

City of Tonganoxie
City Council Meeting Minutes
04/09/12

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on April 9, 2012. The meeting was called to order at 7:00 PM. with roll call showing a quorum and the following members present: Mayor, Jason Ward; Councilmembers: Andy Gilner, Chris Donnelly, Bill Peak, and Jim Truesdell. Mike Yanez, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Dennis Bixby arrived at 7:05 PM.

After roll call, the Mayor led everyone with the Pledge of Allegiance.

Consent Agenda

- a) Approval of Minutes –
 - 1. Regular Meeting dated March 26, 2012
 - 2. Special Meeting dated March 31, 2012
 - 3. Special Meeting dated April 1, 2012
 - 4. Special Meeting dated April 7, 2012

- b) Consider Approval of Bills - Approve Pay Ordinance A-1680

- c) Consider appropriation to Bingham's Landscaping for concrete and brick work for street repairs in the amount of \$4,711.88.

- d) Consider appropriation to K. C. Construction for slip lining of old sewer lines in the amount of \$88,351.00. (2011 Capital Improvement Budget – Encumbrance)

- e) Consider appropriation to Michael Kelly, Attorney at Law, for legal services to the City of Tonganoxie during the Month of March, 2012, in the amount of \$2,047.50.

- f) Consider appropriation to Leavenworth County Probation for second quarter probation services in the amount of \$2,739.15.

- g) Consider appropriation to Mike Yanez for first half of April City Administrator services reimbursement, minus four days, in the amount of \$1,962.00.

Motion by Peak to approve the consent agenda items (a) through (g). Second by Gilner. All Ayes. Aye 4. Motion carried. (Note: Jim Truesdell abstained from approval of the 3/26/12 minutes and Andy Gilner abstained from approval of the 3/31/12 and the 4/1/12 minutes due to being absent on those dates.)

Open Agenda:

Mr. Laurence Hill of 501 E. 13th Street, Tonganoxie, addressed the council with regards to the need for a sidewalk from Bury Street to B&J Thriftway. Mr. Hill was advised that the expansion of the Chieftain Trail would address a portion of this issue, leaving the portion on Front Street to B&J's without a sidewalk. The council advised Mr. Hill that Chieftain Trail could possibly be completed in 12-18 months.

Mr. Kelly Smith of 113 Delaware Street, Tonganoxie, business owner at the same address, came forward to discuss with the council obtaining a business license and a dealership license for that location. Mr. Kelly was approved to locate a car sales business at the old Casey's building located at Highway 24-40 and West 4th Street. He currently has a dealership license for that location. The Planning Commission approved a business for Mr. Smith at 113 Delaware Street with the understanding that it was in a residential district and was a non-conforming use and could only be used for storage and detailing of

vehicles from Mr. Smith's auto dealership on West 4th Street. Mr. Smith indicated he does not want to sell cars from that location but in order to store them there without having tags on them he needs an auto dealership license. City Attorney Kelly will research the code sections and advise Mr. Smith if this is possible. In the meantime, Mr. Smith is to complete a new request for a business license that does not include the request for a dealership. Both the Building Inspector and the Fire Chief will complete an inspection of the building at 113 Delaware Street.

Cecilia Harry of 410 Myers Drive, Tonganoxie, addressed the council as an employee of LCDC. She presented each of the members with their 2011 Annual Report. She looks forward to the continued partnership with City of Tonganoxie. A member of the public inquired if the report was available at the library and Ms. Harry stated she would get copies to them.

With no additional comments from the public, the Open Agenda was closed.

Old Business:

Police Chief Brandau indicated he had no updates on the Police Station at this time.

Fire Chief Dave Bennett provided an update on a FEMA Grant to the Fire Department. Chief Bennett advised they had been awarded nearly \$150,000 to purchase new SCBA equipment (Self Contained Breathing Apparatus). The City's share would be 5%, which equates to \$7,250. This would be funded from the Fire Department's Equipment Reserve Fund. The Chief has ten days to reply and is requesting the council approve acceptance of the grant, which is a real coup for the Fire Department. The old equipment could be sold for refurbishing or could be used as a trade-in on the new units. **Motion** by Bixby to direct Chief Bennett to accept the FEMA grant for purchase of new SCBA units with the City's portion not to exceed \$7,250. Second by Donnelly. All Ayes. Aye 5. Motion carried.

City Attorney Kelly advised the council that all that was needed to complete the lease agreement for farmland at the Industrial Park site with Grinter Farms was to have Mr. Grinter sign it. He also questioned if the hay had been removed by Mr. Denholm, who owns the hay. Staff will check the site and discuss with Mr. Denholm.

The Suburban Water Proposal was tabled until the April 23rd meeting when Gary Hanson from Suburban Water would be in attendance.

