

**City of Tonganoxie**  
**City Council Meeting Minutes**  
**06/11/12**

The Governing Body of the City of Tonganoxie met in regular session at the City Hall Council Chambers on Monday, June 11, 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; Council members: Dennis Bixby, Chris Donnelly, Bill Peak, and Jim Truesdell. Nathan McCommon, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Andy Gilner arrived at 7:05PM.

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

**Consent Agenda**

- a) Approval of Minutes –
  - 1. Re-Scheduled Regular Meeting dated May 29, 2012
  - 2. Special Meeting dated June 4, 2012
  - 3. Special Meeting dated June 6, 2012
  
- b) Consider Approval of Bills - Approve Pay Ordinance A-1684
  
- c) Consider expenditure to AAF Fleet Service for maintenance to Fire Trucks in the amount of \$4,585.03.
  
- d) Consider expenditure to K.C. Construction, Inc. in the amount of \$43,451.00 for substantial completion for installation of sewer pipe at 3<sup>rd</sup> and Cox.
  
- e) Consider expenditure to Midwest Public Risk for Property and Liability Insurance from July 1, 2012 to December 31, 2012 in the amount of \$26,667.00.
  
- f) Consider expenditure to Olathe Winwater Works for water line maintenance material in the amount of \$3,904.14.
  
- g) Consider expenditure to Stumbo Hanson for analysis of Suburban Water Service Territory research in the amount of \$4,024.98.
  
- h) Consider expenditure to Tonganoxie Library for Ad Valorem Taxes in the amount of \$102,639.95.

**Motion** by Bixby to approve the consent agenda items (a) through (h) withholding item (g) for further review by City Attorney. Second by Truesdell. Peak questioned the traffic control charge of \$3,000 included in item (d). City Superintendent clarified this was part of the approved bid amount. All Ayes. Aye 4. Motion carried.

**Open Agenda:**

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

### **Old Business:**

Mayor Ward requested that the KDOT presentation by Jim Pickett move to the first agenda item. Mr. Pickett provided the results of KDOT's final traffic investigation of US 24/40 Highway from east to Stone Creek to south to 12<sup>th</sup> Street. Crash analysis data and traffic volume was provided with KDOT's recommendations for signage changes, highway marking changes and speed limit changes. The council agreed these were positive changes and would want to implement the changes as soon as possible. Jason Hoskinson with BG Consultants responded that his review of the KDOT data was positive. He concurred with the recommendations of KDOT. Mayor Ward thanked KDOT and Mr. Pickett for their time and effort in the study and analysis and presentation. Mayor Ward and Council Members directed KDOT to implement the changes presented and to use Option B at US 24/40 Highway and Stone Creek/South Park Drive for left turn lane pavement marking changes. Bill Peak also requested that the speed limit remain at 30MPH past 8<sup>th</sup> Street where it is currently 45 MPH. Mr. Pickett indicated the Secretary of Transportation will have to approve the speed limit changes and pavement markings and he would provide a timeline to the City.

City Attorney requested that the update on the Police Station be heard later in the meeting.

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

City Planning Services update was presented by City Administrator. City Attorney was satisfied with the Planning Services negotiations. City Administrator advised that all four companies were interviewed by a panel that included Councilman Truesdell, Planning Commission Chair Joel Skelley, citizens Richard Erickson and Suzanne Johnston, and City Administrator. Their recommendation was BRR Architects. This recommendation was approved by the Planning Commission at their June 7<sup>th</sup> meeting. **Motion** by Donnelly to authorize the City Administrator to negotiate an agreement for city planning services with BRR Architects. Second by Truesdell. All Ayes. Aye 5. Motion carried.

The next item under Old Business was an update on the PWWSD #6 Contract. City Attorney Kelly advised the original agreement was from 1982 and had a 40 year contract and was updated in 1992 with another 40 year contract. The termination language is vague although he does not feel there is a danger in signing a new agreement. If the contract is terminated the City would be obligated to pay 33% of the outstanding debt. The current contract obligates the City to purchase a minimum of 6 million gallons of water per year with a minimum fee of \$3,300. This is a valuable back-up source of water supply for the City. City Attorney will write termination language that City Superintendent can present at the next PWWDS #6 meeting in July. Councilman Donnelly would like to know who is on the water district's board. The contract will be tabled until the next meeting.

