

City Council Meeting Minutes
7/23/12

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on July 23, 2012. 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, Council members: Dennis Bixby, Chris Donnelly, Bill Peak and Jim Truesdell. Councilman Andy Gilner was absent. Also present were Nathan McCommon, City Administrator; Patty Hagg, Interim City Clerk and Michael Kelly, City Attorney.

After roll call, the Mayor requested everyone join him in reciting the Pledge of Allegiance.

- a) Approval of Minutes -
 - 1. Regular Meeting dated July 9, 2012
- b) Consider Approval of Bills - Approve Pay Ordinance A-1687
- c) Consider expenditure to BG Consultants for services performed for Fire Station #1 Addition in the amount of \$6,277.62.
- d) Consider expenditure to Ed Roehr Safety Products for taser and holster in the amount of \$1,467.69.
- e) Consider expenditure to Edwards Chemicals, Inc. for water chemicals in the amount of \$5,194.95.
- f) Consider expenditure to First State Bank & Trust for ball field loan in the amount of \$41,609.30.
- g) Consider expenditure to KanGas Corp. for prepay on propane for the Public Works Building and the Water Treatment Plant in the amount of \$16,999.22.
- h) Consider expenditure to KDHE for BPU water line loan in the amount of \$74,292.46.
- i) Consider expenditure to KDOT for TRF loan payments in the amount of \$36,348.95.
- j) Consider expenditure to Mize Houser & Co. for final billing on the audit of the financial statements for year ended in December 31, 2011 in the amount of \$1,680.00.
- k) Consider expenditure to Calvin & Susan Quisenberry for August rent for the police station in the amount of \$1,600.00.

- Bill Peak made a motion to approve the consent agenda A-1687 A-E
- Second by Jim Truesdell.
- Motion carried, All Ayes (4).

Open Agenda

Lawrence Hill, 501 13th St., stated he was a member of the Library board and he wanted to know when they should come to the council to discuss their budget needs. Mayor Ward replied the council will be setting a date for a public hearing later in the evening but tentatively the Public Hearing will be Monday, August 13th.

Martin Ramirez, 225 Green St., presented a petition to vacate an alley that runs north and south between 2nd and 3rd Streets and Bury & Green Streets. Mayor Ward stated this item is on the agenda and moved New Business Agenda item V-d, to open agenda for discussion. Nathan McCommon, City Administrator, presented the history of the alley and the need to keep the existing utility easement. Mark Lee, Building Inspector, stated he had contacted the homeowners and the existing utility companies for their input on vacating the alley. The utility companies did not object to vacating the alley as long as there was a provision for a 20' utility easement. Scott Vick, 207 Green St., objected to vacating the alley because he has a garage that can only be accessed from the alley. Michael Kelly, City Attorney, stated Mr. Vick would need a permanent access agreement from his neighbors to be able to use the alley if it were to be vacated. The access agreement would be the responsibility of Mr. Vick. The access agreement must contain all legal descriptions and would have to be filed with Leavenworth County Register of Deeds. There was further discussion by Mr. Ramirez regarding maintenance of the alley. Mr. Lee informed the council the city does not maintain alleys and the curb cuts are only at the south end of the alley. He also stated at the entrance of the north end, trees and bushes were planted years ago. Mr. Ramirez said that he and his neighbor Wayne Jennings, 218 Bury St., plan to put up a locked gate to keep people from entering the alley if it was vacated. Edna Justice, 210 Bury, did not object to vacating the alley and would give an access agreement to Mr. Vick so he could use his garage. Council members discussed who would maintain the gate if the current property owners move and talked about current easement regulations. Councilman Bixby suggested the neighbors talk to each other and return in about a month to discuss vacating the alley. He stated they would need to contact Mr. McCommon to schedule a meeting date, when they were ready to discuss this again.

Old Business

- a) Mr. McCommon stated they are working on a draft rental agreement with Calvin and Susan Quisenberry for the current Police Station at 326 S. Delaware St. Mr. McCommon stated he has negotiated the rental price from \$1600.00 on a month to month basis to \$1300.00 a month for a one year lease contract. Mr. Kelly stated he expects the lease agreement to be ready for review at the next meeting.
- b) Police Chief Jeff Brandau presented a construction outline to provide for security at the police station. He stated Mr. Quisenberry was aware of the improvements and did not object to them. Chief Brandau recommends the remodeling contract be awarded to Shumway Homes for \$9221.00.

