

City of Tonganoxie
City Council Meeting Minutes
08/22/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on August 22, 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 Councilmember Gilner lead the Pledge of Allegiance

Consent Agenda

- a) Approval of Minutes -
 - 1. Special Meeting dated June 2, 2011
 - 2. Special Meeting dated July 18, 2011
 - 3. Special Meeting dated July 26, 2011
 - 4. Regular Meeting dated August 8, 2011

- b) Consider Approval of Bills - Approve Pay Ordinance A-1664

- c) Consider Approval of appropriation to First State Bank & Trust for a lease payment on a 2011 Ford Crown Victoria Police Car

Motion by Gilner to approve the consent agenda items a. through c. Second by Donnelly. Councilmember Peak abstained from the Special Meetings dated July 18 and July 26. All Ayes. Aye 5. Motion carried.

Open Agenda: There were 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 the FY 2012 Budget Hearing.

- FY 2012 Budget Hearing
 - 1) Mayor Ward Opens Public Hearing.
 - a) Public Comment. None.
 - b) Council Comment. None.
 - 2) Mayor Ward Closes Public Hearing.
 - 3) Consider adoption of the FY2012 Budget. **Motion** by Truesdell to approve and adopt the FY 2012 budget as presented. Second by Bixby. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider authorizing Mayor to sign Memorandum of Understanding between the MARC and the City of Tonganoxie – Smart Light for Smart Cities. Roger Kroh, Energy Conservation Project Manager with the Mid America Regional Council presented the

agenda item. On June 11, 2010, the US Department of Energy announced that 20 communities nationwide had been selected for more than \$60 million in funding under the American Recovery and Reinvestment Act (ARRA) to implement local energy efficiency and renewable energy programs to reduce energy use by American homes, vehicles, and businesses. MARC, on behalf of the Smart Lights Coalition, a coalition of 26 cities in the KC Metro area including Tonganoxie, that did not receive ARRA energy grants in 2009, received \$4,063,994 for a street light project. The City of Tonganoxie has several mercury vapor streetlights. This type of light is very inefficient and cost extra in electrical costs for the City. The City teamed with Westar energy and MARC to change out the streetlights and replace with LED street lights with the funds from the grant. The City has been asked to enter into a Memorandum of Understanding with MARC concerning the project. **Motion** by Peak to authorize the Mayor to sign the Memorandum of Understanding between the City of Tonganoxie and Mid America Regional Council defining the roles and responsibilities of the parties for the smart lights. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider Ordinance 1323 adopting the 2011 edition of the Standard Traffic Ordinance for Kansas cities by reference. Police Chief, Jeff Brandau went over the legislative changes that were effective July 1, 2011, with driving under the influence law changes being the most significant. **Motion** by Donnelly to adopt Ordinance 1323 incorporating by reference the 2011 edition of the Standard Traffic Ordinance. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider Ordinance 1324 adopting the 2011 edition of the Uniform Public Offense Code for Kansas cities by reference. Chief Brandau went over the changes in the update. **Motion** by Peak to adopt Ordinance 1324 incorporating by reference the 2011 edition of the Uniform Public Offense Code. Second by Truesdell. All ayes. Aye 5. Motion carried.

Next on the agenda was to consider Ordinance 1325 amending Chapter VIII, HEALTH AND WELFARE, of the Tonganoxie City Code. For the last couple of months the council has been working with staff to update Chapter 8 of the Tonganoxie City Code to empower the Code Enforcement Officer, the Police Department and the Fire Chief when it comes to citing nuisances for mainly tall grass and junk cars and sending the violations through the Municipal Court. It also reduces the height of grass to 8 inches from 12 inches for the maximum before it is considered a violation. The Ordinance also exempts tracts of land that are larger than 3 acres to be exempt from the residential lawn keeping requirements. **Motion** by Peak to adopt Ordinance 1325 amending Chapter VIII, Health and Welfare of the Tonganoxie City Code. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider Resolution 08-11-01 providing for salaries and compensation for the Animal Control Officer. At a previous City Council meeting a motion was made, seconded and carried to increase the animal control officer salary. The Resolution presented just formalizes the motion as required by our Ordinances. **Motion** by Bixby to adopt Resolution 08-11-01 increasing the Animal Control Officer salary. Second by Peak. All Ayes. Aye 5. Motion carried.

Next on the agenda was a request from USD 464 to use the water park for educational purposes. They will contribute \$300 towards the costs of chemicals and operational expenses and provide their own lifeguards. **Motion** by Truesdell to allow the school to use the water park and that they reimburse the city \$300. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was the Leavenworth County Regional Airport Study. City Administrator Mike Yanez went over the history of the Leavenworth Regional Airport Study. He said in 2008 a contract was approved with Coffman Associates to conduct a feasibility and site selection study of a regional airport to be constructed and operated within the County. A previous study indicated an airport would be feasible for the county. The final draft of the site selection study identified three sites. The preferred site is the Gilman Road site south of Lansing. Councilmember Bixby asked if there was any city turning any profit on an airport. Yanez said the study says an entity will need to subsidize operations and no one has stepped up to the plate. This concludes the exercise for the studies as well as the involvement of the City of Tonganoxie as a governmental partner.

Motion by Donnelly to enter into executive session at 7:45 pm to discuss a matter that pertains to confidential data relating to financial affairs or trade secrets of second parties for 15 minutes to include the City Administrator and the City Attorney. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Donnelly to exit executive session and reconvene with the regularly scheduled meeting at 8:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Next appeared Greg Ward, developer of Timber Hill Farms subdivision. He had missed open agenda and requested permission to address the council. Mayor Ward allowed this. He said that the City of Tonganoxie is no longer in a position to be competitive with Basehor on home sales. He presented home sales in Basehor *vs.* home sales in Tonganoxie. He continued stating Basehor has incentives in place that the City of Tonganoxie does not have. The City needs to strategize to become more competitive in the market place. He said he would be willing to do some research and come up with some possible incentive proposals for the council to consider.

Motion by Gilner to enter into executive session at 8:10 pm to discuss a matter that pertains to confidential data relating to financial affairs or trade secrets of second parties for 20 minutes to include the City Administrator and the City Attorney. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 8:30 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Motion by Peak to direct staff to prepare an industrial incentive proposal for a potential industrial prospect contingent upon final approval by the City Council. Second by Bixby. All Ayes. Aye 5. Motion carried.

Motion by Gilner to enter into executive session at 8:35 pm to discuss a matter that pertains to non-elected personnel to include the City Administrator for 20 minutes to return at 8:55 p.m. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Bixby 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 Gilner. All Ayes. Aye 5. Motion carried.

Recess- Mayor reconvened the meeting at 9:00 PM

Motion by Gilner to enter into executive session at 9:00 pm to discuss a matter that pertains to non-elected personnel to include the City Attorney, Mike Kelly, for 15 minutes to return at 9:15 p.m. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 9:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

Motion by Truesdell to enter into executive session at 9:15 pm to discuss a matter that pertains to non-elected personnel to include the City Attorney, Mike Kelly, for 15 minutes to return at 9:30 p.m. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 9:30 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Bixby to decline the City Administrator's proposal for extension to his employment agreement and to open the search for a new City Administrator. Second by Peak. 3 Ayes (Bixby, Gilner & Peak) 2 Nays (Donnelly, Truesdell). Motion carried.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:40 PM.

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