

City Council Meeting Minutes
8/13/12

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on August 13, 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 K. Ward, Council members: Dennis Bixby, Andy Gilner, Chris Donnelly, Bill Peak and Jim Truesdell. 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.

The council reviewed the following items for consent approval

- a) Approval of Minutes –
 1. Regular Meeting dated July 23, 2012
 2. Special Meeting dated July 31, 2012
 - b) Consider Approval of Bills - Approve Pay Ordinance A-1688
 - c) Consider expenditure to BP for fleet purchases in the amount of \$2481.24.
 - d) Consider expenditure to BG consultants for services performed for the 2012 Biennial Bridge Inspections in the amount of \$3,350.00.
 - e) Consider expenditure to Honey Creek Disposal Service in the amount of \$22,575.00.
 - f) Consider expenditure to Midwest Public Risk for dental, medical and vision premiums in the amount of \$28,411.00.
 - g) Consider expenditure to Rebate Incentive Program building permit reimbursement for Bret Miles in the amount of \$3,000.00
 - h) Consider expenditure to Rebate Incentive Program building permit reimbursement for Brandon Sifford in the amount of \$3,000.00
 - i) Consider expenditure to Olathe Winwater works in the amount of \$8,090.34
 - j) Consider expenditure to Saint Joe Distributing in the amount of 624.47
 - k) Consider expenditure to Westar Energy in the amount of \$13,887.90
- Bill Peak made a motion to approve the consent agenda A-1688 A-K
 - Second by Chris Donnelly.
 - Motion carried, All Ayes (5).

Open Agenda

Ted Pantoja Jr., 501 Northstar Ct., Tonganoxie KS, approached the Council regarding a need to have officers patrol his neighborhood. He stated he has noticed several people

running the stop sign at Myers Dr. and Northstar Ct. He also saw a Leavenworth County road grader using Myers Dr to avoid the stop light at Highway 24/40 and Main St. He felt traffic was exceeding the speed limit. The Mayor asked City Administrator McCommon to look into the matter and contact Mr. Pantoja with his findings.

Old Business

- a) Mr. McCommon reviewed the draft rental agreement with Calvin and Susan Quisenberry for the current Police Station at 326 S. Delaware St. Mr. McCommon stated the rental fee will be \$1300.00 a month for a one year lease contract with an option to renew the contract up to one more year. He also stated Mr. & Mrs. Quisenberry have allowed remodeling work to begin at the temporary police station. The mayor and council members discussed termination clauses and the authority to renew the contract.
 - Andy Gilner made a motion to approve the rental contract contingent upon changing the contract to read the City Administrator will have the option to renew the contract for one more year with the consent of the Governing Body
 - Bill Peak seconded the Motion.
 - Motion carried, all ayes (5).

- b) Mr. Kelly stated he did not have anything new to report on the operating agreement with PWWSD #6. He will contact City Superintendent Heskett before the next meeting.

- c) City Administrator McCommon presented an update to the Chieftain Trail. He stated engineers from BG Consultants have completed staking the pedestrian and construction easements along the proposed trail. He also stated Mr. J. W. Evans is obtaining easements agreements from property owners along the trail. At this time (7:18 p.m.) Chris Donnelly made a motion to enter into executive session for 20 minutes with the Governing Body, City Administrator, City Attorney and J.W.Evans to discuss acquisitions of real estate as it relates to easement acquisitions. Dennis Bixby seconded the motion. Motion carried All Ayes. (5)
At 7:38p.m. Andy Gilner made a motion to return to regular session. He stated no action had been taken during the executive session. Bill Peak seconded the motion. Motion carried, all ayes. (5)

- d) No one was present to discuss vacating the alley between Bury & Green St. The Council tabled this item for discussion at a future meeting.

- e) Mayor Ward stated he added the fireworks ordinance for discussion. He stated this item was brought up at a previous meeting and he wanted to keep this on Old Business for further discussion. The council would like Mr. McCommon to present an update at a future meeting to the Fireworks Ordinance to include banning fireworks during dry conditions. Also included in the update they would like to see information providing advance notice to the public and the vendors. Mr. McCommon stated he was working with the Fire Chief and they were reviewing an ordinance from the City of El Dorado that may be helpful when they draft the new ordinance for council approval. This item was tabled to a future meeting.

