

City of Tonganoxie
City Council Meeting Minutes
03/22/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on March 22, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Councilmembers: Paula Crook, Tom Putthoff, Jim Truesdell, Jason Ward and Burdel Welsh. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney. Mayor, Michael Vestal was absent. In the absence of the Mayor, Council President Jason Ward presided.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular Meeting dated March 8, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1629

Motion by Putthoff to approve the consent agenda items a through c. Second by Welsh. All Ayes. Aye 5. Motion carried.

Open Agenda: First under open agenda was Bill Peak, 612 Washington, he suggested the council consider deferring the 4th Street Phase III project until the economy improves.

New Business: Mike Yanez, City Administrator explained financial difficulties associated with emergency street repairs. He said in previous actions the city council indicated support to issue bonds for the 4th Street Phase III project construction and inspection costs. The amount in the bond issue for the project does not include any funds for design engineering, easement acquisition and other expenses associated with the project. The 2009 budget reduced the street department expense in hopes of a light winter and the opposite occurred. Staff recommends reimbursing ourselves for \$200,000 of the costs associated with the project in order to have cash on hand to repair the streets that were identified as major street repairs from the hard winter.

Next on the agenda was Tom Kaleko who presented recommendations for the issuance of \$1,440,000 general obligation bonds. Proceeds from the bonds will be used to provide financing for 4th Street Phase III, Pleasant Street bridge replacement and an expansion to the Fire Department. The bonds will be sold through a competitive bidding process. The bonds will mature annually September 1, 2012 through 2020. Interest on the bonds will be payable semiannually each March and September commencing March 1, 2011. Discussion ensued. Councilmember Putthoff said we need to shelve the 4th Street project as we cannot afford it and just do not need this improvement at this time. Councilmember Welsh said the economy is still in a downturn and he also would agree to shelve the project. Councilmember Crook said if the bond issue needs to be reduced and something is cut it should be the Fire Department expansion that is cut. The council previously approved a contract for construction with Meadows Construction so they directed the City Attorney to review the contract and to see if they could cancel the contract. After reviewing the contract, Mike Kelly, City Attorney said the City would have to pay for any expenses associated with the project. **Motion** by Welsh to table the recommendations for issuance until it is determined what costs would be associated with cancelling 4th Street Phase III project. Second by Putthoff. All Ayes, Aye 5. Motion carried.

Next on the agenda was Bob Topping, 221 Arch Street, in Leavenworth Kansas. He is the president of the steering committee for the Sampler Festival. He updated the council on the status of the Kansas Sampler Festival.

Motion by Welsh to approve the appropriation to Leavenworth County Development Corp in the amount of \$6,849.00 Second by Putthoff. All Ayes. Aye 5. Motion carried.

Motion by Welsh to approve the purchase of six - four row galvanized bleacher setups, for the Ball Fields, from Fry & Associates, in an amount not to exceed \$6,450.00. Second by Ward. 4 Ayes, 1 Abstention (Putthoff). Motion carried.

Motion by Putthoff to approve an additional \$253.00 to GeoSource to pay for the additional footage that was not anticipated with the original bid. Second by Truesdell. All Ayes, Aye 5. Motion carried.

Motion by Welsh to approve the interview committee selection of Josh Sudduth to fill the position of meter reader/water distribution operator with an effective hire date of March 24, 2010 and a starting salary of Step 4A. Second by Putthoff. All Ayes, Aye 5. Motion carried.

Next there was a **motion** by Crook to hire two full time fire fighters as recommended by Chief Dave Bennett. Second by Welsh. Discussion ensued.

There was a **Motion** by Welsh to enter into an executive session at 7:45 PM for ten minutes to discuss a matter of non-elected personnel and request City Administrator, Mike Yanez, Fire Chief Dave Bennett and City Attorney Mike Kelly attend the executive session, to return at 7:55 PM. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Welsh to exit executive session and reconvene with the regularly scheduled meeting at 7:55 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 5. Motion carried.

Motion by Welsh to re enter into executive session at 7:55 PM for ten minutes to discuss a matter of non-elected personnel and request City Administrator, Mike Yanez, Fire Chief Dave Bennett, Asst City Administrator Kathy Bard and City Attorney Mike Kelly attend the executive session, to return at 8:05 PM. Second by Crook. All Ayes. Aye 5. Motion carried.

Motion by Welsh to exit executive session and reconvene with the regularly scheduled meeting at 8:05 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 5. Motion carried.

The motion and second pertaining to hiring full time fire fighters was withdrawn.

Next on the agenda was the Planning Commission added a Section 15-5 "BP" Business Park District to the Zoning Ordinance. **Motion** by Putthoff to accept the Planning Commission recommendation to approve the text amendments to the Zoning Ordinance and adopt Ordinance 1297 amending the same. Second by Crook. All Ayes. Aye 5. Motion carried.

Next there was a **motion** by Putthoff to authorize emergency street repairs to Delaware Drive in the amount of \$28,199. Second by Ward. All Ayes, Aye 5. Motion carried.

Motion by Welsh to approve entering into an agreement with the Leavenworth County Port Authority (LCPA) to share costs associated with an engineering study for phasing of infrastructure in the Business Park in the amount of \$3,660. Second by Putthoff. Discussion ensued. Councilmember Truesdell was concerned about spending money on a study. He said what will that get you? A developer should do their own study. Putthoff said it comes down to marketing something we can support. Ward said he thinks \$3660 is worth it to have a product you know you can market. City Administrator said spend a little money so you can get the reward of bringing business and jobs to town. He said the Industrial Park committee thought long and hard about what studies they would like to see completed. Welsh called the question. 4 Ayes. 1 Nay (Truesdell). Motion carried.

Motion by Welsh to enter into an agreement with LCPA to provide cost sharing of professional services with Springsted, Inc to seek private sector interest in the development of the business park. Second by Crook. All Ayes. Motion carried.

There was a **Motion** by Welsh to enter into an executive session at 8:45 PM for ten minutes to discuss a matter of attorney client privilege and request City Administrator, Mike Yanez, and City Attorney Mike Kelly attend the executive session, to return at 8:55 PM. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Welsh to exit executive session and reconvene with the regularly scheduled meeting at 8:55 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 5. Motion carried.

Next Council President appointed Rick Pruden to the Planning Commission. **Motion** by Putthoff to accept appointment. Second by Crook. All Ayes Aye 5. Motion carried.

There was a **Motion** by Welsh to enter into an executive session at 9:30 PM for ten minutes to discuss a matter of attorney client privilege and request City Administrator, Mike Yanez, and City Attorney Mike Kelly attend the executive session, to return at 9:35 PM. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Welsh to exit executive session and reconvene with the regularly scheduled meeting at 9:35 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 5. Motion carried.

There was a **Motion** by Putthoff to enter into an executive session at 9:40 PM for ten minutes to discuss a matter of non elected personnel and request City Administrator, Mike Yanez, Fire Chief , David Bennett and City Attorney Mike Kelly attend the executive session, to return at 9:45 PM. Second by Crook. All Ayes. Aye 5. Motion carried. **Motion** by Putthoff to exit executive session and reconvene with the regularly scheduled meeting at 9:45 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Welsh to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:55 PM.

Respectfully submitted,
Kathy Y. Bard, City Clerk
Asst City Administrator