

City of Tonganoxie
City Council Meeting Minutes
05/24/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on May 24, 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 and Jason Ward. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney. Mayor, Michael Vestal was absent and Councilmember Burdel Welsh arrived at 7:30 pm. In the absence of the Mayor, Council President Jason Ward presided.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular Meeting dated May 10, 2010
 - 2. Special Meeting dated May 17, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1633

- c) Consider Approval of Fireworks Stand Application for Susan Garrett located at 886 North Star Court (Subway Parking Lot) for the benefit of Project Grad.

- d) Consider Approval of Fireworks Stand Application for Patrick O'Hare to be located at 308 Ridge Street (Tire Trax Parking Lot).

- e) Consider approval of Temporary CMB License for the Abdallah Shrine Rodeo from May 24 through June 2, 2010.

- f) Consider appropriation to Federal Signal Corp Emergency Products in the amount of \$2,991.85 for lights, signals and sirens on Fire Department Truck.

- g) Consider appropriation to First State Bank & Trust for semi Annual lease payment for two Fire engines in the amount of \$24,102.21

- h) Consider appropriation to Knapheide Truck Company in the amount of \$9,299.00 for Plow, Spreader and Light Bar and Tool Boxes for 2011 F-250 public works vehicle

- i) Consider appropriation to Knapheide Truck Company in the amount of \$7,421.00 for Plow, Spreader and Light Bar for 2011 F-250 Waste Water Plant truck.

- j) Consider appropriation to Mainline Supply Company for parts associated with the 4th Street Waterline project in the amount of \$2,900.00
- k) Consider appropriation to Meadows Construction in the amount of \$39,200.00 to replace the downtown crosswalks in seven locations.
- l) Consider appropriation to Smoky Valley Electrical Contractors in the amount of \$3,210.30 for damage to a solar beacon caused by a vehicle accident, amount has already been reimbursed by individual's insurance.
- m) Consider appropriation to Tongie Rocks in the amount of \$8,267.35 for the purchase of 127.19 tons of winter salt.

Motion by Truesdell to approve the consent agenda items a through m. Second by Putthoff. All Ayes. Aye 4. Motion carried.

Open Agenda: Dennis Bixby, 704 East Street wanted to encourage the community to clean up and encourage civic groups to take care of common areas on a Tongie Pride Day. He said the City could consider awarding a pool party to the most active participating group. He would like to do this project two weeks before the Leavenworth County Fair week. He said, it would help the elderly with cleaning up their yards, spruce up the parks and make the downtown area look good. Councilmember Crook likes the idea but does not want to see a dump station because it would invite too many problems. Bixby assured the council he would be supervising the dumpsters. Crook thought it might be more efficient if the City allows citizens to take their junk to the curb and hire the contractor to pick it up and haul it away. Councilmember Ward said he does not see the harm in supporting this event. He asked Bixby to set a date and come up with a plan for consideration. Crook agreed it does not hurt to spruce up the town and thought in concept it was a great idea. **Motion** by Putthoff to donate a pool party, subject to availability, for the most active civic group involved in the clean up contingent upon Tongie Pride Day plan. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Old Business: The first item on the agenda under old business was a draft RFP for Developer of the Tonganoxie Industrial Site. City Administrator, Mike Yanez said, in previous actions, the governing body directed the City distribute a Request for Proposals to determine interest of private sector parties in the development of the Tonganoxie Industrial Site. With assistance of the City Financial Advisor, Springsted, Inc., a draft has been submitted for review. One of the accomplishments of this RFP will be to determine the level of interest of the private sector parties in the development of the park. If satisfactory, the draft will be finished and made available to interested parties. Discussion ensued. Council agreed that the statement "If any firm believes their information to be

proprietary, they should submit it in a separate envelope labeled "Proprietary Information" with the firm's name also indicated" should be changed to read "Any information submitted is subject to the Kansas Open Records Act". **Motion** by Putthoff to accept the draft RFP for Developer with the Kansas Open Records Act amendment, and initiate distribution of the same. Second by Truesdell. All Ayes. Aye 4. Motion carried.

New Business: First item on the agenda under new business was to consider Planning Commission recommendation to rezone the future business park owned by the City of Tonganoxie from R-Rural to BP Business Park and adopt Resolution 05-10-02 adopting the findings, facts and conclusions. Yanez explained the City of Tonganoxie filed an application to change the zoning classification for the 237 acres generally located at the southeast corner of Kansas Ave and 222nd Street. On September 14, 2009, the City Council approved the annexation of the property. The Planning Commission held a public hearing on May 6, 2010 at 7:00 pm in the Tonganoxie Council Chambers. The application was reviewed using the considerations as outlined by the Tonganoxie Zoning Ordinance Section 27-011 and those conclusions are included in the proposed Resolution. The 14-day protest period has expired and no protest petition was filed with the City Clerk. **Motion** by Crook to accept the Planning Commission recommendation to adopt the findings of fact and conclusions as outlined in Resolution 05-10-02. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Crook to amend the Zoning Ordinance and rezone the property and adopt Ordinance 1301 providing for the same. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Councilmember Burdel Welsh arrived at 7:30 pm.

