

City of Tonganoxie
City Council Meeting Minutes
09/26/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on September 26, 2011. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: 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. Mayor: Jason Ward was absent. In the absence of the Mayor, Council President Jim Truesdell presided.

After roll call, the Mayor requested everyone join him with the Pledge of Allegiance

Presentations and Awards: Chief Jeff Brandau said Mike Vestal was actively involved in the City of Tonganoxie for the past 30 years. During that time, he served as an answering service for the Police Department. In April of 2011, the contractual agreement was cancelled by the answering service. With the cancellation of the contact Mike Vestal ceased to work for the City of Tonganoxie closing a career that began in April of 1974. He continued stating the City of Tonganoxie as a whole wants to thank him for his dedicated service to the community. Many lives have been affected due to his active role in the Department. His efforts helped keep Police Officers safe while on duty and all citizens in trouble knew to call Mike Vestal for help. His imprint on this community will not be forgotten. A plaque was presented to Mike Vestal and a standing ovation occurred.

Consent Agenda

- a) Approval of Minutes -
 - 1. Regular Meeting dated September 12, 2011
 - 2. Special Meeting dated September 19, 2011
- b) Consider Approval of Bills - Approve Pay Ordinance A-1666
- c) Consider Approval of Check # 35329 to King's Construction in the amount of \$4,311.23 for work completed on a sidewalk installation from the south end of the Pleasant Street Bridge to 6th Street.
- d) Consider approval of appropriation to Central Salt for Bulk Deicing Salt in the amount of \$6,122.51
- e) Consider approval of appropriation to P-Tn Photography for photographs taken of the right of ways acquired on properties affected by the installation of the BPU waterline down 24/40 Hwy from 142nd Street to the City limits.

Motion by Peak to approve the consent agenda items a. through e. Second by Donnelly. Discussion ensued. Councilmember Bixby said he followed up on check #35329 payable to Kings Construction for construction of a sidewalk in connection with the Pleasant Street Bridge

and is comfortable with the project and authorizing the payment. All Ayes. Aye 5. Motion carried.

Open Agenda: John Shoemaker, Evans Road, Tonganoxie invited the councilmembers to come and tour the building they have on the market for a possible Police facility. He said he would like the council to at least look at his option before making a final decision. Councilmember Bixby asked about the size of the building. Shoemaker replied, 4000 sq ft and built in 1995.

Laurence Hill, 501 13th Street, commended the council on forming the committee of Bixby and Peak to get going on finding a location to move the Police Station and encouraged them to keep working on it.

Motion by Peak to enter into executive session at 7:10 p.m. to discuss a matter that pertains to acquisition of real estate for fifteen (15) minutes to include the Police Chief and the City Attorney. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Bixby to exit executive session and reconvene with the regularly scheduled meeting at 7:25 p.m. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Gilner to re enter into executive session at 7:25 p.m. to discuss a matter that pertains to acquisition of real estate for five (5) minutes to include the Police Chief 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 7:30 p.m. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Old Business: The first item on the agenda under old business was Tom Kaleko, City Financial Advisor with Springsted to discuss financing options for public facilities and industrial park infrastructure. He said the land is financed with a bond issue that expires December 2013 and has a 1.6% interest rate. He said the council could choose to use the time that is left to build a viable plan for the park. However, he cautioned there is some risk with waiting to sell the bonds, you may not be able to sell them. This is a slight risk but a risk none the less. He suggested creating an economic development fund with a solid revenue source. He provided short term, midterm and long term revenue generating ideas. Tom Kaleko and Kathy Bard will prepare a proforma to show expenses and revenues associated with developing the park. He continued stating if the council chooses to go forward with a new Police facility he would recommend using ad valorem taxes and a fairly short note.

With respect to time, the acting Mayor moved up some of the agenda items to be heard before the rest of old business.

New Business: The first item under new business was the Chamber of Commerce and their request for emergency contingency funds. Susan Freemyer, Executive Director, 330 S Delaware and went over the accomplishments of the Chamber and asked the council to consider the proposal. Donna Hoegler, Chamber President, 2085 Brookridge Ct, Owner of H-Ave 620 E 4th, said with the 30 year anniversary of the Chamber they gave a 30% discount to all members, additionally they moved the office to downtown across from City Hall so people have easy access to both places. They are proposing the City donate \$2,500 to the Chamber so they can

afford to have the Spooktacular and the Mayor's Christmas Tree Lighting events. Motion by Peak to donate \$2,500 to the Chamber of Commerce to be paid from the Transient Guest Tax fund. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Recess for five (5) minutes. Meeting reconvened at 8:35 p.m.