The next agenda item under Old Business was the Public Works Position. City Administrator provided background information on the Maintenance Worker I position, which had originally been approved for the 2012 budget with a January effective date; however, for cost saving purposes City Superintendent agreed to delay hiring until July. This has resulted in a \$19,032 savings. City recommends hiring an individual to fill the Maintenance Worker I position. **Motion** by Bixby to authorize hiring an individual for the Maintenance Worker I position. Second by Peak. All Ayes. Aye 5. Motion carried.

At this juncture of the meeting the update on the Police Station was presented. City Attorney informed the council that Clay Phillips, Engineer with BG Consultants advised what he was provided for plan design was not sufficient for him to review. He needs an architectural design to properly evaluate the building plan. City Administrator feels that there is not confidence that the turn-key price will stay as quoted. Chief Brandau stated there is an impasse in the negotiations as the seller will not provide the needed architectural design without a commitment from the City.

Truesdell thinks the City should enter into an agreement regarding the architectural design; however, other council members feel a turn-key price should include the plan design. Each member gave their opinion on this issue. Truesdell wanted to know how strongly the Chief feels about the building and

would it make sense to buy the building outright and develop an architectural design to conform with the needs of the police.

Peak favors staying at the current location for a year or two and then consider a new building on land that the City currently owns, specifically the house and lot at 3<sup>rd</sup> and Main. There has been no feed-back from the seller regarding turn-key details.

Donnelly voted for a specific price for a specific product. If that product can be provided for the quoted amount he would prefer to move forward, but if what the Chief needs cannot be met for the price the City was give, we should look at other options.

Gilner agreed with Peak and Donnelly and thinks the City should move forward to another option.

Bixby also agreed with Peak and Donnelly and is convinced if we move forward with this building it would be a mistake. The seller brought a turn-key quote to the City – the City did not request it, they provided it to us.

Mayor Ward appreciated all the efforts put forth and stated his biggest concern throughout this process was where would the City be in 20 years. The Fire Department and the Police Department wanted to have a presence north of Hwy. 24-40 and this would have created that opportunity. Additionally the City will have to address the security issues at the current location.

Chief Brandau advised he had a builder provide a rough estimate to remodel the current location just to pass State Audits. The quote provided was approximately \$8,000.

**Motion** by Bixby to authorize City Attorney to negotiate with Quisenberrys to extend the lease to a two year agreement. Second by Peak. Discussion ensued as to if the City wanted a lease at this time. Truesdell would like Chief and staff to recommend what they want and need at current location. Roll call vote was taken: Bixby – Aye; Gilner – Nay; Donnelly – Nay; Peak – Aye; Truesdell – Nay. Ayes – 2 Nays – 3. Motion did not pass.

Donnelly would like cost and timeframe to remodel the current location and then complete an RFP for final cost figures. **Motion** by Peak to reject the proposal by Everlasting Specialties and to terminate negotiations. Second by Bixby. All Ayes. Aye 5. Motion Passed. City Administrator and Chief Brandau will meet with Everlasting Specialties to advise of the decision.

### **New Business:**

City Attorney requested that item 3) under his agenda be moved up and be heard at this time. This was a request to enter into an agreement for acquisition of easements for Chieftain Trail. The agreement would be between City of Tonganoxie and Evans Real Estate Company. The City would agree to pay Evans as compensation the total of \$500 for each parcel Evans attempts to purchase. Work will begin within two weeks of execution of the agreement and be completed within 75 days. **Motion** by Donnelly to approve the contract for services of easement acquisitions with Evans Real Estate at the cost of \$500 per parcel. Second by Gilner. All Ayes. Aye 5. Motion passed.

The next item for consideration was the approval of two Firework Sales/Stand Permits. Fire Chief Bennett has approved the site locations and will issue final permits after conducting tent inspections before opening day, June 30, 2012. **Motion** by Gilner to approve the firework stand applications for Rock Star Fireworks and Garrett's Worldwide Enterprises, LLC. Second by Truesdell. All Ayes. Aye 5. Motion carried.