- Chris Donnelly made a motion to approve Shumway Homes for no more than \$9221.00 to construct the Safety Enhancements to the Police Station.
 - Bill Peak seconded the Motion.
 - Discussion: There was discussion about the improvements and a timeline. Police Chief Brandau explained there would be a lobby area with a buzz through door. The Police Clerk would have a secure office with a pass through window and they would have an interview/holding room area. He stated the work was expected to take 2 - 3 weeks to complete with most of the work to be done on the weekends.
 - Motion carried, all ayes (4).
- c) Mr. Kelly stated he received a copy of the PWWSD #6 Operating Agreement for review and will get back to the council with any questions or concerns.
- d) Mr. McCommon presented an update on the cleanup progress at the Depetre property located at 1st & Tonganoxie Dr. He stated the City crew has almost finished the cleanup and \$2590.00 will be billed to Mr. Depetre and if unpaid will be assessed to the tax rolls. Mr. Lee stated the property is safe and clean up should be complete by the end of the week. Mr. Bixby asked when the city crews would be able to remove the garage. Mr. Heskett stated there were cisterns on the property and the Public Works department would try to use material on hand to fill them.
- Dennis Bixby made a motion to approve the Public Works Department remove the 3-car garage and fill the cisterns.
 - Bill Peak seconded the motion.
 - Motion carried, all ayes (4)
- e) City Engineer Consultant, Brian Kingsley, BG Consultants, presented an update to Chieftain Trail. He stated Mr. J. W. Evans is still obtaining easements agreements from property owners along the trail. He presented a map of the property at the corner of Tonganoxie Drive and Laming Rd owned by Don Heubner. He stated Mr. Heubner has asked that the trail go through his property along a utility easement on the south side of the property instead of around the corner. Mr. Kinglsey presented several reasons why he thought the trail should not cut through the south end of the property such as:
- Complications for future development by dividing the property
 - Current City Regulations require a 50 ft. building setback line.
 - Water Flow problems
 - Grading needed on the property if trail is changed
 - The utility easement is not a pedestrian easement
 - Current costs for concrete est. at \$26.00 per square yard.
 - Possibility of savings if trail is rerouted \$15,000.00

Mr. Evans stated the property owners had personal reasons why they did not want the trail to circle their property and stated easement costs may higher if the trail does not go along the south property line.

At this time, the Mayor asked for an Executive session. **Motion** by Donnelly to enter into executive session at 8:00 PM for 15 minutes to discuss a matter that pertains to acquisition of real estate as it relates to easement acquisitions for the Chieftain Trail to include the Governing Body, City Administrator, Brian Kingsley and

J. W. Evans. Second by Peak. All Ayes. Aye (4). Motion carried. **Motion** by Bixby to exit executive session and reconvene with the regularly scheduled meeting at 8:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak.. All Ayes. Aye (4). Motion carried.

New Business

- a) Due to the retirement of City Clerk, Mary Conway, the mayor asked for approval to appoint Patty Hagg as Interim City Clerk.
 - Bill Peak made a motion to approve Patty Hagg as Interim City Clerk.
 - Dennis Bixby seconded the motion.
 - Motion carried, all ayes (4)

- b) Janet Falk was present to provide an update regarding the Tonganoxie Tidal Waves swim season. She stated they had 85 swimmers ages 5-18 years old participate on the team. The Water Park hosted 2 dual meets and the Preliminary and Championship meets. She estimated a total of 500 people were in attendance at the meets. She provided maps for parking and area restaurants at the meets and stated the Pool Manager, Darren Shupe said concessions were near \$800.00 for the Championship meet. Next year, with permission from the council they plan to host 3 dual meets at the Tonganoxie Water Park. She will provide more information in the spring of 2013. She thanked the Council for use of the pool and stated there is a video of the swim team on U-Tube. Mayor Ward congratulated Mrs. Falk for the success of the team and thanked her for her dedication to the team. On behalf of the governing body, he thanked her for the benefits she has provided to the City and the kids.