Next on the agenda under new business was to consider Resolution 09-11-03 authorizing procurement of property and liability coverage from MPR effective January 1, 2012. Terry Norwood, President of MPR and Asst City Administrator, Kathy Bard went over the history of the development of a pool for property and liability insurance. The value added benefit of the pool and the cost savings associated with participating in the pool. Motion by Donnelly to approve Resolution 09-11-03 authorizing procurement of property and liability coverage contingent of approval of the Kansas Insurance Department. Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was the FY2014 KDOT Corridor Management Construction Project Program. City Administrator Mike Yanez said the KDOT has announced it is accepting corridor management project applications for FY 2014. The program is for applications to be submitted, considered and awarded for improvements within established corridors in the State. US Hwy 24/40 qualifies as such a corridor. As a signee and a participant in the US 24/40 Highway Corridor Management Plan the City is eligible to compete. The new application could award 80% of the project costs up to \$2,000,000 towards the construction of an awarded project. Other associated costs such as preliminary engineering, right of way acquisition, utility relocations, permitting costs and construction engineering are not eligible for reimbursement. The benefits of this project would be to create full highway access at a new Laming Road intersection, creating a safer full access to traffic currently using South Park Drive and Stone Creek Drive to access the highway. This uncontrolled access does present traffic hazards and safety conditions that should be improved. Another benefit is the creation of attractive highway parcels that would be served by the new section of the Front Street frontage road. The submittal application deadline is November 1, 2011. BG Consultants estimates it can provide the necessary engineering detail and line item project cost estimations for an amount not to exceed \$2,500. The very preliminary estimates for the project indicate the project could be completed for \$1,140,000 with the city share of 20% being \$228,000 approximately 25% added for Engineering Inspection and Administration, making the City share approximately \$285,000. Discussion ensued concerning where the \$285,000 was going to come from. Item was tabled for additional consideration and discussion.

Motion by Peak to enter into executive session at 9:45 to discuss a matter that pertains to attorney client privilege for fifteen (15) minutes to include the Building Inspector 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 10:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Next on the agenda was Mark Lee, Building Inspector/Code Enforcement Officer he presented Resolution 09-11-01. He went over the history of the proceedings. On the 18th of May, 2011 staff presented the Council with a written statement declaring the structure unsafe and dangerous. Staff recommended that the repair or demolition of the structure should take place. On the 23rd

of May, 2011, with the passage of Resolution 05-11-01 did fix a time and place in which a public hearing would be held. This public hearing did allow the owner, his agents, lien holders and all other interested parties to express any reasons for which the structure should not be condemned and ordered repaired or demolished. On the 13th of June, 2011, the above mentioned hearing was held and evidence was presented from both parties involved (the City and the property owner). Upon the conclusion of the meeting Resolution 06-11-01 was approved and passed deeming the structure unsafe and dangerous and ordering the repair or removal of said structure within ninety (90) days. As of the 22nd of September, 2011 the repair or removal of said structure has not commenced, therefore staff is recommending the approval Resolution 09-11-01 arranging for the city to begin the process of having the structure razed and all debris removed from the site and making the site safe and secure, as well as arranging for the property owner to be assessed all associated cost incurred by the City during this process. Motion by Peak to adopt Resolution 09-11-01. Second by Bixby. All Ayes. Aye 5. Motion carried.

Next on the agenda Lee presented Resolution 09-11-02. He went over the history of those proceedings. On the 18th of May, 2011 staff presented the Council with a written statement declaring the structure unsafe and dangerous. Staff recommended that the repair or demolition of the structure should take place. On the 23rd of May, 2011, with the passage of Resolution 05-11-02 did fix a time and place in which a public hearing would be held. This public hearing did allow the owner, his agents, lien holders and all other interested parties to express any reasons for which the structure should not be condemned and ordered repaired or demolished. On the 13th of June, 2011, the above mentioned hearing was held and evidence was presented from both parties involved (the City and the property owner). Upon the conclusion of the meeting Resolution 06-11-02 was approved and passed deeming the structure unsafe and dangerous and ordering the repair or removal of said structure within ninety (90) days. As of the 22nd of September, 2011 the repair or removal of said structure has commenced, therefore staff is recommending that Council discuss the option of extending a time period not to exceed thirty (30) days to complete the removal of said structure, no later than the 26th day of October, 2011. If at the end of the thirty (30) day time extension, said structure is not removed, then Resolution 09-11-02 arranging for the city to begin the process of having the structure razed and all debris removed from the site and making the site safe and secure shall become effective. Resolution 09-11-02 does also arrange for the property owner to be assessed all associated cost incurred by the City during this process. Motion by Peak to adopt resolution 09-11-02. Second by Bixby. All Ayes. Aye 5. Motion carried.

Old Business Cont. Next the council returned to old business, the City Administrator went over a retail study and recruitment proposal. The Council deferred this item asking staff to retain the information for the future.

Next item under old business was the City Administrator Search. **Motion** by Peak to enter into executive session at 10:10 PM to discuss a matter that pertains to non-elected personnel for fifteen (15) minutes to include 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 10:25 PM. No items were discussed other than that mentioned and no votes were taken. Second by Gilner. All Ayes. Aye 5. Motion carried. The council tabled the City Administrator Search discussion.

Motion by Donnelly Peak to enter into executive session at 10:25 PM to discuss confidential data related to financial affairs or trade secrets of second parties for five (5) minutes to include the City Administrator. Second by Gilner. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 10:30 PM. No items were discussed other than that mentioned and no votes were taken. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Motion by Donnelly to authorize the City Administrator to write a letter to LCDC offering possible incentives for an economic development opportunity for bioscience community project pending final council approval . Second by Gilner. All Ayes. Aye 5. Motion carried.

Next on the agenda was the Council Agenda. Dennis Bixby updated the council on the City Wide clean up explaining the plan was going forward. The County will provide assistance for Household Hazardous Waste collection. The entire clean-up should be able to be accomplished for a total cost to the City of \$1,800.

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 10:40 PM.

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