

City of Tonganoxie
City Council Meeting Minutes
12/13/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on December 13, 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.

Open Meeting - 7:00 p.m.

Presentations -

- a) Resolution 12-10-02 - recognizing Butch Rodgers for his commitment to the City of Tonganoxie and further thanking him for his years of service to the community.

Mayor Jason Ward read the Resolution 12-10-02 to those present, and presented Butch Rodgers with a plaque commemorating his years of service, and further bestowed a presentation box upon him that contained a watch. **Motion** by Peak to approve Resolution 12-10-02 recognizing Butch Rodgers for his commitment to the City of Tonganoxie. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Executive Session

- a) Executive Session - Consultation with attorney on a matter that would be deemed privileged in attorney-client relationship - 5 Minutes

Motion by Peak to enter into executive session at 7:10 pm to discuss a matter that would be deemed confidential in an Attorney Client Relationship, to include the Asst City Administrator, Kathy Bard, City Administrator, Mike Yanez and City Attorney, Mike Kelly for (5) five minutes to return at 7:15 p.m. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Crook to exit executive session and reconvene with the regularly scheduled meeting at 7:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Consent Agenda

- a) Approval of Minutes -
 - 1) Regular Meeting Dated November 22, 2010
- b) Consider Approval of Bills - Approve Pay Ordinance A-1646
- c) Consider approval of appropriation to Bingham's Landscaping in the amount of \$5,914.70 for work completed on the Tonganoxie Baseball Field project - with funds from the Recreation Commission lease.

- d) Consider approval of appropriation to Meadows Construction in the amount of \$23,,567.21 for work completed on the 4th Street Phase III project .
- e) Consider approval of appropriation to Nowak Construction in the amount of \$237,521.73 for work completed on the BPU Waterline interconnection project.
- f) Consider approval of appropriation to Board of Public Utilities in the amount of \$7,420.00 for Construction Inspection Services associated with the BPU waterline interconnect.
- g) Consider approval of appropriation to First State Bank & Trust in the amount of \$50,887.50 for interest payment due on the 2008 taxable temporary note.
- h) Consider approval of appropriation to First State Bank & Trust in the amount of \$6,165.73 for lease purchase payment for Fire Equipment.

Motion by Crook to approve the consent agenda items a through h. Second by Donnelly. All Ayes. Aye 5, except Councilmember Truesdell abstained from a because he was absent.

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

Old Business: None

New Business: The first item on the agenda under new business was Tom Kaleko, Financial Advisor with Springsted Financial. He explained the purpose of the Bond Issue was to refinance the 2008 temporary notes to obtain a better interest rate and extend the term of the note. The City received four bids on the bonds and the low bid was 1.6111%. He said the bonds were rated by Moody's and the City was able to maintain its A1 rating. They did report that they believed the outlook for the City and its financial strength remained negative. Moody's reported that the assignment of the negative outlook reflects Moody's expectations that the city will continue to experience revenue pressures, exacerbated by the economic recession, which could result in further weakening of the financial reserves. Future credit ratings will focus on the health of the City's financial operations and reserve levels.

The Clerk reported that pursuant to the Notice of Bond Sale heretofore duly given, bids for the purchase of Taxable General Obligation Bonds, Series 2010B, dated December 15, 2010, of the City had been received. A tabulation of said bids is embedded below.

BID TABULATION

\$1,725,000*

CITY OF TONGANOXIE, KANSAS TAXABLE GENERAL OBLIGATION BONDS

Dated: December 15, 2010

Sale Date: December 13, 2010

Series 2010B 11:00 a.m. C.S.T. Good Faith Deposit: \$34,500 Max Interest Rate: ___%

BIDDERS

	Country Club Bank Kansas City, MO	UMB Bank, N.A. Kansas City, MO	Commerce Bank, N.A. Kansas City, MO	Hutchinson, Shockey, Erley & Co. Chicago, IL
GOOD FAITH CHECK/SURETY BOND	X	X	X	X
INTEREST RATES:				
2013	1.50%	1.75%	1.95%	3.00%
TOTAL				
INTEREST COST:	\$76,618.75	\$89,388.54	\$99,604.38	\$153,237.50
DISCOUNT:	\$5,520.00	\$5,157.75	\$6,037.50	\$5,830.50
NET INTEREST COST:	\$82,138.75	\$94,546.29	\$105,641.88	\$159,068.00
TRUE INTEREST COST:	1.6111%	1.8543%	2.0725%	3.1206%

***Subsequent to bid opening, the bid size decreased from \$1,725,000 to \$1,705,000**

Thereupon, the governing body reviewed and considered the bids and it was found and determined that the bid of Country Club Bank, Kansas City, Missouri, was the best bid for the Bonds.

