

City of Tonganoxie
City Council Meeting Minutes
11/08/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on November 8, 2010. 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; Councilmembers: Paula Crook, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst City Administrator/City Clerk and Mike Kelly, City Attorney.

Consent Agenda:

- a) Approval of Minutes -
 - 1) Regular Meeting Dated October 25, 2010
 - 2) Special Meeting Dated November 1, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1644

- c) Consider approval of appropriation to Bingham's Landscaping in the amount of \$4,953.90 for work completed on the Tonganoxie Baseball Field project with funds from the Recreation Commission lease.

- d) Consider approval of annual renewal of the Manufactured Home Park License issued to Country Hills Estates.

- e) Consider approval of renewal of Cereal Malt Beverage License for 2011 for Casey's General Store for license to sell cereal malt beverages in original and unopened containers and not for consumption on the premises.

- f) Consider approval of appropriation to Meadows Construction in the amount of \$35,621.55 for work completed on the 4th Street Phase III project and \$8,200.00 for Manhole replacements at 2nd & Church and 8th & River

- g) Consider approval of appropriation to BG Consultants in \$5,615.75 for Construction engineering associated with the 4th Street Phase III project.

- h) Consider approval of appropriation to Little Joe's Asphalt in the amount of \$64,069.96 for resurfacing Ridge and Front Streets

- i) Consider approval of appropriation to Nowak Construction in the amount of \$140,663.72 for work completed on the BPU Waterline interconnection project

Motion by Crook to approve the consent agenda items a through i. Second by Donnelly. All Ayes. Aye 5, except Councilmember Peak abstained from Check #'s 33997 and 34006, Councilmember Truesdell abstained from a) 1 and 2 and Councilmember Crook abstained from approving the meeting a) 2. Motion carried.

Open Agenda: There were no comments or concerns presented by the public and the open agenda was closed.

Old Business: The first item under old business was Gayle Parker, Recreation Commission Director; he was present at the council's request to provide more information on the upgrade of TRC1 ballfield. Parker went over the history of the Certificate of Participation between the City, the Recreation Commission and the USD 464. Further, he went over the history of the ballfield stating it had been some 25 years since first constructed. He said TRC1 was holding water and not draining properly. It had swells in it and was bordering on no longer being safe to play ball. The Recreation Commission felt the field needed professional attention. Councilmember Gilner asked Parker if the contract included adding drainage. Parker replied there was drainage at 1st and 3rd bases and they are using shale on the outside and layering it in. Council thanked Parker for his attendance and for providing the additional information.

Second under old agenda was to continue discussions on issuing a Request for Qualifications (RFQ) for Engineering and City Planning professional services. City Administrator Mike Yanez said that during the 2011 budget discussions two former governing body members suggested the City conduct an RFQ process for those two professional services. The City has been with BG Consultants for engineering services since 1988, and Bucher Willis, Ratliff since 2004. Both agencies provide a full range of services to the City both routine and project work. The professional agencies do not provide any project work until it is presented to the council with a contact for engineering services. They perform work of a routine nature, site reviews, drainage issues, special use permits, complaints etc. In both cases, the City has a high level of confidence in services received and expertise provided on behalf of the City. Both have developed a record of accomplishment of high quality work. Staff cannot recall errors in work and/or errors that have caused costly corrective work. Staff does not recommend initiating the RFQ for consultant services. Mayor Ward opened it up to the council for discussion. Councilmember Truesdell said he has mixed emotions about putting out an RFQ for services and is not prepared to make a decision at this meeting. Councilmember Peak said he would like an opportunity to save money. Yanez said the RFQ would address qualifications and not cost. Donnelly said he has had the opportunity to work with both firms and has had no problems, but questions the obligation to make sure we are getting the best quality and price, to make sure we are getting the best product for the money we are spending. Councilmember Gilner was concerned if we began bidding individual projects then we would lose the discounted rates for routine engineering and planning services. Councilmember Crook said there have been questions concerning the quality of some of the work performed. She would like to make sure we are getting the best bang for our buck but would go with the majority of the council's decision either way. Mayor Ward concluded the discussion by saying we want the best quality services at a competitive price and requested staff conduct a rate study for engineering and planning services provided to other municipalities.

