

City Council Meeting Minutes

9/24/2012

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on September 24, 2012. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor Jason Ward, Council members: Dennis Bixby, Andy Gilner, Chris Donnelly and Bill Peak. Councilman Jim Truesdell was absent. Also present were Nathan McCommon, City Administrator; Jennifer Jones-Lacy, Asst. City Administrator; and Michael Kelly, City Attorney.

After roll call, the Mayor requested everyone join in reciting the Pledge of Allegiance.

I. Consent Agenda

- a) Approval of Minutes – Regular Meeting dated September 10, 2012
 - b) Consider Approval of Bills - Approve Pay Ordinance A-1691
 - c) Consider approval of payment to Crookham Construction, LLC for Delaware Drive Street Project in the amount of \$28,325.
 - d) Consider approval of payment to Evans Real Estate Company for property acquisition services related to Chieftain Trail in the amount of \$3,500.
 - e) Consider approval of payment to First State Bank & Trust for debt service on the Fire Department Vehicle in the amount of \$2,903.77.
 - f) Consider approval of payment to Kansas Dept. of Health and Environment for debt service for water supply improvements in the amount of \$24,382.74.
 - g) Consider approval of payment to Kansas Dept. of Health and Environment for debt service for water supply improvements in the amount of \$125,000.
 - h) Consider approval of payment to Midwest Public Risk for employee health benefits in the amount of \$30,972.
- Dennis Bixby made a motion to approve consent agenda items A-H, Andy Gilner seconded.
 - No Discussion. Motion carried, all Ayes

Open Agenda – No comments from the Public

I. Old Business

- a) Update on PWWSD#6 review of submitted termination language in order to enter an operating agreement with Public Wholesale Water Supply District #6 and #9 and authorizing additional expenditure of \$3,300 from the Water Purchasing Account of the Water Operating Fund

Mr. Kelly said they made one change in the termination language and he still needs to determine if the contract termination must be approved by the attorney general.

Mr. McCommon said Water District Six expressed that they were displeased with the termination language as proposed including Water District 9's and that they prefer the termination language of the existing contract, which is less preferable to all parties.

Michael Kelly said that when the original water district was formed, it was approved by the Attorney General, which may be why they need to approve any changes.

- b) Chieftain Trail Update

JW Evans approached all property owners. One owner hasn't decided if he wants to grant the easement without payment. Otherwise, anticipate council will be able to make a decision on finalizing the easement acquisitions.

II. New Business

- a) Superintendent Randy Weseman of USD 464 was a briefing on the measures taken in response to the vehicle and pedestrian traffic accidents that occurred around the middle school over the last two weeks and some solutions including working with the Tonganoxie Police Department.

He also discussed the November 6th Bond issue proposed by the School Board that would build a new elementary school. The Board proposed three and possibly four locations to consider. The ultimate goal of the project is to construct efficient and pragmatic facility to accommodate K-5 students well into the next decade as well as make significant improvements to traffic patterns.

The Mayor said that he asked Councilman Truesdell to sit on an infrastructure committee and told the Superintendent that he wants to work with the School District to ensure the District and City are on the same page. That way I understand what your expectations are. Superintendent plans to work hand-in-hand with the City.

- b) Mr. McCommon introduced Brian Kidney and Tom Kaleko from Springstead Financial regarding the City's debt and potential savings. Bryan Kidney gave the presentation.

Some state revolving loans are attractive for refinancing. We have five outstanding loans and looked at four. The fifth one only has one payment left. The other four loans have around the 3.0% - 3.6%. Combining all of those into a bond issue would be about \$4 million. Currently 2.15% interest is about what the new rates would be for a total savings of \$550k over the life of the loans. They are General Obligation Debt we would be converting these to. We have a debt limit of 30% of outstanding debt. We currently have \$3.8 million available to issue. The portions of the KDHE loans would not count against this and but KDOT ones would and would lower our available authority to \$3.1 million in available debt.

Springstead plans to do an analysis to determine if including the industrial park debt into the new GO Bond issuance would be a viable option.

Second and third class cities would need a charter ordinance to issue GO Bonds on sewer infrastructure to relieve a statutory bond debt cap of \$300,000 and this refinanced sewer debt will exceed that limit. Timeline: Publication twice a week apart and a 60 day protest period. Recommend Council move forward with charter ordinance and Springstead will keep Mr. McCommon apprised of the market rates. Councilman Peak asked if the City could expedite payments to reduce the amount of interest paid and Mr. Kidney affirmed that it was an option. Also, one of the KDOT loans is for second street, so we would need to name it a "Main Trafficway" in order to issue bonds, so that just takes an action of the council.

- Mayor asked city attorney Michael Kelly if he saw and approved the charter ordinance.
- Mr. Kelly said yes.
- Mayor asked if the Council wished to approve Charter Ordinance #22.
- Councilman Peak made a motion to adopt and was Seconded by Councilman Donnelly.
- All Ayes, ordinance passed.
- Mr. McCommon said the ordinance can be in the Lawrence Journal World and the Tonganoxie Mirror Papers on Wednesday.

Broke for a five minute recess requested by the Mayor at 8:07 p.m.

- c) Mr. McCommon said we saved \$15,400 on purchasing salt because we have a left over supply of salt from the mild winter. He asked that the Council entertain a motion to approve the purchase.
- Donnelly made a motion to approve and Bixby seconded.
 - Discussion: Mr. McCommon said the salt was straight salt. He also explained that we were benefitting from the price received by Leavenworth County.
 - All Ayes, ordinance passed.

d) City Administrator Agenda

1. Request to provide procurement cards to director with \$1,000 spending limit/month. They are debit cards vs. credit card. City Manager would have to sign off at the end of the month.