Council Member Jim Truesdell moved that said bid be accepted and that the Mayor and Clerk be authorized and directed to execute the bid form selling the Bonds to the best bidder on the basis of said bid and the terms specified in the Notice of Bond Sale. The motion was seconded by Council Member Chris Donnelly. Said motion was carried by a vote of the governing body with the vote being as follows:

Yea: Paula Crook, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell
 Nay: n/a _____.

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE
 ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS, SERIES
 2010B, OF THE CITY OF TONGANOXIE, KANSAS; PROVIDING FOR
 THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE
 PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID
 BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER**

**DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND
MAKING CERTAIN COVENANTS WITH RESPECT THERETO.**

Thereupon, Council Member Jim Truesdell moved that said Ordinance be passed. The motion was seconded by Council Member Chris Donnelly. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: Paula Crook, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell

Nay: _____.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 1314, was signed and approved by the Mayor and attested by the Clerk and was directed to be published one time in the official newspaper of the City.

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND
AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF TAXABLE
GENERAL OBLIGATION BONDS, SERIES 2010B, OF THE CITY OF
TONGANOXIE, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO.
1314 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS
TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND
AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS
CONNECTED THEREWITH.**

Thereupon, Council Member Jim Truesdell moved that said Resolution be adopted. The motion was seconded by Council Member Bill Peak. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: Paula Crook, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 12-10-01 and was signed by the Mayor and attested by the Clerk.

Next on the agenda was the City Engineer, Brian Kingsley with BG Consultants. He said he was present to request direction from the governing body regarding payment for the asphalt that was placed on the 4th Street Phase III project. The specifications in the construction contract provide criteria regarding the type of asphalt mixture to be provided, the mix design requirements and the allowable tolerance from the mix design. The asphalt pavement was constructed in three layers. The contractor hired Kaw Valley Engineering to test the materials supplied for conformance to the specifications. Five tests were completed, each test is intended to be representative of 500 tons of asphalt, four out of the five tests the materials were coarser

than the specifications but still within the tolerance range. One test on the base material was out of compliance. Based on this information, there are three options the council should consider. 1) The City could accept the asphalt pavement materials and pay 100% of the unit price bid for the work, 2) The City could accept the materials at a reduced compensation. Or 3) The City could reject the asphalt and require the contractor to remove and replace the pavement at their expense. Kingsley continued by saying the contractor is providing a one year warranty for the work performed on this project. He believes option #2 is a reasonable solution for the City. It would reduce the payment on the 500 ton lot of asphalt base pavement that is not in compliance. **Motion** by Truesdell to accept option 2 and accept the asphalt materials at a reduced compensation to the Contractor. Second by Crook. All Ayes. Aye 5. Motion carried.

Next on the agenda was to accept the infrastructure in Jackson Heights in a portion of Phases 4 & 5 as recommended by Jon Carlson, Senior Construction Inspector with BG Consultants. **Motion** by Truesdell to accept infrastructure in Jackson Heights as recommended with a one-year maintenance period to be secured by a bond. Second by Crook. All Ayes. Aye 5. Motion carried.