- c) See Old Business - Chieftain Trail

- d) See Open Agenda - Alley petition

- e) City Superintendent, Kent Heskett, discussed the street repair needed on Delaware Dr. He received 3 bids for the curbing and recommends the City accept the lowest bid which was received from Crookham Construction.
 - Chris Donnelly made a motion to proceed with the Delaware Street repair project and accept the bid from Crookham Construction for replacement of the curb not to exceed \$28,325.00.
 - Jim Truesdell seconded the motion.
 - Discussion - Mr. Peak asked if this amount would cover the material & equipment. Mr. Heskett stated this would cover the costs.
 - Motion carried, all ayes (4)

- f) The Mayor asked for an Executive session. **Motion** by Donnelly to enter into executive session at 8:25 PM for 5 minutes for discussion of confidential

information of non-elected personnel. Approval to fill Maintenance worker 1 position pending a physical exam and drug screen to include the Governing Body, City Administrator, and Public Works Director, Kent Heskett. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Donnelly 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 Bixby. All Ayes. Aye (4). Motion carried.

- Bill Peak made a motion to fill the Maintenance Worker 1 position pending a physical exam and drug screen.
- Dennis Bixby seconded the motion.
- Motion carried, all ayes (4)

g) The Mayor asked for an Executive session. **Motion** by Trusedell to enter into executive session at 8:32 PM for 5 minutes for discussion of confidential information of non-elected personnel. Approval to fill Police Officer position pending a physical exam and drug screen to include the Governing Body, City Administrator, and Police Chief Jeff Brandau. Second by Peak. All Ayes. Aye (4). Motion carried. **Motion** by Bixby to exit executive session and reconvene with the regularly scheduled meeting at 8:37 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye (4). Motion carried.

- Bill Peak made a motion to fill the Full-time Police Officer position pending a physical exam and drug screen.
- Dennis Bixby seconded the motion.
- Motion carried, all ayes (4)

City Administrator Agenda

Mr. McCommon presented information regarding the 2013 budget. He said he had to update the Ad Valorem Tax information and thought the budget was ready to schedule for a Public Hearing which could be held on 8/6 or 8/13. He stated the budget had to be submitted to the State by August 24th. Councilman Peak suggested another work session or special meeting to review the final draft. He wanted to see an itemized budget by departments. Councilman Truesdell agreed. He wanted to see the budget with the scenarios that were discussed at the last work session and to include step increases for employees.

- Bill Peak made a motion to schedule a Special Meeting to discuss the 2013 budget for Tuesday, July 31st at 6:00 pm.
- Jim Truesdell seconded the motion.
- Motion carried, all ayes (4)

City Council Agenda

Dennis Bixby asked about the progress of the Gallagher property that was donated to the City. Michael Kelly stated the title has been cleared and filed. Mr. Bixby suggested the house be removed by the Public Works department during the winter months. Kent said they will put it on their schedule.

Bill Peak asked about the liability waiver which will allow councilman Bixby to paint the old city shop building. Nathan stated he could come by City Hall to sign the waiver.

Peak also inquired about service plaques. He is aware that Tom Putthoff had not received a service Plaque for the three years he was on the city council. Nathan said he would follow up with City Staff.

- Dennis Bixby made a motion to purchase a service plaque for Tom Putthoff
- Bill Peak seconded the motion.
- Motion carried, all ayes (4)

Mayor Agenda

The Mayor asked for an Executive session at 9:58 for 5 minutes to discussion of confidential information of 3rd party to include Governing Body, City Administrator and City Attorney. Motion by Donnelly. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Peak to exit executive session and reconvene with the regularly scheduled meeting at 9:03 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye (4). Motion carried.

With no further business to discuss, there was a **motion** by Truesdell to adjourn. Second by Bixby. Motion carried. All Ayes, Aye (4). Meeting adjourned at 9:04 PM.

Respectfully submitted,

Patty Hagg
Interim City Clerk