

**City of Tonganoxie**  
**City Council Meeting Minutes**  
**06/25/12**

The Governing Body of the City of Tonganoxie met in regular session at the City Hall Council Chambers on Monday, June 25, 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; Council members: Dennis Bixby, Chris Donnelly, Bill Peak, and Jim Truesdell. Nathan McCommon, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney. Andy Gilner arrived at 7:05 PM.

Mayor Ward invited everyone to join in the Pledge of Allegiance.

**Consent Agenda**

- a) Approval of Minutes –
  - 1. Regular Meeting dated June 11, 2012
  - 2. Special Meeting dated June 14, 2012
  
- b) Consider Approval of Bills - Approve Pay Ordinance A-1685
  
- c) Consider expenditure to Stumbo Hanson for analysis of Suburban Water Service Territory research in the amount of \$4,024.98.

**Motion** by Truesdell to approve the consent agenda items (a) through (c). Second by Donnelly. Peak questioned the approval of item (c). City Attorney advised he had reviewed the charges and would like to discuss the invoice later in the meeting in executive session under attorney-client privilege. Truesdell amended his motion to approve the consent agenda items (a) and (b). Second by Donnelly. All Ayes. Aye 4. Motion carried.

**Open Agenda:**

With no comments from the public, the Open Agenda portion closed.

**Old Business:**

City Attorney addressed the update on the Police Station. He advised the council that City Administrator McCommon had been negotiating with Mr. Quisenberry. City Administrator advised there was a good quote for the needed re-modeling of the current space. Mr. Quisenberry was willing to negotiate a one year lease with the option to extend at the end of the one year period. He is willing to discuss the monthly fee and possibly offset some of the fee if the City was to contribute to the utility bills. (Council member Gilner arrived at 7:05 PM)

**Motion** by Truesdell to enter into executive session at 7:07 PM to discuss acquisition of real estate for fifteen (15) minutes to include the City Council Staff, City Administrator, and City Attorney. Second by Gilner. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 7:22 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

The Suburban Water Proposal update was tabled for a later meeting.

The next item under Old Business was an update on the PWWSD #6 Contract. City Attorney Kelly drafted specific termination language. City Superintendent Heskett is reviewing the draft to present at the next PWWDS #6 meeting in July.

The last item under Old Business was an update on the old creamery site at 1<sup>st</sup> and Tonganoxie Road. Building Inspector/Code Enforcement Mark Lee provided a written update for the site. The owners are making slow progress but are moving forward. He recommended that the City Council extend the time frame for completion of the clean-up of the site. If progress comes to a halt then the City could proceed with removal of the remaining debris. Bixby wants to make the site safe as soon as possible. He is not in favor of extending another 30 days. Council agreed and the consensus was to have Mark Lee continue to monitor the situation with an update at the next council meeting on July 9, 2012.

### **New Business:**

The first item under New Business was the request by City Administrator McCommon to approve an additional supplemental life product to the employees of City of Tonganoxie. This product is provided by Liberty National and is 100% paid by the employees. There would be no cost impact to the City of Tonganoxie. The City would have the responsibility to set up payroll deductions and remit the premium check to Liberty National. Representatives from Liberty National were present to answer any questions or concerns the council may have. Tony DiFilippo and Ken Downing of Liberty National explained the plan to the council and also discussed a free Accidental Death and Dismemberment benefit, which would be available to the council members; however, they were not eligible to participate in the Supplemental Life Program. **Motion** by Gilner to approve Liberty National as an additional provider of supplemental life insurance to City employees. Second by Truesdell. All Ayes. Aye 5. Motion passed. Council directed the City Administrator to inquire of Midwest Public Risk (MPR) if council members could be eligible for the health insurance coverages offered to city employees.

The next item for consideration was the approval of four application for Firework Sales/Stand Permits. Fire Chief Bennett has approved the site locations and will issue final permits after conducting tent inspections before opening day, June 30, 2012. There was discussion regarding Trieb's two applications due to different addresses on the applications and the tax exempt certificate. City Attorney would like the motion for Trieb's applications to have approval contingent on Mr. Trieb providing the City a copy of a letter advising the State of Kansas of the proper address. (As of this writing, Mr. Trieb has conformed with this request.) City Attorney Kelly proposed that two separate motions be made. One for Trieb's applications and one for Tony Miller and J's Fireworks. Council member Donnelly advised the council he would be abstaining on the motion for Trieb's fireworks stand due to the fact that it was located in Stonecreek, which he has a direct interest in through Stonecreek Development LLC. **Motion** by Gilner to approve the fireworks stand applications for Shann Trieb's Fireworks Stand, contingent on providing the City with a copy of his letter to the State of Kansas correcting his mailing address. Second by Peak. Aye 4. Abstain 1 – Donnelly. Motion carried. **Motion** by Gilner to approve the fireworks stand applications for Tony Miller and J's Fireworks, Inc. Second by Bixby. All Ayes. Aye 5. Motion carried.