Next on the agenda was a request to approve a bid and authorize the expenditure. The Tonganoxie Recreation Commission approved the purchase of 64 parking blocks for the new ball fields parking area. This will complete the parking area. Two bids were received. Barco Municipal Products was the low bid at \$2,272.00 plus \$389.00 for shipping. The funds should come from existing Ball field loan. **Motion** by Crook to approve the purchase of parking blocks for the Tonganoxie Recreation Commission from Barco Municipal Products in the amount of \$2,272.00 plus \$389.00 in shipping and handling to be paid for from proceeds of the ballfield loan. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was Police Chief, Jeff Brandau. He said the Police Department participated in the Thanksgiving Special Traffic Enforcement Program (STEP) beginning on Wednesday, November 24, 2010 and continued through Sunday, November 28, 2010. On the night of the 24th the Police Department was augmented by the Kansas Highway Patrol who added 3 Troopers to the 4 Police Officers on duty. The entire operation yielded 76 traffic stops for violations and resulted in:

- 44 Speeding Tickets
- 1 Driving under the Influence
- 1 Seatbelt for youth (14-17)
- 2 Seatbelt for adult 18+
- 18 other violations (faulty headlights, illegal lane change, etc)
- 10 Warnings.

The Tonganoxie officers worked 58 hours in addition to normal patrol operations on the enforcement action. All additional hours will be reimbursed by the Kansas Department of Transportation STEP initiative grant.

Next Chief Brandau said that he had received resignation from Danny Ruff and would like the council to accept that resignation and approve his recommendation to hire Jeremiah Howell. He said in October the council hired Jeremy Gill and it was recommended at that time if a position

came open in the next six months that Jeremiah be considered for the full time position. He was hired as part time as a part of the October hiring and has already completed his physical and psychological testing. **Motion** by Truesdell to accept the resignation as Police Officer for the City of Tonganoxie from Danny Ruff. Second by Gilner. All Ayes. Aye 5. Motion carried. **Motion** by Peak to approve the Chief's recommendation and offer full time employment to Jeremiah Howell. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Next on the agenda was an agreement for answering services. Brandau said the Answering Service has been providing a service to the City for a number of years. The answering service, to the Chief of Police knowledge, has never operated under a formal contract. The contract presented this evening is to formalize the agreement between the City and the Answering Service. The agreement changes a number of services that has been provided in the past. Some of the changes include: The service will no longer radio dispatch for the Tonganoxie Police Department. Dispatch will be handled by the Leavenworth County Sheriff's Office through their 911 communications center. The recommendation came from the Leavenworth County Sheriff Office. The answering service will only answer administrative telephone calls for the Police Department. All calls for service that involve situations occurring at the time of the call will be either transferred to Leavenworth County or the caller will be directed to call 911 for immediate assistance. The service will no longer have authority to request driver's license, vehicle registration or want and warrant information from Leavenworth County. All employees of the service must be approved by the Police Chief. The contract has a section addressing confidentiality and the Police Chief recommends zero tolerance. Any information provided by the employees to any individual that does not have a verified need and right to know should result in immediate termination of the contractual agreement. The Police Chief recommended approval. **Motion** by Donnelly to approve the contract for answering service with J & M Answering Service and authorize the Mayor to sign. Second by Gilner. 4 Ayes. 1 Nay (Crook). Motion carried.

