

City of Tonganoxie
City Council Meeting Minutes
04/23/12

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on April 23, 2012. The meeting was called to order at 7:00 PM. with roll call showing a quorum and the following members present: Mayor, Jason Ward; Councilmembers: Dennis Bixby, Andy Gilner, Bill Peak, and Jim Truesdell. Mike Yanez, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Chris Donnelly was absent.

The Mayor asked for a moment of silence to recognize Bo Himpel, a former City Council Member and community leader, who passed away on Thursday. Following this honor to Bo, the Mayor led everyone with the Pledge of Allegiance.

Consent Agenda

- a) Approval of Minutes –
 - 1. Regular Meeting dated April 9, 2012
 - 2. Special Meeting dated April 16, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1681
- c) Consider appropriation to Art Davis Group for final invoice for City Administrator search in the amount of \$2,539.15.
- d) Consider appropriation to Bingham's Landscaping for concrete and labor for replacement of crosswalks on 4th Street in the amount of \$4,911.88.
- e) Consider appropriation to City of Basehor for Building Inspection and Code Enforcement services in the amount of \$2,019.30.
- f) Consider appropriation to Link Lite for moving PC's and running cable to the Police Station in the amount of \$3,650.00.
- g) Consider appropriation to Water Products, Inc. for water valves in the amount of \$13,250.00.
- h) Consider appropriation to Mike Yanez for second half of April City Administrator services reimbursement in the amount of \$3,270.00.

Motion by Bixby to approve the consent agenda items (a) through (h). Second by Gilner. All Ayes. Aye 4. Motion carried. (Note: Jim Truesdell abstained from approval of the 4/16/12 special meeting minutes due to being absent on that date.)

Open Agenda:

There were no members from the public that came forward to address the council during Open Agenda. With no comments from the public, the Open Agenda portion was closed.

Old Business:

Police Chief Brandau indicated he had updates on the Police Station that would require an executive session and would address this later in the meeting.

Bill Peak introduced Ordinance No. 1342 for council consideration. This ordinance offers incentives for the benefit of commercial/retail developers to retain and expand existing businesses and attract new businesses to Tonganoxie. The incentive program is comprised of two parts. A Grant Program and a Waiver or Reimbursement of Fees. The Grant Program offers new businesses a grant based on an amount equal to 75% of 1% of their retail sales for two years and 50% of 1% of their retail sales for 3 years. For existing businesses the grant is based on an amount equal to 50% of 1% of their retail sales for 5 years. Fees for a Building Permit would be waived up to a maximum of \$500; water and sewer fees for the first three months would be waived up to a maximum of \$75 per month for a total of \$225 for three months; and sign permit fees would be waived up to a maximum amount of \$25.00. **Motion** by Truesdell to adopt Ordinance 1342 adopting the Retail Attraction and Retention Incentive Program for the City of Tonganoxie, Kansas. Second by Bixby. Discussion ensued and there was a question on the wording in Section 5. Program Expiration. It was discussed that a better wording would be "This five year program shall expire on December 31, 2016." There was agreement that the wording should be changed and motion was re-worded to include the new language and seconded. All Ayes. Aye 4. Motion carried.

City Attorney Kelly advised the council that all that was needed to complete the lease agreement for farmland at the Industrial Park site with Grinter Farms was to have Mr. Grinter sign it.

City Administrator Yanez updated the Council on the status of 1000 East 1st Street (Old Creamery Building). Mark Lee, Codes Enforcement, sent a letter to the property owners on April 12, 2012 and sent a follow-up certified letter. As of this date, no response has been forthcoming from Mr. Depetre. The owners have until April 30, 2012 to finish the clean-up and if due diligence is not taken in the removal of the structure and all remaining debris, then per Resolution 06-11-01 the City reserves the right to complete the project to City standards and bill Mr. Depetre for the cost. If the owner does nothing further, the Code Enforcement/Building Inspector Mark Lee and City Superintendent, Kent Heskett will visit the site and determine how much clean up city staff could do and how much would need to be contracted. This will be addressed at the May 14, 2012 council meeting.

The Suburban Water Proposal was tabled until the May 24th meeting as Gary Hanson from Suburban Water was not in attendance.