Next on the agenda was a Request for Proposals for refuse services. Discussion ensued. Councilmember Ward said we already have a service provider we are happy with. If we issue the RFP you do not know what you are going to get back. Ward felt the council needed to do what they can to renew the contract with Honey Creek Disposal within the boundaries of the law. **Motion** by Ward to direct staff to work on negotiating an extension of the contract for refuse services with Honey Creek Disposal. Second by Crook. All Ayes. Aye 5. Motion carried.

Next Acting Mayor Jason Ward reappointed LeAnn Bond to the Recreation Commission as recommended by Gayle Parker, Director Tonganoxie Recreation Commission. **Motion** by Crook to accept the mayoral appointment. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next discussion was a Charter Ordinance concerning eliminating the appointment of the Police Chief and City Clerk. Ward asked why it was not on the agenda under old business. Bard explained the Mayor asked her to remove it from the agenda. The council requested copies for discussion and they were provided. Ward said he would like to streamline the hiring process of hiring

department heads by using a consultant to recommend the individuals rather than the council determining the most qualified applicant. He felt the council had a lack of expertise in evaluation of resumes. Councilmember Crook agreed and suggested a professional committee would be better as the council is not qualified to evaluate potential candidates. Councilmember Welsh said a standardization of hiring process is the Police Department and Fire Department have a professional board comprised of surrounding agencies, the citizens and the City Administrator. He said he would like the council to consider this for the hiring of the Police Chief. He said any time you are hiring for this type of position you want to make sure due diligence is followed. He said the committee also ensures what you are screening for has some credibility. Ward said he feels the proposed Charter Ordinance takes the politics out of the hiring process. Crook agreed politics should not be involved in hiring of employees. Crook said originally she was against the Charter Ordinance because she thought it would take the final approval away from the council, but now knowing differently she is leaning towards adopting it. Council directed staff to put the Charter Ordinance on the agenda for the June 14, 2010 meeting for discussion and possible action.

Next, Councilmember Welsh said there are new regulations regarding traffic signs. He suggested the City adopt the Manual on Uniform Traffic Control Devices (MUTCD). City Administrator will get with City Superintendent to find out plan for sign replacements.

Next, Councilmember Crook said she had received a disturbing phone call this week, she said the Mayor had contacted her with a proposal for consideration and said he was going to contact other councilmember's as well. She did not feel this was ethical and could be construed as polling which is a violation of the Kansas Open Meetings Act. She said any proposals should be brought to the council as a whole during a regular City Council meeting. Councilmember Welsh said he was not called. Councilmember Ward said he talks with the Mayor every week, and he felt it was fairly routine for the Mayor to call councilmembers. He continued by saying the Mayor is the only one who would truly know whether he was actually polling about any subject matter or if he was simply calling the group to get their thoughts on any specific subject matter. Now if polling were the case, I would agree he should not be doing that. I also think that to the extent that any councilmember or the Mayor ever tells you that they are polling, that is where you need to the end the conversation as the City Attorney suggested.

Crook responded she would have discontinued the call but it was not until the end of the conversation that he said he had already pitched his proposal to one councilmember and intended to call another. It disturbed me and I did not remark or say anything, it just bothered me. She asked councilmember Truesdell if he got the proposal, he responded yes.

Councilmember Ward continued, with his position as Mayor I think he does communicate with councilmembers very routinely and he has never called me

and said he was presenting a proposal to me nor suggested that I take any action on an issue before the council. I do not want to suggest that he has proposed something to me. Councilmember Welsh asked councilmember Putthoff if he received a call. Putthoff replied yes. Welsh responded that if it were actually an informational call I would have to ask why I was not contacted. Putthoff said, I give up, if we are all talking about the same call, the Mayor calls all of us a lot to ask us about different ideas and that is the way the call was proposed to me. Councilmember Truesdell said I would not expect anything to happen unless the issues discussed were brought back before the entire council. Councilmember Crook ended the discussion with saying she took it as the Mayor was trying to sway her decision and she felt it was inappropriate.

With no further business to discuss, there was a **motion** by Crook to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 5. Meeting adjourned at 8:25 PM.

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