Next on the agenda, Chief Brandau discussed the Police Department Building. He said the Police Department has been in its current facility a number of years. A couple of years ago an issue over mold growing in the basement arose. The council approved a repair of over \$5,000 to mitigate the problem. A study was completed to assess the mold and the estimated probable cost to mitigate the Police Department, Council Chambers and City Hall was \$850,000. No action was taken due to fiscal limitations. Recently the problem was compounded by a water heater, located in the ceiling of the Police Department, went out and leaked into the ceiling and affected a number of the walls and sheetrock was molded and needed replaced. He continued saying the existing building does not provide for a professional facility that is required for modern law enforcement. There are no facilities to separate individuals being questioned on criminal offenses. There are no rooms to interview individuals and allow for video and audio recordings. There is very limited storage space for equipment and evidence. With the current economy several buildings are available within the City that could serve as an excellent alternative to the current building, should it be determined that the preferred option be to relocate the Police Department. The council agreed to allow the Police Chief to seek prices for an existing structure to retrofit for a new Police Department. **Motion** by Peak to direct staff to work with the Police Chief to seek prices to bring back to a future meeting. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was the 2010 budget amendment and request for scheduling a public hearing. **Motion** by Truesdell to approve the publication of the budget amendment and schedule a public hearing to be held December 27, 2010 at 7:00 PM. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Truesdell to approve the renewal of the contract with Leavenworth County for City/County probation services for 2011 for \$9,945.45 and authorize the Mayor to sign. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Next on the agenda was an agreement for Building Inspection Services. Yanez said in 2010 the City had a reduction in force that eliminated the Building Inspection/Code Enforcement position. The decision was made based on decreased building activity in the City of Tonganoxie. During the year the City has used on-call building inspection services with the former building inspector Danny Dodge and code enforcement has been handled on a complaint only system and conducted by City Hall staff. The City of Basehor's City Administrator, Mark Laughry has been in the contact with Yanez and would like us to prepare an agreement that would provide eight hours a week service for those services. The contracted rate would be \$33.00 per hour which would reimburse Basehor for the cost of salary and benefits. The Basehor inspector is an ICC certified residential building inspector, with additional disciplines in mechanical and plumbing. Basehor City Council will be considering this item at a meeting in January. **Motion** by Crook to authorize the City Attorney to develop an agreement to share Building Inspection and Code Enforcement services with the City of Basehor. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Motion by Donnelly to schedule a special meeting on January 12, 2011 at 7:00 PM to receive presentation of proposals from Suburban Water Company for provision of water services to the future Industrial Park. Second by Gilner. All Ayes. Ayes 5. Motion carried.

Next on the agenda was City Administrator Mike Yanez. He said the City Superintendent Butch Rodgers is retiring at the end of this year after 23 years of service. Mr. Rodgers informed the City of his retirement intentions late in the spring just prior to the drafting and compilation of the FY 2011 budget proposal. Rodgers position was funded through the Street Department in the General Fund. Staff recommended at the time of budget that the position be filled by Kent Heskett to mitigate the requirement of tax monies to fund the soon to be vacated position. Staff also made this recommendation with a high level of confidence in the abilities, skills, track record, experience, trainings and certifications of the recommended employee. Since the introduction of the FY 2011, the governing body adopted a policy that allowed, not requires, the governing body to direct the formation of a committee to perform the preliminary personnel recruitment and screening duties in order to recommend finalists to the governing body for a department head position. The policy also requires the entire governing body to vote and $\frac{3}{4}$ Ayes or 4 Ayes to carry. Staff recommends the governing body fill the position with a promotion of the Utilities Superintendent Kent Heskett to the position. **Motion** by Gilner to hire Kent Heskett as City Superintendent effective January 1, 2011 and further authorize a pay adjustment of 2.5% to Range 14 Step C. Second by Truesdell. 3 Ayes (Crook, Gilner and Truesdell) 3 Nays (Donnelly, Peak, Ward). Motion failed. The members voting nay agreed they want consistency and transparency in the filling of Department Head positions and there was a committee formed with the hiring of the position of Police Chief. They want to stay with that.

Motion by Crook to direct City Administrator to form a committee of three to five members for the purpose of hiring a City Superintendent and bring back nominations for the committee to a future council meeting for council consideration. Second by Gilner. All Ayes. Aye 5. Motion carried.

Motion by Gilner to amend the department head hiring policy to state all department heads "shall be" hired by committee in lieu of "may be". Second by Peak. All Ayes. Aye 5. Motion carried.

Next on the agenda, Mayor Ward accepted the Planning Commission recommendation and appointed Robert Bieniecki to fill the unexpired term of Bill Peak on the Planning Commission to expire in 2013. **Motion** by Peak to accept mayoral appointment. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next Mayor Ward accepted the Library Board recommendation and appointed David Frese to fill the unexpired term of Starla Jones on the Library Board to expire in 2012. **Motion** by Peak to accept the mayoral appointment. Second by Gilner. All Ayes. Aye 5. Motion carried.

Motion by Crook to schedule a special meeting on December 20, at 6:00 pm at the Tonganoxie High School to meet jointly with the USD 464 Board of Education concerning the pending bond issue for new schools.

With no further business to discuss, there was a **motion** by Crook to adjourn. Second by Gilner. Motion carried. All Ayes. Aye 5. Meeting adjourned at 10:00 PM.

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