Councilman Bixby asked what the process would be if there were unauthorized payments.

Mr. McCommon said any authorization would be given in advance if there was some kind of luncheon and the person would have to pay the City back.

Councilman Donnelly, there is different risk-level with a debit card versus a credit card in terms of how you return items. He asked the City Administrator to review that and consider a credit card over a debit.

- Councilman Donnelly made a motion to have the Administrator research the issue. Seconded by Councilman Gilner.
 - All Ayes, motion passed.
2. Mr. McCommon provided an update on Second Class City change. Plans to provide a document to Council at the next meeting so they can review and ask questions. He asked if the Council had a preference for when to host a work session. The group decided on Monday, October 15th at 6 pm.
 - Councilman Gilner motioned to have the work session that date and time. Second by Councilman Peak.
 - All Ayes, motion passed.
 3. Mr. McCommon requested to change providers of mobile telephone service from Verizon to T-Mobile because they provide much less expensive service. He said that Council could use the tablets for their council agendas. Councilman Bixby said they don't print council agendas in Basehor and the Mayor said having this information electronically was his preference. Mr. McCommon said we could email the agenda packets.

Mr. Bixby asked how T-Mobile's coverage was. Mr. McCommon responded that it's 2G. Data service is \$20/month. T-Mobile offered to waive monthly service cost until the end of the calendar year.

Verizon – currently on a month-to-month contract so there is no early termination fee.

- Councilman Donnelly motioned to approve the switch of cell phone carriers from Verizon to T-Mobile and was seconded by Gilner.
 - All Ayes, motion passed.
4. Mr. McCommon requested an executive session to discuss confidential matters or trade secrets of a third party as it relates to property acquisition for 15 minutes at 8:41 pm. Motion made by Councilman Peak, seconded by Councilman Gilner, all Ayes. Councilman Peak motioned to return from executive session at 8:56. Seconded by Councilman Gilner. All approved No action was taken.
 5. Mr. McCommon requested an executive session to discuss confidential matters of attorney/client privilege for three minutes. Motion by Peak, second by Gilner, all Ayes. Councilman Bixby motioned to returned to regular session at 9 pm, seconded by Councilman Peak, all Ayes. No action was taken.

e) City Attorney Agenda

1. Mr. Kelly asked that he be given more time to review the repeal of certain sections of Article 3, Fireworks, of Chapter 7 of the Code of Ordinances and replacing same for the purpose of defining the authority to ban the sale and use of fireworks in the city limits and provide public notice of such ban. He asked that the issue be pushed to the next meeting. The Mayor approved.
2. Amending Chapter 8 the Code of Ordinances and adding a certain section that would define "trail" to be of minimum width of eight feet, constructed for pedestrian and bicycle use, and provide connectivity between residential, business, and public areas. Municipal services would maintain the trail.

Mr. Kelly recommended Council consider the ordinance with the above mentioned amendment.

Councilman Donnelly asked if the ordinance specifies where a trail would be.

Mr. Kelly said we designated the path along Main Street a trail.

Councilman Bixby said he would like to see any large track development in the future to have trails but can't imagine a developer continuing to maintain them. Would like to see the City not have to get involved in the building of all trails, but maybe the City of a homeowners assoc. would maintain it. Mayor recommends leave that out of this ordinance but could add his suggestion into another ordinance. Attorney recommends considering the maintenance of new trails on a case-by-case basis.

Council can vote on this in two weeks. Bixby moved that we tabled it. Mayor asked Councilman Bixby to make recommendations to staff. The ordinance was tabled.

f) Mayor Agenda

Requested that items discussed at council meetings outside of what's listed in the council agenda to please let staff know so they can include it on the agenda.

g) City Council Agenda

1. Retail Commercial Development Committee Report – Bill Peak
Peak –

The group provides Façade grants – two are given out/year and match up to \$500. GoTonganoxie.org website provides info on businesses in town. Network Kansas website – gave this info out to several people in the area. Plan to purchase way finding signs, have 19 sites identified. An application form for potential volunteers was created and he plans to post in paper.

Mayor asked if he's talked to former volunteers about why they are no longer volunteering. Answer: people have too full a plate.

2. Bill Peak asked the next date political signs can go up. Mr. McCommon said the 25th of September.

3. Update on mowing VFW Park – Bill Peak

Councilman Peak spoke w/ several of the VFW past presidents. They indicated they were all extremely disappointed that no movement has occurred on this issue. They want more contact with the City. Councilman Peak wants a presentation on what can be explored and why/why not we can move on this. Asked for a spreadsheet for what we can/cannot do in this park.

Councilman Peak wants to have a report for the next meeting.

Councilman Bixby - VFW built a park with the understanding that the City would maintain it.

4. Update on fireproof storage in city hall – Bill Peak
Four drawer storage is max \$2,600 – can withstand 1 hour of fire.

Mayor – all important documents should be scanned and backed up and fireproof safe should be reserved for historical documents.

With no further business to discuss, there was a motion by Councilman Bixby to adjourn. Seconded by Councilman Gilner. Motion Carried. All Ayes. Meeting adjourned at 9:31 p.m.

Respectfully Submitted,

Jennifer Jones-Lacy, Assist. City Administrator