

**City of Tonganoxie**  
**City Council Meeting Minutes**  
**07/09/12**

The Governing Body of the City of Tonganoxie met in regular session at the City Hall Council Chambers on Monday, July 9, 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 was absent.

Mayor Ward invited everyone to join in the Pledge of Allegiance, followed by a moment of silence for our friend and employee Kathy Bard, who passed away on July 6, 2012. Mayor Ward and each council member paid tribute to Kathy, noting her amazing knowledge of the workings of the city and her availability to all the employees. She will be greatly missed by all.

**Consent Agenda**

- a) Approval of Minutes –
  - 1. Regular Meeting dated June 25, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1686
- c) Consider expenditure to Asphalt Sales of Lawrence for street repairs to Shawnee and Ann in the amount of \$8,168.46.
- d) Consider expenditure to BG Consultants for Industrial Site Utility Extension Coordination in the amount of \$1,537.50.
- e) Consider expenditure to City of Basehor for building inspector/code enforcement services in the amount of \$1,925.70.
- f) Consider expenditure to Michael Kelly for June 2012 legal services in the amount of \$2,138.00.
- g) Consider expenditure to Leavenworth County Probation for third quarter probation services in the amount of \$2,739.15.
- h) Consider expenditure to Olathe Winwater for water meters and meter testing in the amount of \$1,847.98.
- i) Consider expenditure to Saint Joe Distributing for candy for the Water Park concessions in the amount of \$1,154.42.
- j) Consider expenditure to Don Wilson for second quarter mileage reimbursement in the amount of \$1,379.90.

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

**Open Agenda:**

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

**Old Business:**

The first item under Old Business was an update on the Police Station with regards to an agreement with Calvin and Susan Quisenberry for an extended lease of 326 Delaware. City Administrator McCommon advised that Mr. Quisenberry was open to defining terms and lowering the rate for the current space used by the Police Department. The council directed staff to work with City Attorney Kelly in drafting an agreement with Mr. Quisenberry for an extended lease of his property for the Police Station.

The next Old Business item of discussion was an update on PWWSD#6 review of the submitted termination language. City Administrator advised the council that City Superintendent Heskett was to discuss this with PWWSD #6 and #9 at their next meeting on July 19, 2012. He will report to the council at their July 23<sup>rd</sup> meeting their opinion of the language and if they are willing to incorporate such language to the contract.

The final item under Old Business was an update on the old creamery site at 1<sup>st</sup> and Tonganoxie Road. City Administrator advised the council that code enforcement officer, Mark Lee, recommended that the city's public works department proceed with the removal of all remaining debris to make the site safe. There was a question if the cost is billed to Mr. Depetre. City Attorney advised that it becomes an assessment on the tax rolls. Council discussed that while the city crew was working on the site it would make sense to also clear out the three car garage owned by the city. All council members concurred that should be done.

**New Business:**

The first item under New Business was the Right to Appeal Code Violation Notice by Dan Lynch of Lynch Real Estate. Mr. Lynch was found to be in violation of the Environmental Code of the City of Tonganoxie on June 19, 2012 and given 45 days to rectify the violation. Mr. Lynch had sent a letter advising he would be appealing this violation; however, council was advised by City Administrator that Mr. Lynch had come into city hall and stated he would be repairing the violations and would bring the trailer and property that was in questions into compliance by August 5, 2012. Code Enforcement will re-inspect the property and if it is not in compliance he will be issued a Notice to Appear in court.

The next item was consideration to authorize BG Consultants to prepare easement descriptions and construction staking for Chieftain Trail Phase 2 for the easement acquisitions by Evans Real Estate. There was discussion on this item with regards to the breakdown of how the money was allocated. Council members would like a spreadsheet to show the detail for the \$8,006.00. Mayor Ward would like an approval as soon as possible as there is an urgency to have this project completed while grant money is available. Construction cannot start until the easement acquisitions are obtained. Approval could be granted with the caveat that the amount not exceed \$8,006 and that a break-out of the dollar amounts be provided. **Motion** by Peak to authorize City Administrator to confirm to BG Consultants to proceed with providing easement descriptions and construction staking, not to exceed \$8,006.00 and provision of detail break out of this amount. Second by Truesdell. All Ayes. Aye 4. Motion carried.

The next item was a Planning Agreement with BRR Architecture. **Motion** by Truesdell to authorize Mayor Ward to sign the presented agreement with BRR Architecture. Second by Peak. All Ayes. Aye 4. Motion carried.

Under the City Attorney Agenda, Michael Kelly advised the council he was continuing to research the structure of the Recreation Commission and requested this be set out to the July 23, 2012 meeting.

Under the Mayor Agenda, Mayor Ward welcomed previous member Burdel Welsh, who is currently seeking the office of Leavenworth County Sheriff.

Under the Council Agenda, Bixby inquired what he needs to do in order to begin painting on the old shop building on Main Street. The City Attorney advised him to come by his office and sign a waiver of liability. Bixby also asked about the maintenance of the VFW Park. The City does not own the park and as the members of the VFW age, they are concerned what will happen to the park. The VFW could sell it to the city and the city could lease it back to them but all solutions will have a cost impact.

At this juncture of the meeting, the subject of continued budget work sessions was discussed. **Motion** by Truesdell to schedule a budget work session on Monday, July 16, 2012 at 6:00 PM. Second by Peak. All Ayes. Aye 4. Motion carried.

One last item of discussion was from Mayor Ward. Prior to the 4<sup>th</sup> of July he had received several requests to ban fireworks in the City of Tonganoxie. Currently there is not an ordinance which allows the city to ban fireworks for any reason. He would like staff to review and create an ordinance that includes language that would allow the city to ban fireworks if there appears to be an issue with safety. Currently the Fire Chief can ban fireworks, but he is required to come before the council to do so.

With no further business to discuss, there was a **motion** by Peak to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 4. Meeting adjourned at 8:00 P.M.

Respectfully submitted,  
Mary Conway  
Interim City Clerk