At this time, Chief Brandau requested an executive session to discuss real estate acquisition as it relates to the police station. **Motion** by Gilner to enter into executive session at 7:20 PM to discuss matters of real estate acquisition as it relates to the Police Station for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, and Police Chief Brandau. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 7:30 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 4. Motion carried.

Motion by Bixby to enter into executive session at 7:30 PM to discuss matters of real estate acquisition as it relates to the Police Station for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, and Police Chief Brandau. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 7:40 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 Truesdell to enter into executive session at 7:42 PM to discuss matters of real estate acquisition as it relates to the Police Station for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, and Police Chief Brandau. Second by Bixby. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 7:52 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 4. Motion carried.

New Business:

Connie Tornado, Chairman of Tonganoxie Days addressed the council with updates for Tonganoxie Days, which will be June 9, 2012. She requested the streets be barricaded from the 200 to the 600 blocks of 4th Street as has occurred in the past. Connie advised the Council it is the 27th year for Tonganoxie Days, the 25th year of the Library Run, and the 5th year of the car show. She requested Mayor Ward kick-off Tonganoxie Days to which he agreed. She inquired if the City would be sponsoring a fireworks display again this year. To accomplish this, donations from businesses would be necessary as well as public donations. Administrator Yanez will call display vendors to determine if the June 9th date is open and provide the cost of a fireworks show. A decision will be made by the May 14th meeting and Connie will be advised after that date. She thanked the council for their continued support of this event.

John Callaghan was present for the Tonganoxie Fire Station to request approval from the council to contract BG Consultants for professional services with the regard to the addition to the fire station. The fee to be paid to BG Consultants is \$24,375.00. **Motion** by Gilner to authorize Chief Dave Bennett to accept the contract for professional services from BG Consultants as it relates to the addition of the Fire Station, not to exceed \$24,375.00. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Kent Heskett, City Superintendent, advised the council that the Public Wholesale Water District has been directed by KDOT to relocate the water main line at US 24-40 Highway and 158th Street due to improvements by KDOT at that intersection, where a right turn lane from the East is being added. As a member of the Wholesale Water District, the City of Tonganoxie would be responsible for 20% of this cost. The estimated cost to relocate the water line is \$24,000.00, of which \$4,800.00 would be paid by the City. **Motion** by Bixby to authorize the expenditure of \$4,800.00 from the Water Fund for the City's committed portion of the Wholesale Water District's water line relocation project at US 24-40 Highway and 158th Street. Second by Gilner. All Ayes. Aye 4. Motion carried.

Kent Heskett, City Superintendent, advised the council that a problem had been encountered with a section of a sewer line that needs replacing rather than just slip lined. The section is located between 3rd and 4th Streets and Highway 24-40 and Cox Street and is approximately 566 feet long. There are protruding taps that cannot be cut out, sections of pipe that are out of alignment, a section of pipe under Highway 24-40 that does not have a bottom and massive amounts of root infiltration. These problems have led to numerous sewage back-ups throughout the years. KC Construction has provided two options to repair these problems. Option 1: Dig up each problem area and repair at a cost of \$40,014.00. Option 2: Replace all 566 feet of sewer line and make all new taps for all affected homeowners at a cost of \$46,279.00. The funds are available in the Sewer Capital Fund, which has \$100,000 budgeted for 2012. The City Superintendent's recommendation is Option 2. **Motion** by Gilner to authorize KC Construction to replace the sewer line at a cost of \$46,279.00 with funds from the Sewer Capital Fund. Second by Truesdell. All Ayes. Aye 4. Motion carried.

At this juncture of the meeting, the agenda returned to Old Business. Chief Brandau requested an executive session to discuss matters of non-elected personnel. **Motion** by Bixby to enter into executive session at 8:25 PM to discuss matters of non-elected personnel for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, and Police Chief Brandau. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 8:35 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 approve the promotion of William Naff of the Tonganoxie Police Department to Lieutenant to begin at Range 11, Step A at \$22.26 per hour to be effective April 22, 2012 to be paid on the first payroll in May. (May 9th) Second by Peak. All Ayes. Aye 4. Motion carried.

