

City of Tonganoxie
City Council Meeting Minutes
05/29/12

The Governing Body of the City of Tonganoxie met in a re-scheduled session at the City Hall Council Chambers on Tuesday, May 29, 2012 due to Memorial Day Monday. The meeting was called to order at 7:00 PM. with roll call showing a quorum and the following members present: Mayor, Jason Ward; Council members: Dennis Bixby, Andy Gilner, Bill Peak, and Jim Truesdell. Nathan McCommon, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Chris Donnelly was absent.

Mayor Ward invited everyone to join in the Pledge of Allegiance.

Consent Agenda

- a) Approval of Minutes –
 - 1. Regular Meeting dated May 14, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1683
- c) Consider appropriation to BG Consultants for Fire Station #1 Addition in the amount of \$4,531.37.
- d) Consider appropriation to Bingham's Landscaping for concrete and labor for crosswalk repairs in the amount of \$5,011.88.
- e) Consider appropriation to City of Basehor for Building Inspector/Code Enforcement services and mileage in the amount of \$3,026.10.
- f) Consider appropriation to Commercial Aquatic Services for pool chemicals in the amount of \$6,303.91.
- g) Consider appropriation to First State Bank & Trust for Fire Truck loan payment in the amount of \$24,102.21.

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

Open Agenda:

Gladys Walters of 609 River Street voiced her concern with the Police Department moving from downtown and leaving another vacancy. Additionally she was concerned with the expenses involved in purchasing such an expensive building and the impact on taxes to the citizens of Tonganoxie. She has resided in Tonganoxie for 78 ½ years and increased taxes and the commitments the city already has is a concern.

Lester Meinert of 601 Hidden Valley Drive welcomed the new City Administrator and hopes he can find a way to save money rather than spend it.

With no further comments from the public, the Open Agenda portion closed.

Old Business:

City Attorney Kelly requested that the update on the Police Station be moved to his agenda for later in the meeting.

The Suburban Water Proposal update was tabled for a later meeting.

Jim Truesdell provided an update on the City Planning Services interview timelines. Interviews would begin on Tuesday, June 5, 2012 and all four individuals who submitted proposals will be interviewed. An additional two members were added to the committee to assist in the interview process. After the interviews are completed the committee will make their recommendation to the Planning Commission before presenting it to the City Council.

Jim Truesdell updated the council regarding the Tongie Days Fireworks. Ed Jansen, who provided the fireworks display last year, advised he could present the same type of program at a cost of \$5,000. He could also provide a display for \$3,500 or \$7,500. Jim had discussed with Connie Toredon, who heads the Tongie Days Committee, if she had met with business owners to determine their monetary support of a fireworks display. She indicated time constraints and other commitments did not allow her to do that. With no clear idea of what monetary support there may be for the expense and the fact fireworks expenses were not included in the budget, the consensus of the council was the city should not proceed with providing a fireworks display this year. Possibly in the future it could be included in the budget or perhaps the city could partner with the Chamber of Commerce or the Recreation Commission.

The final item under Old Business was an update on the PWWSD #6 Contract. City Attorney Kelly advised he was not able to proceed with the information that had been provided as it was not the original agreement, which is needed to review the termination language. Both City Hall staff and the City Superintendent have exhausted all means of providing the necessary contract. City Attorney will create language that will reflect termination language and have it ready for consideration by PWWSD #6 for their meeting in July.

New Business:

The first item under new business was the KDOT Traffic Speed Study of US 24-40 Highway. Jim Pickett was to present his findings; however, he was not available for this meeting. Bill Peak commented that there were several positive changes but one other change he would like to see was the intersection at West 8th Street and the highway. This is the turn into the assisted living facility and the turn is obscured from view by small hills in the highway. The City Administrator was directed to contact Jim Pickett and discuss this issue with him and when he would be available to attend a council meeting to review the KDOT study. This item was tabled to a later date for further discussion.

The next item was consideration of an application for a Special Use Permit for an in-home day care located at 110 Grae Court submitted by Kristal Holland. City recommendation was that the council make and approve a motion to accept the Planning Commission recommendation and adopt Ordinance #1343, an ordinance amending the "Zoning Ordinance and Subdivision Regulations" of the City of Tonganoxie, Kansas, 2003, Section 22, "Special Uses", by granting the Special Use Permit to certain property in the City of Tonganoxie, Kansas for an in-home day care in a single family residence located at 110 Grae Court. **Motion** by Peak to adopt Ordinance 1343 for an in-home day care at 110 Grae Court. Second by Bixby. All Ayes. Aye 4. Motion carried.

The next item for discussion was an open public works position. This position would be general utility maintenance worker/meter reader. This was a position which was included in the 2012 budget for a start date of January 1, 2012; however, in consideration of budget constraints the City Superintendent agreed to delay hiring for this position until July 1, 2012. The six-month delay resulted in a savings of approximately \$13,000. Bill Peak would like more specifics regarding the budget amount and the overall impact on the City Superintendent's budget. The City Superintendent will provide this information to the council for further consideration at the June 11, 2012 meeting.

The next agenda item was consideration of payment to Bingham's Landscape for overage on the cost of the crosswalk replacements. A calculation error was made by Mr. Bingham and he has asked the council thru the City Superintendent to consider payment of \$1,125.00 to cover the overage. Because this was a bid situation and there were no changes in the city's specifications, it was the consensus of the council to deny the additional payment.