City Administrator Yanez reminded the council the City Planning Services RFQ had a deadline of April 20th for interested parties to submit their proposals. The council would like to see Joel Skelley, President of the Planning Commission be involved in this process.

The Planning Commission Action for property at 415 N Main Street, Arrow Auto, which is owned by Anthony Brungardt was presented by City Administrator Yanez. Mr. Brungardt attended the April 5th Planning Commission meeting and was advised he had 60 days to prepare a site plan to increase the number of cars displayed from ten to twenty or withdraw his application and prepare a site plan for future expansion and display of 90+ cars. It was noted that three residents who are opposed to any expansion of the car dealership were present at the Planning Commission meeting and had seven signed letters from other residents who are also opposed.

The final item under Old Business was with regards to the Safe Routes to School (SRTS) Grant Program. This is a program to encourage walking and bicycling by providing safe routes. The estimated cost of the project is \$400,000 with KDOT providing only \$250,000, the city would bear the balance of the cost. The application is very involved and would take input from the planner, engineer, staff and the public. The deadline for application is May 31, 2012 and it would be very difficult to meet this deadline with the requirements in the application. Council agreed it was a worthy project but with the current budget

restraints all concurred this is not the right time to pursue the grant. This would be a project for 2013. The needs could be identified and possibly start the application process as early as October, 2012.

New Business:

City Administrator Yanez advised the council that there is a federal mandate for local bridges to be inspected every two years. The City of Tonganoxie has five bridges that require inspection this year. BG Consultants has provided a proposal to conduct the inspections at a cost of \$3,350. He recommends that the council approve a proposal from BG Consultants to conduct the bridge inspections at a cost of \$3,350 with funds from the General Street Department budget. **Motion** by Truesdell to accept a proposal from BG Consultants to conduct biennial bridge inspections in the amount of \$3,350 with funding from the engineering line item in the General Fund Street department budget. Second by Peak. All Ayes. Aye 5.

Lloyd Wisdom, Utilities Superintendent, had an emergency when the circuit board failed on the Greystone Lift Station. He had two bids to replace the circuit board. One from JCI in the amount of \$3,930 and one from Smith & Loveless for \$6,500. He requested approval to move forward with the project and accept the bid from JCI for \$3,930. **Motion** by Donnelly to approve the repairs to the Greystone Lift Station and accept the bid from JCI in the amount of \$3,930. Second by Bixby. All Ayes. Aye 5. Motion carried.

The Economic Development Incentive, Ordinance 1341 was tabled for further research and review by City Attorney.

Neither the City Administrator nor the City Attorney had any items of discussion.

Mayor Ward inquired if there was mileage reimbursement for the four candidates that traveled to Tonganoxie for interviewing for the City Administrator position. City Attorney Kelly was going to check the contract and advise the council at the next meeting.

Under the City Council Agenda Dennis Bixby inquired as to the status of the old creamery site on Tonganoxie Road. The owner had been given 90 days to clean the site and it has exceeded that time frame. The Building Inspector should be directed to follow-up on this issue and update the council at the next meeting.

At this time of the meeting, Mayor Ward called for a five minute break from 8:30 PM to 8:35 PM. The meeting reconvened at 8:35 PM.

Motion by Peak to enter into executive session at 8:35 PM to discuss matters of non-elected personnel for fifteen (15) minutes to include the City Council Staff, City Administrator, City Attorney, Mayor Ward, and Police Chief Brandau. Second by Gilner. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 8:50 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 Gilner to enter into executive session at 8:50 PM to discuss confidential data relating to financial affairs or trade secrets of third parties for fifteen (15) minutes to include the City Council Staff, City Administrator, City Attorney, and Mayor Ward. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Peak to exit executive session at 9:05 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 Gilner to enter into executive session at 9:05 PM to discuss matters of non-elected personnel as it relates to the City Administrator search for twenty (20) minutes to include the City Council Staff, City Attorney, and Mayor Ward. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 9:25 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 Gilner to enter into executive session at 9:30 PM to discuss matters of non-elected personnel as it relates to the City Administrator search for twenty (20) minutes to include the City Council Staff, City Attorney, and Mayor Ward and to include City Clerk Mary Conway for five (5) minutes. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Bixby to exit executive session at 9:50 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 enter into executive session at 9:50 PM to discuss matters of non-elected personnel as it relates to the City Administrator search for ten (10) minutes to include the City Council Staff, City Attorney, and Mayor Ward. Second by Donnelly. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 10:00 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

Bill Peak requested that a picture be taken of the City Council to be placed in the time capsule at the Historical Society.

With no further business to discuss, there was a **motion** by Donnelly to adjourn. Second by Peak. Motion carried. All Ayes. Aye 5. Meeting adjourned at 10:05 P.M.

Respectfully submitted,
Mary Conway
City Clerk