



**City Council Meeting Minutes**  
**11/26/12**

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on November 26, 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 K. Ward; Council members: Councilman Dennis Bixby, Councilman Andy Gilner, Councilman Chris Donnelly, Councilman Bill Peak and Councilman Jim Truesdell. Municipal personnel present were Mr. Nathan D. McCommon, City Administrator, City Attorney Mike Kelly and Heather Holek.

- Councilman Peak asked if there had been other quotes for the grinding of the stones.
  - Mr. McCommon said he will check into it and report back at the next meeting.
- Councilman Donnelly noted that item H on the consent agenda should be a lease rather than a loan.

Bill Peak made a motion to approve the consent agenda, seconded by Andy Gilner. The motion carried with all Ayes.

**Open Agenda**

Jill Dickerson the principle of the Tonganoxie Jr. High and members from T3 asked to update the council on what T3 is currently doing in the community. T3 said they are working on promoting Project Sticker Shop, in which they visit local liquor stores and remind them that underage drinking is not allowed. T3 also pointed out that they have been awarded several grants to promote health and safety for the youth and will continue community awareness.

Mayor Ward thanked Jill Dickerson and T3 for the great message that they are currently conveying to the community and for the involvement in the community.

FCCLA formerly known as FHA members were present and asked to speak to the council. FCCLA stands for family career and community leaders of America; it is a nonprofit student organization that focuses on career and technology for young men and women. They currently participate in several different programs in the community and have received the National Community Service Award two years in a row. They assist with the food program for the Good Shepherd, FACTS and Alliance Against Violence and several other programs.

Councilman Gilner wanted to personally thank the FCCLA for ringing the bells during Christmas time for the Civic Club.

Mayor Ward asked what the FCCLA members were doing to promote traffic safety in the community.

The FCCLA members said they have held a Bike Rodeo in the past and they have given out treats to people who buckle up in the community.

Mayor Ward asked that the FCCLA share any suggestions for traffic safety that they may have in the future with the council.

## 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 he has no new updates
- b) Update on Chieftain Trail
  - Mr. McCommon said there were no new updates.
- c) Review debt refinancing options to include certain state revolving loans and the industrial park.
  - Bryan Kidney with Springstead presented the council the different options that he had prepared. He said the action should be taken by the next meeting December 10th.
  - Mayor Ward and the other council members would like option 1 to include the industrial park.
  - Councilman Bixby would also like to include possible improvements that are needed with the industrial park.
  - Councilman Donnelly suggested the Council consider moving forward because the interest rates are at an all time low.
  - Councilman Peak wants to know what expenses there will be in 2013 and where does the money come from. Mayor Ward noted that items will drop off in the future. Councilman Donnelly stated the drop offs for 2014 were 146,000 and 2017 they were 477,000.
  - Councilman Bixby would like to know if there will be any expenses with Fourteenth Street. Truesdell said there will be a meeting held tomorrow discussing the school bond. Also KDOT is also looking into increasing funding to Leavenworth County.
  - Mr. McCommon recommended going with option 1 after the industrial park has been included.
  - Councilman Donnelly makes a motion to include the industrial park with option 1 and reevaluate on December 10<sup>th</sup>. Gilner seconds. All Ayes, the motion carried.
  - Mr. McCommon will send out information in a timely manor. He will provide the council with clarification on what the payments will be with context to the budget and current obligations that the city has.
- d) Update on research results regarding breed-specific dog ban ordinance
  - Mr. McCommon provided the council with a general summary of different historical agendas regarding breed-specific dog ban ordinances. He noted that he was not able to contact the animal control officer regarding this matter. However, he had spoke with the Chief of Police and the Chief did not feel there was any reason to change the ordinance. The council will not make any changes to the ordinance at this time.
- e) Update on city property sale: 636 E 3<sup>rd</sup> and 301 S. Main
  - Mr. McCommon stated advertising for the property ends December 3<sup>rd</sup>. City Hall has received a few phone calls on the properties and one person has contacted him a couple of times. However, at this time interest in the property is not super high.
- f) Request approval to enter into an agreement with Mize & Houser for auditing services.
  - Audrey Oderman from Mize & Houser Auditing Services was present.
  - Attorney Michael Kelly said the contract had no real downfall and was very specific to what we will pay.
  - Councilman Peak asked if the auditors had been asked to look for anything specific.

- Mr. McCommon said that will be forth coming in 2013 and the typical process is that they will ask the administration.
- Councilman Donnelly made a motion to hire Mize & Houser for auditing services, seconded by Councilman Peak. Motion carried with all ayes. ( Aye 5)