New Business

- a) The Mayor opened the meeting for a Public Hearing and discussion of the 2013 budget. He stated that after many work sessions and budget cuts, the city will be operating at the same level as the 2006 budget. He stated the 2013 budget will keep the City operating and will provide for basic city services. There will not be an increase in the mill levy for 2013. There were no comments from the Public. Nathan stated the budget that was presented included the four items the council added at the last work session.
 - Dennis Bixby made a motion to approve 2013 Budget as presented.
 - Jim Truesdell seconded the motion.
 - Motion carried, all ayes (5)

- b) City Administrator McCommon presented a contract for approval by the governing body to allow Crookham Construction to proceed with curb and guttering work on Delaware Dr.
 - Chris Donnelly made a motion to approve the contract.
 - Andy Gilner seconded the motion.
 - Motion carried, all ayes (5)

- c) See Old Business - Chieftain Trail

- d) The Council discussed the 2 applications for approval offering building permit rebates to Brett Miles & Amber DeGraeve, and Brandon & Amber Sifford. The incentives were offered through Ordinance 1331 to provide the rebate for new home construction.
 - Chris Donnelly made a motion to approve the rebates.
 - Bill Peak seconded the motion.
 - Motion carried, all ayes (5)

- e) 1) City Administrator McCommon presented information regarding classification from a City of the Third Class to a City of the Second Class. He stated he had talked to the League of Kansas Municipalities and they would provide a representative to discuss the details at a work session. The Council directed Mr. McCommon and City Attorney Mike Kelly to review the state statutes for discussion at a future work session.

- f) City Attorney stated there were several DUI changes passed by the State that are included in the 2012 Standard Traffic Ordinances and Offense Codes. He has ordered books for review and will update the Council at a future meeting.

- g) Mayor Ward stated he would like to hear committee reports from the RCDC and Industrial Park Committee. He would also like to form an Infrastructure Committee and to include a member of USD 464 Administration. Mr. McCommon will contact the school.

- h) No items from the Council President

- i) Bill Peak spoke regarding mowing the VFW Park. He stated the citizens use the park and he felt the City should make a decision on the matter of who should mow it. Attorney Mike Kelly stated it is private property and the city does not want to set precedence by mowing the VFW Park. It could lead to other entities asking for mowing help. He stated there are liabilities for both the VFW and the

City. He asked if the city could lease/purchase the property. Mr. Kelly stated if the city purchased the property the VFW could lose their tax exempt status on the building property.

Mr. Peak also discussed the possibility of having portable defibrators in police cars. He also discussed how emergency calls to the police department are handled and the possibility of purchasing fire proof shelving for documents at City Hall.

Councilman Bixby stated he did not need the liability release to paint the old City shop from the City Attorney. He wanted to paint the shop before the Lv. Co. Parade, but he did not get the release and now his schedule is too demanding.

Councilman Gilner stated he has been approached by the Booster Club regarding the placement of signs around the fence at the football field. He stated he thought the City of Eudora had an ordinance that allowed an exemption in the sign ordinances for ball fields. City Administrator McCommon will discuss this with Mark Lee, the codes enforcement officer and the planning staff.

At this time the mayor called for a 5 minute recess. (8:00pm-8:05pm)

After the recess City Administrator McCommon asked for a 20 minute executive session.

- Chris Donnelly made a motion to enter into executive session for a period of 20 minutes to discuss confidential matters of non-elected personnel to include the Governing Body, City Administrator and City Attorney.
- Andy Gilner seconded the motion.
- Motion carried, all ayes (5)

The Council returned from executive session at 8:25pm. No action was taken.

- Andy Gilner made a motion to enter into executive session for a period of 15 minutes to discuss confidential matters of non-elected personnel to include the Governing Body, City Administrator and City Attorney.
- Dennis Bixby seconded the motion.
- Motion carried, all ayes (5)

The Council returned from executive session at 8:45pm. No action was taken.

Dr. Paul Snyder, 307 Ridge St. # 105 approached the Council. He stated he has been having problems with the Police Department blocking the driveway at the new police facility. He stated he rents an office space and has trouble maneuvering through the parking lot to get to his office because the police cars are not parked in the marked parking areas. Mayor Ward directed the City Administrator to meet with the Police Chief Brandau and follow up on his complaint.

With no further business to discuss, there was a motion by Andy Gilner to adjourn. Second by Bixby. Motion carried. All Ayes, Aye (5). Meeting adjourned at 9:01pm.

Respectfully submitted,

Patty Hagg
Interim City Clerk