

City of Tonganoxie
City Council Meeting Minutes
07/11/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on July 11, 2011. 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: Dennis Bixby, 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.

After roll call, the Mayor requested a moment of silence in honor of Kylee Nicole Wilson.

Consent Agenda

- a) Approval of Minutes -
 - 1. Regular Meeting dated June 27, 2011

- b) Consider Approval of Bills - Approve Pay Ordinance A-1661

Motion by Peak to approve the consent agenda items a and b. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Open Agenda: Laurence Hill, 501 E 13th Street, thanked public works for tending to the pothole at the Library entrance.

Charlie Conrad, business owner, said in the last eight or nine months it seems that things are friendlier in town. The turnaround at the Water and Sewer department is remarkable and the Police Department has turned around, even City Hall seems happier. Be wise and spend \$300,000 on infrastructure in town not on a sidewalk heading north of town, we need a sidewalk on Church Street.

With no other comments or concerns presented by the public, the open agenda was closed.

Old Business: The item on old business was to consider contract for engineering services with BG Consultants for Chieftain Trail Phase II, the Transportation Enhancement project grant that was recently awarded to the City of Tonganoxie. The contract proposal is in an amount not to exceed \$71,350.00. Some of the services to be performed are, prepare plans and specifications in conformance with KDOT criteria and formant for the Chieftain Bike Trail Phase II, Prepare bid documents for project construction, and indentify easements required for construction. Discussion ensued and council agreed that Article III - Consultant responsibility section should be amended to say: Time frames indicated will begin with notice from the City and KDOT and "written acknowledgment by the consultant," instead of "and acknowledged." Motion by Gilner to approve an agreement in the amount not to exceed \$71,350.00 with BG Consultants for design engineering services for the Chieftain Trail Phase II project as amended with funds from the Capital Improvement Fund. Second by Truesdell. All Ayes. Aye 5. Motion carried.

New Business: The first item on the agenda under new business was to consider an Ordinance amending the City Code by excluding tall grass and weeds maintenance on parcels larger than

three acres and not included in a final plat of record. Mark Lee, City Building Inspector said, the City has received tall grass and weeds complaints about the condition of some very large open pieces of ground located within the city limits. Although they may indicate a specific zoning per the city zoning map, these parcels are largely farm ground or other large open areas of land and not included in any recorded final plat. The Municipal code reads no tall grass and weed are to exist upon any property within the city limits. If the Ordinance is adopted it will not changes the maintenance of residential areas, unless the parcel of land is greater than three acres and not included within a final plat of record. These larger parcels are mainly on the outskirts of town or in largely undeveloped areas. Discussion ensued and the item was tabled for a map that depicts the areas of the City that include these parcels.

Next on the agenda was to consider an Ordinance amending the City Code by adding erosion and sediment control guidelines. Mark Lee, City Building Inspector said he prepared an Ordinance and instructional guide for developers and builders undertaking the construction of single and multi family dwelling units. This Ordinance lays out the guidelines for the proper installation and maintenance of erosion control measures meant to limit the release of mud, silt and other debris into the Municipal Storm Water Drainage system and the city roadways. Discussion ensued and the council agreed this was a good idea and requested staff bring back to next meeting to allow time for citizen input.

Next on the agenda was the Fiscal Year 2012 Budget proposal. City Administrator went over the highlights of the budget. Motion by Truesdell to schedule a budget work session July 18, 2011 at 6:00 PM to discuss the budget in greater detail. Second by Peak. All Ayes. Aye 5. Motion carried.

Next on the agenda was the City Administrator Employment Agreement and the proposal for extension. Mayor Jason Ward suggested the City Council perform an annual evaluation of the City Administrator before the extension of the employee agreement. Councilmember Peak requested an executive session. **Motion** by Peak to enter into executive session at 7:45 pm to discuss one matter that pertains to non-elected personnel to include the City Attorney Mike Kelly for 15 minutes to return at 8:00 p.m. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 8:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

The next agenda item was the Mayor's Agenda. Mayor Ward said there were some issues over the 4th of July weekend. The issues seem to stem from when we can sell, when we can shoot and when we can legally shoot fireworks in the City. They can sell them from June 30 but you cannot shoot them until July 3. Police Chief Brandau recommended the council marry the dates either sell less or shoot more. The council agreed to consider an Ordinance that will extend the dates that you can discharge fireworks to match that of when you can sell fireworks and directed staff to bring back an Ordinance to the next meeting.

Next on the agenda was the City Council Agenda. Council Member Gilner requested the Mayor consider starting the meeting with the Pledge of Allegiance, after some discussion on the history of the Pledge from Councilmember Peak, the Mayor agreed and it will be added to the agenda for future meetings. Next Councilmember Bixby gave an update of plans for the City Wide Clean up.

Motion by Donnelly to enter into executive session at 8:30 pm to discuss two matters one that pertains to acquisition of real estate and one matter that pertains to non-elected personnel to include the City Administrator, Mike Yanez, Police Chief, Jeff Brandau and City Attorney Mike Kelly for 20 minutes to return at 8:50 p.m. Second by Bixby. All Ayes. Aye 5. Motion carried.

Motion by Donnelly to exit executive session and reconvene with the regularly scheduled meeting at 8:50 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Donnelly to adjourn. Second by Gilner. Motion carried. All Ayes. Aye 5. Meeting adjourned at 8:50 PM.

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