The City Administrator Agenda was next and consisted of four items of discussion. The first item was with regards to budget discussions. The City Administrator proposed several dates for budget discussion including a meeting for public input followed by a meeting for final review prior to an August 1, 2012 publication and then an August 13, 2012 final hearing to adopt. The dates for discussion will be regular meeting on June 11, 2012; regular meeting on June 25, 2012; special meeting on July 2, 2012; regular meeting on July 9, 2012; special meeting on July 16, 2012; regular meeting on July 23, 2012 for public input; special meeting on July 30, 2012 for finalization for publication on August 1, 2012, and regular meeting on August 13, 2012 for final hearing to adopt the published budget.

The next item was regarding a dying oak tree at the northeast corner of the water park. There are several large limbs hanging over electric lines and neighboring properties. This proposes a safety issue and the City Superintendent obtained costs to remove the tree. The tree was trimmed out two to three years ago in an effort to save the tree but it is in its waning years and now there are safety concerns. Plake's Tree Service has provided a quote of \$900 to remove the tree and grind out the stump. They provided an alternate quote of \$800 to remove the tree and leave a ten foot stump for possible carving. The carving price is \$300 per foot. **Motion** by Gilner to have Plake's Tree Service cut down the tree and leave a ten foot stump for carving. Second by Peak. Discussion ensued regarding the cost of the carving and budget constraints. The carving fee could be upwards of \$2,700 plus the \$900 to cut down the tree. In addition the carving would have to be maintained several times a year. With budget constraints does it make good sense to have a carving? With additional thought and discussion Peak withdrew his second and Gilner withdrew his motion. A new **motion** was made by Gilner to have Plake's Tree Service cut down the tree and grind out the stump at a cost of \$900 to be paid out of the Special Parks Fund. Second by Truesdell. All Ayes. Aye 4. Motion carried.

The City Administrator then discussed the Website contract, which has lapsed. He would like to see a Request for Proposal for operating, re-designing, and general support for the website service. He will present ideas to the council for a better website at a future meeting.

The final item of discussion for the City Administrator was the City's IT system. He has observed several deficiency in the City's system with the most crucial is having confidential information at risk. He encouraged the council to include this item in the 2013 budget. The cost would be approximately \$25,000 with an annual fee of \$1,000 for a license to use the system and an additional \$5,500 for the Police Department license. Everything would be in-house on the City's own server.

Both the City Attorney and the Mayor had executive sessions and proceeded to the Council President Agenda and the City Council Agenda before continuing to executive sessions.

City Council President had nothing at this time.

Under the City Council Agenda Andy Gilner wanted to remind the council that there would be an opportunity to promote Tonganoxie with the Cerner Business Center opening soon and only 20 minutes from Tonganoxie. It would be an opportune time to formulate a strategy with RCDC and capture those employees to consider moving to Tonganoxie.

There were no other comments under the City Council Agenda at this time; however, Bill Peak stated he would like to have an executive session later in the meeting.

The next agenda item was the City Attorney Agenda. He requested an executive session to discuss acquisition of real estate. **Motion** by Gilner to enter into executive session at 8:15 PM to discuss acquisition of real estate for fifteen (15) minutes to include the City Council Staff, City Administrator, JW Evans, and City Attorney. Second by Peak. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 8:30 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 8:35 PM to discuss acquisition of real estate for fifteen (15) minutes to include the City Council Staff, City Administrator, and City Attorney. 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 Truesdell. All Ayes. Aye 4. Motion carried.

City Attorney advised the council that in the near future they would have to consider becoming a 2nd Class City unless the City takes affirmative moves to remain a 3rd Class City.

The Mayor's Agenda was next and Mayor Ward requested an executive session to discuss confidential or trade secret information of a third party. **Motion** by Gilner to enter into executive session at 8:50 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 and Mayor Ward. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Gilner to exit executive session at 9:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Under the City Council Agenda Bill Peak requested an executive session to discuss a matter that pertains to non-elected personnel. **Motion** by Peak to enter into executive session at 9:00 PM to discuss a matter that pertains to non-elected personnel for ten (10) minutes to include the City Attorney. Second by Bixby. All Ayes. Aye 4. Motion carried. **Motion** by Bixby to exit executive session at 9:10 PM. No items were discussed other than that mentioned and no votes were taken. Second by Gilner. All Ayes. Aye 4. Motion carried.

Continuing under the City Council Agenda, Dennis Bixby asked Bill Peak about contacting Kay Soetaert about the plants that are overgrown at the Myers Hotel at 3rd and Main. They create a safety issue as they block the view when making a turn. Bill will discuss this issue with Kay.

Councilman Bixby inquired about the status of lowering the speed limit to 20 MPH at the Fall Creek Villas. City Attorney informed him this requires an ordinance and he is working on that and it will be ready for the next meeting on June 11, 2012.

There was a **motion** by Truesdell to enter into an agreement with Evans Real Estate for easement acquisition in conjunction with the Chieftain Trail Expansion. Second by Gilner. All Ayes. Aye 4. Motion carried.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 4. Meeting adjourned at 9:15 P.M.

Respectfully submitted,
Mary Conway
City Clerk