

**City of Tonganoxie**  
**City Council Meeting Minutes**  
**03/26/12**

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on March 26, 2012. 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, Andy Gilner, Chris Donnelly, and Bill Peak. Mike Yanez, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Jim Truesdell was absent.

After roll call, the Mayor led everyone with the Pledge of Allegiance.

**Consent Agenda**

- a) Approval of Minutes –
  - 1. Regular Meeting dated March 12, 2012
  - 2. Special Meeting dated March 14, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1679
- c) Consider appropriation to Diamond International for dump truck repairs in the amount of \$2,007.69.
- d) Consider appropriation to Lochner for planner services in the amount of \$2,415.00.
- e) Consider appropriation to Micro-Comm, Inc. for repairs on the Waste Water Plant computer system in the amount of \$3,068.50.
- f) Consider appropriation to Tonganoxie Library for Ad Valorem Taxes in the amount of \$9,473.18.
- g) Consider appropriation to Mike Yanez for second half of March City Administrator services reimbursement in the amount of \$3,270.00.

**Motion** by Donnelly to approve the consent agenda items (a) through (g). Second by Peak. All Ayes. Aye 4. Motion carried.

**Open Agenda:**

Mr. Anthony Brungardt 593 12<sup>th</sup> Street, Tonganoxie, KS 66086, business owner at 415 N. Main, Tonganoxie KS addressed the council with regards to his business, Arrow Autos. Mr. Brungardt was approved to locate a car sales business at 415 N. Main with the stipulation of only 10 cars maximum and that the gravel lot must be asphalted. Mr. Brungardt reported that asphalt had replaced the gravel but business was brisker than he anticipated and he requested that the council increase the 10 car maximum to a 20 car maximum. This would be on a temporary basis until he could get a site plan to the planning commission, which could be 30 to 60 days. City Attorney Mike Kelly advised the council and Mr. Brungardt that the City Council does not have any authority to take action on this request. He will review the initial re-zone and the matter can be re-visited at the April 9<sup>th</sup> meeting. Mr. Brungardt needs to provide the Planning Commission with a site plan that would include the dimensions of the asphalt, set-backs, lighting plans, and landscape.

With no additional comments from the public, the Open Agenda was closed.

## **Old Business:**

### **A) Police Station Financing Options**

Chief Brandau was present to provide an update on the options and negotiations taking place on the police station to be located at 725 Laming Road. The sellers and the Chief and City Attorney are working on a contract as to what the sellers are providing for the \$875,000 purchase price. One thought was to purchase the building without the turnkey option and do the minimum necessary to get the police department transferred to that location. In 2013 an architect could complete the police station portion and in 2014 finish the project. The turnkey option was considered for ease of occupying the building; however, some discrepancy has come up as to what the Chief needs versus their budget for turnkey. Bill Peak was concerned that \$875,000 should have included all the Chief's needs and it was understood that if there was a cost overrun, it was the seller's obstacle. If we purchase the building without the turnkey option our cost to remodel is unknown. This is just an option to think about. City Attorney Kelly did speak with the sellers today and is putting together an agreement to include the Chief's needs.

### **B) Lease Agreement with Grinter Farms**

City Attorney Kelly advised the Council that the Lease Agreement has been provided to Mr. Grinter and a few minor changes are being reviewed. This should be final by the next meeting on April 9<sup>th</sup>.

## **New Business:**

Mayor Ward moved item c.) Janet Falk, to begin the New Business Agenda. Janet addressed the City council on behalf of the Tidal Waves Swim Team. The first year there were 35 team members, the second year there were 70 members and last year there were 85 members. The number of swimmers has increased dramatically and there is a great deal of interest by the parents and participants. The Tidal Waves are requesting permission to host two regular meets at the Tonganoxie Water Park on June 22<sup>nd</sup> with Piper and on July 6<sup>th</sup> with Turner. In addition, they would like to host a preliminary champion meet on July 10<sup>th</sup> and 11<sup>th</sup> with a championship meet on July 13<sup>th</sup>. She has discussed all the plans with Darren Shupe, the water park manager, and he thinks it is a good idea and the times do not conflict with regular swim times or swim lessons. They would also like to host an end of season awards night. The Council concurred this would be a great idea and a good opportunity to promote Tonganoxie. With approval from the council, Janet thanked them and invited their attendance at these events.