At this time the agenda was moved to City Attorney's item 1), Ordinance 1344. This was an ordinance reflecting a speed limit change in the Fall Creek Villas from 30 MPH to 20 MPH. This was a change requested by the residence of Fall Creek Villas. **Motion** by Gilner to adopt Ordinance 1344 changing the speed limit in Fall Creek Villas from 30 MPH to 20 MPH. Second by Bixby. All Ayes. Aye 5. Motion carried.

City Attorney advised Ordinance 1345 would be tabled until the next meeting on June 25, 2012.

Before returning to the Mayor's Agenda and the City Administrator's Agenda the City Council Agenda was heard. Councilman Peak advised the council he had met with Kay Soetaert, owner of Myers Hotel, regarding the plants at 3<sup>rd</sup> and Main. She indicated she would remove them, which should resolve the issue of being able to see oncoming traffic.

Councilman Bixby questioned the progress at the old creamery site. The owners were given a 30-day extension to the end of June. Mark Lee, who conducts the city's code enforcements, advised he would have an update for the next council meeting on June 25, 2012.

At this point, the Mayor's Agenda was addressed. The City Council appoints two members of the Recreation Commission, and one appointment will expires June 30, 2012. Steve Miller is the incumbent and has agreed to be reappointed. The Recreation Commission has recommended that Steve Miller be reappointed. There was discussion about how the Recreation Commission was funded and how many board members there were. The funding is from a 4.5 Mill Assessment included with the Tonganoxie Unified 464 School District. There are five Board Members as follows: two from the school, two from the city, and one at large. **Motion** by Donnelly to reappoint Steve Miller to the Recreation Commission for four additional years. Second by Peak. All Ayes. Aye 5. Motion carried.

The City Administrator Agenda was next. City Administrator McCommon addressed the council regarding entering an agreement with the City of Lansing for accounting services. With the pending vacancies of both the Assistance City Administrator and Deputy City Clerk positions, the remaining staff is insufficient to maintain public records, process payroll, and assure internal accounting controls. The City Administrator advised he had been in discussions with Mike Smith, City Administrator of the City of Lansing regarding utilizing one of their personnel on a part-time basis for approximately three months. City of Lansing uses the same accounting software as City of Tonganoxie so the transition would be a smooth one. Mr. Smith will agree to an interlocal agreement to share part-time accountant for purposes of processing payroll and completing the month-end closings. There would be no additional budget appropriation and the negotiated payment rate to the City of Lansing would be substantially less than the cost of the two vacant positions. **Motion** by Donnelly to authorize the City Administrator to negotiate an agreement for part-time account services with the City of Lansing. Second by Peak. All Ayes. Aye 5. Motion carried.

The agenda item, Preliminary Budget Discussion, was tabled for a later meeting.

The next item the City Administrator wanted to discuss was to renew the licensing agreement for police records management. The current system Record Management System (RMS) is so old the vendor will no longer support our version after December 2012. The current annual licensing cost is \$2,000 through Enterpol, and an upgrade would increase the licensing fee in 2013 to \$5,500. Enterpol's software is compatible with the KLER system of the State of Kansas and there would be no other expenses involved other than the licensing fee. Other vendors offer proprietary systems but there is significant expenses involved. There would be no cost impact to the current year with Enterpol update and it would be an increase of \$3,500 in the 2013 budget. **Motion** by Donnelly to approve a licensing agreement with Enterpol to upgrade the current police records management system. Second by Peak. All Ayes. Aye 5. Motion carried.

The final item on the agenda was review of a feature on “Today in America”. City Administrator was contacted by the producers of “Today in America”, which airs on the Discovery Channel. The celebrity spokesperson is Terry Bradshaw. They promote stories of smaller towns and learned about Tonganoxie. City Administrator and Mayor had two conference calls and it could be a positive way for a large audience to learn about Tonganoxie but there is a cost impact. The program requires a contribution of \$24,800, paid in two installments; however, City of Tonganoxie is not in a financial position to consider this type of marketing. The council all agreed it was a positive endeavor and something that could be considered in the future.

With no further business to discuss, there was a **motion** by Donnelly to adjourn. Second by Gilner. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:30 P.M.

Respectfully submitted,  
Mary Conway  
City Clerk