The agenda returned to New Business with an application from the Abdallah Shrine Rodeo for a special event and temporary Cereal Malt Beverage license for the event to be held at the Leavenworth County Fairgrounds on May 24, 2012 through May 26, 2012. City Attorney Kelly had reviewed the applications and found them to be in order. **Motion** by Gilner to approve the special event application and approve the temporary cereal malt beverage license for the Shrine Rodeo Days to be held May 24, 2012 through May 26, 2012. Second by Peak. All Ayes. Aye 4. Motion carried.

The next item on the agenda was the KDOT Traffic Study of US 24-40 Highway. The study draft has significant engineering data related to traffic and has recommendations for signals, speed limit revisions, and signage. KDOT Metro Engineer Jim Pickett suggested the City direct its engineers to review the study and provide comments on the recommendations. KDOT will finalize the study and make a presentation to the City at its May 29, 2012 council meeting. In discussions with Jason at BG Consultants he indicated the review would take approximately four hours at a cost of \$492.00. The council concurred it would be important to have our engineering consultants review the study. **Motion** by Peak to approve the expense for BG Consultants to review the KDOT study of traffic patterns on Highway 24-40. Second by Gilner. All Ayes. Aye 4. Motion carried.

City Administrator Yanez updated the council on the RFQ responses that had been received at City Hall. Four submittals were received and all are in the custody of the Acting City Clerk. Council member Truesdell volunteered to evaluate the proposals in conjunction with the Planning Commission President, Joel Skelley. They will bring their findings and recommendations to the council.

City Attorney Kelly introduced Ordinance No. 1341, which amends Ordinance 1323 incorporating Ordinance for the Standard Traffic Ordinance. This Ordinance gives the Judge some latitude in determining fines while setting minimum and maximum sentencing guidelines. **Motion** by Peak to approve Ordinance No. 1341 amending Ordinance 1323 incorporating Ordinance for the Standard Traffic Ordinance. Second by Gilner. All Ayes. Aye 4. Motion carried.

The Mayor's Agenda consisted of two Executive Session requests. One for confidential or trade secret information of a third party and one for discussion of confidential information of non-elected personnel as it relates to the City Administrator search.

Motion by Peak to enter into executive session at 8:55 PM to discuss confidential data relating to financial affairs or trade secrets of third parties for fifteen (15) minutes to include the City Council Staff, City Administrator, City Attorney, and Mayor Ward. Second by Bixby. All Ayes. Aye 4. Motion carried. **Motion** by Peak to exit executive session at 9:05 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 Peak to enter into executive session at 9:10 PM to discuss confidential data relating to financial affairs or trade secrets of third parties for fifteen (15) minutes to include the City Council Staff, City Administrator, City Attorney, and Mayor Ward. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 9:30 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 9:30 PM to discuss matters of non-elected personnel as it relates to the City Administrator search for fifteen (15) minutes to include the City Council Staff, City Attorney, and Mayor Ward. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 9:48 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 9:50 PM to discuss matters of non-elected personnel as it relates to the City Administrator search for fifteen (15) minutes to include the City Council Staff, City Attorney, Mayor Ward, and Nathan McCommon. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 10:05 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

Motion by Peak to extend a job offer of City Administrator to Nathan McCommon. Second by Bixby. All Ayes. Aye 4. Motion carried.

Under the City Council Agenda, Bill Peak requested approval for him and Jason Ward (with Dennis Bixby as an alternate if Jason is unable to attend) to attend a 2-day leadership class in Wichita, Kansas at a cost of \$160 per person plus expenses of accommodations, meals, and mileage. The expense would come out of the Transient Guest Tax Fund. This is an LKM conference with emphasis on economic development. **Motion** by Gilner to approve the expense for Mayor Ward and Council Member Peak to attend the 2-day leadership conference in Wichita, Kansas with expenses paid out of the Transient Guest Tax fund. Second by Truesdell. All Ayes. Aye 4. Motion carried.

The final item was a request by the Mayor for an Executive Session to discuss matters of non-elected personnel. **Motion** by Bixby to enter into executive session at 10:07 PM to discuss matters of non-elected personnel for ten (10) minutes to include the City Council Staff, City Attorney, and Mayor Ward. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 10:17 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 4. Motion carried.

With no further business to discuss, there was a **motion** by Bixby to adjourn. Second by Peak. Motion carried. All Ayes. Aye 4. Meeting adjourned at 10:20 P.M.

Respectfully submitted,
Mary Conway
City Clerk