New Business was returned to item a, Special Use Permit for a catering business located at 119 Hatchell Road. Owner, Brandon Gier was present to request that the council approve his request for a home catering business. **Motion** by Peak to approve a special use permit to Brandon Gier at 119 Hatchell Road for a catering business in an accessory building at his residence with the conditions as set out by the Planning Commission and approve Ordinance 1339 granting the same. Second by Bixby. All Ayes. Aye 4. Motion passed.

The next item for consideration was a rezone request by Kelly Smith from LBD (Limited Business District) to PUD-C (Planned Commercial District) for a business to be located at 103 W. 4<sup>th</sup> Street. Mr. Smith appeared to request approval of the rezone. **Motion** by Peak to approve the rezone request from LBD and adopt Resolution 03-12-01 adopting findings of fact and conclusion and conditions as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011, and further adopt Ordinance 1340 to rezone the property to PUD-C. Second by Gilner. All Ayes. Aye 4. Motion passed.

Fire Chief Dave Bennett was next on the agenda. His presentation was with regards to the expansion of the Fire Station at its current location. He provided background on this project, including \$200,000 funding that was given to the Fire Department from the bond issued for the 4<sup>th</sup> Street Project, Phase 4. He also requested approval to use funds from the Equipment Reserve, not to exceed \$29,459.01, for a contingency fund. The Fire Department will be retiring a lease payment this year and another one in 2013. The Fire Department will be the General Contractor with much of the construction completed by the Fire Department. The work that cannot be completed "in-house" will be put out for bid. The Fire Station expansion will be an L-shaped building with a breezeway that attaches to the current station. BG engineers will initially design this portion. **Motion** by Gilner to approve use of funds from the Equipment

Reserve Fund, not to exceed \$29,459.01, and to advertise for not less than three bids and accept the best quoted price for the work as specified. Second by Bixby. All Ayes. Aye 4. Motion passed.

At this time of the meeting, Mayor Ward called for a five minute break from 8:15 PM to 8:20 PM. The meeting reconvened at 8:20 PM.

**Motion** by Gilner to enter into executive session at 8:20 PM to discuss confidential data relating to financial affairs or trade secrets of third parties for twenty (20) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, Dean Oroke, and Dan Lynch. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 8:40 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 4. Motion carried.

**Motion** by Gilner to enter into executive session at 8:40 PM to discuss confidential data relating to financial affairs or trade secrets of third parties for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, Dean Oroke, and Dan Lynch. Second by Bixby. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 8:50 PM. No items were discussed other than that mentioned and no votes were taken. Second by Donnelly. All Ayes. Aye 4. Motion carried.

There were no items of discussion from the City Administrator.

The City Attorney advised he still has not received an opinion from the State's Attorney regarding the tax exemption. He also requested direction from the council with regards to creating a Public Building Commission. The commission can have three to nine members and needs at least one member from the council. This can be accomplished by an Ordinance or a Charter Ordinance.

The Mayor requested a motion for executive sessions on Saturday, March 31, 2012 at 7:45 AM and on Sunday, April 1, 2012 at 12:45PM. **Motion** by Peak to have an Executive Session on March 31, 2012 at 7:45 AM and on Sunday, April 1, 2012 at 12:45 PM to interview four candidates for the City Administrator position and to review and discuss all candidates at the end of the final interview. Second by Bixby. All Ayes. Aye 4. Motion passed.

Mayor Ward advised the council that Safe Routes to School Program would be at the end of May and will be included on the April 9<sup>th</sup> agenda. He also reminded the council that April 28, 2012 was the city wide clean-up.

With no further business to discuss, there was a **motion** by Peak to adjourn. Second by Donnelly. Motion carried. All Ayes. Aye 4. Meeting adjourned at 9:00 P.M.

Respectfully submitted,  
Mary Conway  
City Clerk