) minutes to include the City Administrator, Police Chief and the City Attorney. Second by Bixby. All Ayes. Aye 4. Motion carried. **Motion** by Bixby to exit executive session and reconvene with the regularly scheduled meeting at 9:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Gilner. All Ayes. Aye 4. Motion carried.

Motion by Bixby to fill the open full time Police Officer position as recommended by Chief Brandau. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda was the City Administrator, he went over a retail study and recruitment proposal. Mayor Ward said that Councilmember Peak would like to weigh in on this proposal

and compare it to the Retail Commercial Development study that was previously performed by Bucher, Willis and Ratliff. The item was tabled and staff was requested to include the prior study in the next meeting packet.

Next on the agenda was to select the voting delegates for the League of Kansas Municipalities (LKM) conference for the City of Tonganoxie. **Motion** by Donnelly to select Dennis Bixby and Bill Peak to represent the City as voting delegates at the LKM conference. Second by Truesdell. 3 Ayes. 1 Abstention (Bixby). Motion carried.

Motion by Donnelly to schedule a Special meeting of the Governing Body on September 19, 2011 at 7:00 PM to discuss building acquisition for public facilities and Industrial Park Infrastructure financing options. Second by Gilner. All Ayes. Aye 4. Motion carried.

Next on the agenda was the Mayor's agenda. He said various members of the public have reached out to him to thank Mike Yanez for his service and all he did for the City of Tonganoxie. He continued stating he has received two proposals to assist the governing body on a City Administrator search. He would like the council to review the proposals and be prepared to discuss them at the next meeting. He continued saying the turn around time to replace the City Administrator is short so the council needs to discuss what to do in the event of a gap between the expiration of Mike Yanez's contract and a new City Administrator's contract.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:40 PM.

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