

**City of Tonganoxie
City Council Meeting Minutes
05/14/12**

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on May 14, 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. Nathan McCommon, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Chris Donnelly arrived at 7:05 PM.

Council Member Andy Gilner led everyone in the Pledge of Allegiance.

Consent Agenda

- a) Approval of Minutes –
 1. Regular Meeting dated April 23, 2012
 2. Special Meeting dated May 7, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1682
- c) Consider appropriation to BG Consultants for Chieftain Trail Extension Phase II in the amount of \$14,180.50.
- 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 Michael Kelly for April legal services in the amount of \$2,455.50.
- f) Consider appropriation to Mize Houser & Company for audit of financial statements for the year ended December 31, 2011 in the amount of \$5,000.00.
- g) Consider appropriation to Mike Yanez for final pay for first half of May City Administrator services reimbursement in the amount of \$3,321.06, which includes \$51.06 mileage reimbursement.

Motion by Gilner to approve the consent agenda items (a) through (g). Second by Bixby. All Ayes. Aye 4. Motion carried. (Note: Dennis Bixby and Bill Peak abstained from approval of the May 7, 2012 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:

City Attorney Kelly advised the council he had met with Chief Brandau to discuss the drawing submitted by the architects for Steve LaForge. Chief Brandau would like another opinion on the architectural drawings and City Attorney recommends that Clay Phillips of BG Consultants review the plans. Chief Brandau is concerned with the lack of specifics in the presented drawing. The seller's concern is his initial cost will be \$6,000 to complete a detailed architect plan and if the City would back out, he has lost \$6,000 and wants to make sure the contract would make him whole if we do not go forward with the project. At this point there is not a contract with Mr. LaForge. City Attorney will distribute to the council any new contract he may receive.

City Attorney Kelly advised the City Council that the Farm Lease Agreement had been completed and signed by Jim Grinter and a copy would be returned to him with the signature of the Mayor and City Clerk.

Building Inspector Mark Lee advised the council by letter that Mr. Depetre was continuing to make an effort to remove the debris from 1000 East 1st Street (the old Creamery Building). It was his recommendation that the council allow Mr. Depetre an additional 30 days to continue his clean-up efforts and if at the end of the extension the site is still not cleaned up then on or about June 13th the city could seek bids for the final clean-up and remediation of the property.

The Suburban Water Proposals were the next agenda item and Mayor Ward requested an Executive session. **Motion** by Gilner to enter into executive session at 7:30 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, Mayor Ward, City Administrator, City Attorney, City Superintendent and Gary Hanson. Second by Donnelly. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 7:50 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Council Member Truesdell updated the council on the Planning Services RFQ Responses. There were four responses received and Jim met with Planning Commission President Joel Skelley and City Administrator Nathan McCommon to review the RFQ's. It was determined the RFQ's had met the requirements as outlined and at this point it would be appropriate to begin the interview process.

New Business:

The first item under new business was the status of the easement acquisitions for the expansion of Chieftain Trail. Brian Kingsley of BG Consultants advised the council he has all the descriptions and property owners. There are 14 tracts affected by the project. It was suggested that the City contract with J.W. Evans to determine the value of each tract and present that to the council at the May 29th meeting. There was a consensus among the council members to proceed with contacting J.W. Evans for his services.

The next item of discussion was the 2012 Water Park Employee's Salaries. **Motion** by Donnelly to approve the salaries as submitted for the 2012 Water Park Employees. Second by Gilner. Ayes 4. Abstain 1 – Dennis Bixby. Motion carried.

Under the City Attorney Agenda was a request by City Superintendent Kent Heskett to sign the amended contract for PWW #6 so he could present it at their meeting on May 17, 2012. City Attorney was concerned about the termination language and asked that a copy of the original contract be provided to him for further consideration on the request and that this item be tabled to the May 29, 2012 meeting.

Mayor Ward read a Proclamation proclaiming May as National Bike Month.

The 2012 Mayoral Appointments were presented and there was a **motion** by Bixby to accept all the mayoral appointments. Second by Gilner. All Ayes. Ayes 5. Motion carried.

The final item under the Mayor's Agenda was an Executive Session, which the Mayor requested be moved to the last item of the meeting.

There was nothing under the Council President Agenda

Under the City Council Agenda, Dennis Bixby shared with the council his and Bill Peak's attendance at the LKM conference in Wichita. There was a trail grant program and Dennis would like to meet with Cecilia Harry to try to provide an application prior to the deadline of May 31, 2012. The council agreed if Dennis and Cecilia could submit a grant application for a trail on Washington Street and Church Street it could only be a positive for the city. It was suggested by Brian Kingsley that he contact the City of Hiawatha for input as they were successful in obtaining a trail grant.

The council asked Brian Kingsley the status of the bridge inspections. He had not been advised of the approval to complete the bridge inspections due to the change in administrators but would begin that process as soon as possible.

There was also inquiry about the fireworks for Tongie Days on June 9th. The council tabled this item until May 29th at which time they would like Connie Tordedon's feedback on the support of local businesses.

At this juncture of the meeting, the agenda returned to the Mayor's Agenda for an executive session. **Motion** by Gilner to enter into executive session at 8:30 PM to discuss confidential data relating to financial affairs or trade secrets of a third party for twenty (20) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, City Engineer Brian Kingsley and City Superintendent Kent Heskett. Second by Peak. All Ayes. Aye 5. 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 Truesdell. All Ayes. Aye 5. Motion carried.

The Mayor declared a five minute break with the meeting to resume at 8:55PM.

Motion by Gilner to enter into executive session at 8:55 PM to discuss confidential data relating to financial affairs or trade secrets of a third party for ten (10) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, City Engineer Brian Kingsley, and City Superintendent Kent Heskett. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 9:05 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Gilner to enter into executive session at 9:10 PM to discuss confidential data relating to financial affairs or trade secrets of a third party for fifteen (15) minutes to include the City Council Staff, City Administrator, City Attorney, and Mayor Ward. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 9:25 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Donnelly to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:25 P.M.

Respectfully submitted,
Mary Conway
City Clerk