The next item was consideration of an application for a Special Use Permit for an in-home day care located at 714 River submitted by Rechelle Grimstead. City recommendation was that the council make and approve a motion to accept the Planning Commission recommendation and adopt Ordinance #1346, an ordinance amending the "Zoning Ordinance and Subdivision Regulations" of the City of Tonganoxie, Kansas, 2003, Section 22, "Special Uses", by granting the Special Use Permit to certain property in the City of Tonganoxie, Kansas for an in-home day care in a single family residence located at 714 River. **Motion** by Truesdell to adopt Ordinance 1346 for an in-home day care at 714 River. Second by Gilner. Peak asked if the city inspector does a check of the facility and was advised he does not, as it is not required for renewals. All Ayes. Aye 5. Motion carried.

The next item was a discussion on the 2012 water park salaries. When the 2012 salaries were initially brought before the council, three returning water park employees were inadvertently omitted. Pool Manager Darren Shupe has requested that each of those employees receive the \$.25 per hour increase as was allowed for all other water park employees. The City requests that the council make and approve a motion to approve a \$.25 increase to the salaries of the three affected water park employees, specifically

Danielle Miller, Cheyenne Wisdom, and Carly Smith to be effective with the opening of the 2012 water park season. **Motion** by Donnelly to approve the \$.25 per hour increase to the three employees to be effective with the opening of the 2012 water park season. Second by Bixby. All Ayes. Aye 5. Motion carried.

City Administrator requested an executive session to discuss confidential information of a third party. **Motion** by Truesdell to enter into executive session at 8:00 PM to discuss confidential information of a third party for a period of 15 minutes to include the City Council Staff, City Administrator, and City Attorney. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Donnelly to exit executive session at 8:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

The City Administrator thanked the council for approving the Interlocal Agreement with City of Lansing and informed that the help of their staff the May general ledger had been balanced and closed. He then provided budget status sheets with pie charts and grids to easily identify the budget allocation as an introduction to the Preliminary Budget Discussions. Council member Donnelly requested a break-down of real revenues versus borrowed revenues for fiscal years 2011 and 2012 to be discussed at a budget work session. The council would also like to see the impact of a mill levy increase shown as a per \$1,000 of valuation for both residential and commercial. Council member Bixby questioned if there would be an interest by the council to meet with the School Board for a planning collaboration as they are also beginning to review their budget and possible mill increase. The council all agreed this would be helpful but at this time neither the city nor the school is far enough along in their budget discussions for a joint meeting to be helpful. City Administrator will determine what school budget status is and bring information back to the July 9, 2012 meeting.

City Administrator has met with Department Heads regarding operational expenses and the increases to occur for KPERS, worker's compensation, unemployment, etc. He recognizes there could be a cost savings if maintenance on all city vehicles was done in-house. He would like some in-house cost savings efforts to be included in the council's budget work sessions and would like a motion for a council work session sometime the first week in July. **Motion** by Gilner to schedule a budget work session on Tuesday, July 3, 2012 at 6:00 PM at City Hall. Second by Peak. All Ayes. Aye 5. Motion carried.

Under the Council President's Agenda, Truesdell questioned the status of the City Planner Contract. The preliminary agreement has been provided to City Attorney, which he will have prepared for review at the July 9, 2012 meeting. City Attorney will also have information on the Recreation Commission operations.

Under the City Council Agenda, Bixby volunteered to paint the east side of the old shop building located on Main Street. With the Leavenworth County Fair approaching, he would like to make an effort at cleaning up this city building. There was discussion as to the liability of a non-employee volunteering services. City Attorney would have to prepare a release from City Liability for Councilman Bixby to sign before he could begin the painting project.

City Attorney Kelly introduced Ordinance 1345, which updates the Chieftain Trail language to remove responsibility of maintenance of trails from the homeowners. **Motion** by Peak to adopt Ordinance 1345. Second by Bixby. All Ayes. Aye 5. Motion carried. City Administrator will ask City Superintendent Heskett what equipment will be needed to clear the trails of snow and ice.

City Attorney Kelly advised the council that after July 1, 2012 there will be some savings in the newspaper publication of the Ordinances as legislation has passed that will allow cities of Kansas to publish a summary description of the ordinance rather than the entire ordinance.

City Attorney requested an executive session for five minutes to discuss a matter of attorney-client privilege. **Motion** by Peak to enter into executive session at 8:50 PM to discuss a matter of attorney-client privilege for a period of 5 minutes to include the City Council Staff, City Administrator, and City Attorney. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Bixby to exit executive session at 8:55 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

At this juncture of the meeting, City Attorney Kelly advised the council that he had reviewed the charges by Stumbo Hanson in item c) of the consent agenda and concurred they were correct and valid and requested the council consider approval of the expenditure in the amount of \$4,024.98. **Motion** by Donnelly to approve payment to Stumbo Hanson in the amount of \$4,024.98. Second by Gilner. All Ayes. Aye 5. 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 9:00 P.M.

Respectfully submitted,  
Mary Conway  
City Clerk