## **New Business**

- a) Consider approval to enter an agreement with the recommended vendor for the website redesign services
- Mr. McCommon summarized the comparison of the four different companies that he had interviewed for the cities website development and support. He said that PSN did not provide website design and were thrown out. AOS had an outstanding presentation and that his recommendation was for AOS.
  - Mr. Sullivan was present on behalf of AOS.
  - Councilman Truesdell wanted to know how AOS can do our website for so much cheaper than the other companies.
  - Mr. Sullivan said they had been in business for 20 years and have four companies based in Kansas. They have 800 active customers and of those only 250 are government entities. They want to provide more service for government entities. They also price at a flat fee so that cities can budget. AOS knows that Tonganoxie is growing and a dynamic community and they want to be a part of this.
  - Councilman Peak asked how user friendly the website would be. He would also like the city employees to have input in the design.
  - Mr. McCommon will ask the staff and elected officials. He also stated that AOS provided a thorough demo of what they could provide us.
  - Mayor Ward asked if Mr. Sullivan had worked with Greenborrow before or after the disaster.
  - Mr. Sullivan said it had been after.
  - Councilman Peak made a motion to negotiate a contract with AOS, seconded by Truesdell. All in favor, (Aye 5)
- b) Approval of final plat for New Tongaridge
- The final plats had been reviewed by the planning commission and recommendation was presented to the council.
  - Councilman Peak made a motion to accept the planning commission's recommendation of the final plat for the New Tongaridge, seconded by Councilman Truesdell. All Ayes (Aye 5). The motion carried.
- c) City Administrator Agenda
- 1) Discussion of City of Second Class: Manner and time to gather public input
    - Mayor Ward asked if Mr. McCommon was aware of the impact that this would have.
    - Mr. McCommon said he was aware of what the League had told him.
    - Mayor Ward would like to have an open house to consider if we would want to do it through email or mail.
    - Councilman Bixby would like to know if you did four different methods how do you prevent duplications.
    - Councilman Donnelly suggested using the "Mirror" but also noted that it was not scientific.
    - Councilman Truesdell suggested mailing a survey with the waterbill
    - Mayor Ward would like to have the information back before the open house so it could be discussed there. He also asked if there was a certain time frame that this needs to be done by.
    - Mr. McCommon said there was time to come up with options.

- 2) Update on signage for school zone on Washington Street
  - Mr. McCommon stated that there was an engineering study required. He was able to provide them with one that had been done 2 years ago. After providing this the pavement crossings and advance warning signs by the Christiansen School would be gifted to the city.
  - Councilman Dennis would like to see the signs consistent with the other school signs.
  - Mr. McCommon stated that the State provides the regulations for the school zones. 200ft is the standard but it can be extended if needed by the Chief of Police.
  - Mayor Ward would like Mr. McCommon to provide the council with an update.
  
- Councilman Bixby calls to approve the ordinance 1349, seconded by Councilman Gilner. All in favor (Aye 5). Motion carried.
  
- 3) Initiate analysis of zoning ordinances
  - Mr. McCommon stated that the only commercial property in this area is the hotel.  $\frac{3}{4}$  are residential and only  $\frac{1}{4}$  is general business district and there is a conflict with the purpose of this zoning. He would like the council to look into reverting it back to residential. The bank will not refinance with the property owners because they are not zoned properly. It has also come into play if a house was damaged they can only rebuild up to 50% of the total loss. Kathy Kim has proposed a second look.
  - Councilman Bixby would like to know if this was amended would this affect the adult entertainment ordinance.
  - Mr. McCommon will report back to the council.
  - Mayor Ward feels that it is proper to change this ordinance.
  
- d) City Attorney Agenda
  1. *First Reading*, Repealing 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.
    - Mr. Kelly – Tabled until future meeting. No Firework Ordinance has been made.
  2. *Second Reading*, an ordinance establishing a school zone speed on Washington Street (County Road 6) from Church Street to East Street.
    - A motion was made by Councilman Gilner and seconded by Councilman Bixby to approve Ordinance No. 1349. All Ayes, the motion carried.
  
- e) Mayor Agenda
  1. Executive session to discuss matters of non-elective personnel
    - Motioned by Councilman Bixby, seconded by Councilman Peak for a 5 minutes executive session at 8:57. Councilman Gilner motioned to return from executive session at 9:02 and noted no action was taken, seconded by Councilman Peak.
    - Councilman Peak motioned to go into a second executive session for a period of 10 minutes to follow up to the previous discussion. The motion was seconded by Councilman Gilner at 9:04. The Mayor asked for a motion to return from closed session at 9:14 and make a note that no action was taken. Motioned by Councilman Gilner and seconded by Councilman Bixby. All Ayes, the motion carried.
  
- f) Council President Agenda

- Councilman Bixby moves to adopt the Leavenworth Management Performance Evaluation Form.
- Councilman Donnelly believes that the form isn't the answer and an HR plan is critical
- Councilman Bixby believes it would give consistency to the city.
- Tabled until the next meeting so the council can review it. Councilman Bixby removes motion.
- Councilman Peak would like to publicly apologize for not turning in the Mayors evaluation form and will return it tomorrow

g) City Council Agenda

1. Retail Commercial Development Committee Report – Councilman Peak  
No report
2. Infrastructure Committee Report – Jim Truesdell  
No report
3. Industrial Park Committee Report – Councilman Donnelly  
No report.
4. Update on fireproof storage in city hall– Councilman Peak  
No report

Mayor Ward called for a motion to adjourn. Councilman Councilman Gilner made the motion and Councilman Councilman Peak Seconded. All Ayes. The meeting adjourned at 9:16 pm.

Respectfully Submitted,

Jennifer Jones-Lacy