New Business: The first item on the agenda under new business to consider approval of Ordinance 1312 granting Leavenworth Jefferson Electric Cooperative an electric franchise in the City Limits. Joe Heinen, Asst. Manager with Leavenworth Jefferson Electric Cooperative said the original Franchise Agreement was adopted by Ordinance 834 for twenty years and has expired. What they have recommended was identical to the previous agreement just extends for another twenty years. Asst City Administrator, Kathy Bard said the agreement presented was

the same as the agreement adopted in 1990 however, staff recommends increasing the franchise fee to 4% to match that of Westar Energy the holder of the second franchise for electrical services in the City of Tonganoxie and that recommendation is incorporated into the proposed Ordinance. Motion by Donnelly to adopt Ordinance 1312 as presented, granting the Franchise to Leavenworth Jefferson Electric Cooperative. Second by Peak. All Ayes. Aye 5. Motion carried.

Next on the agenda was an Interlocal Agreement with Leavenworth County Port Authority (LCPA) to cost share a Marketing and Feasibility Study for the Industrial Park Property. He said the LCPA directed the Land Search Committee to conduct a RFQ to conduct marketing and feasibility studies for the industrial parks in Tonganoxie and Leavenworth. The proposals were received and interviews were conducted. The committee selected Garnet Consulting Services proposal in the amount of \$39,395. The LCPA pledged \$19,697.50 to fund this study, which leaves \$9,848.75 each for Tonganoxie and Leavenworth to contribute. The LCPA prepared an Interlocal Agreement for cost sharing of the study for consideration. **Motion** by Donnelly to approve participating in an Interlocal Agreement with Leavenworth and the LCPA for a marketing and feasibility study of the Industrial Park Areas in the County, in the amount of \$9,848.75 from the Economic Development line item of the General Fund contingent upon the City of Leavenworth's similar approval of the agreement. Second by Gilner. Discussion ensued. Councilmember Peak said that all the information received will be speculation and he does not see much coming out of this study. Donnelly replied it depends on how you use the information received. Mayor Ward said that this study would complete the marketing piece. It is part of the whole package, infrastructure and land use studies are other components. He said companies that are looking to build are attracted to areas that have the whole package to present for development purposes. City Administrator, Yanez said it is a global perspective of the market place, the study will identify the types of businesses that are looking for what we have to offer, or businesses that are seeking this type of property with these assets. Truesdell questioned whether anyone had checked the references to make sure prior studies were viable. Yanez said interviews were conducted, references checked, the industrial site committee made the recommendation to the governing body. The question was called. 4 Ayes. 1 Nay (Peak). Motion carried.

Next on the agenda was Police Chief, Jeff Brandau. He told the council there was surplus and obsolete ammunition and some rifles that were of no use to the Police Department any longer, he requested permission to dispose of the City Property. Motion by Crook to authorize the sale of surplus ammunition and rifles. Second by Peak. All Ayes. Aye 5. Motion carried.

Next, Chief Brandau asked for authorization to enter into an agreement with KDOT to fund a special enforcement program for seat belt violations. Motion by Gilner to enter into an agreement with KDOT for a special enforcement operation administered by KDOT for seat belt enforcement. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Next Mayor Ward spoke of the "Progress Tonganoxie" effort he would like to initiate by bringing various community groups to the council chambers to share ideas with the governing body, he would like to do this every two months one hour before the regular council meeting. He would like the first such meeting to be on December 13, 2010 at 6:00 pm and he would like

to invite the Chamber and the Retail Commercial Development Committee members to attend and visit with the governing body.

Next Mayor Ward appointed Chris Donnelly to chair the Industrial Park Committee to act as the liaison for the governing body. He also appointed Bill Peak to be the liaison for the governing body for the Retail Commercial Development Committee.

Next, there was a **Motion** by Crook to enter into an executive session at 8:20 PM for seven minutes to discuss a matter of pending litigation and request City Administrator, Mike Yanez, Asst City Administrator, Kathy Bard and City Attorney, Mike Kelly attend the executive session, to return at 8:27 PM. Second by Gilner. All Ayes. Aye 5. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 8:27 PM. No items were discussed other than that mentioned and no votes were taken. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Councilmember Crook said with the monies that were expended to clear and grub future East Street we should try to maintain it so the money does not have to be spent twice, she noticed it is already growing back. City Administrator will get with Public Works.

Councilmember Peak gave kudos to Patty Hagg from City Hall for passing out Halloween Candy during the Spooktacular and further kudos to the Fire Chief and staff for putting up the Christmas lights. Councilmember Gilner agreed with Peak.

With no further business to discuss, there was a **motion** by Crook to adjourn. Second by Donnelly. Motion carried. All Ayes. Aye 5. Meeting adjourned at 8:30 PM.

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