



City Council Meeting Minutes
February 11, 2013

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilwoman Reed, Councilman Gilner, Councilman Donnelly, Councilman Truesdell, Councilman Peak and Mayor Ward were in attendance. Also in attendance were city staff Mr. Mr. McCommon Mr. McCommon, Jennifer Jones-Lacy, Jeff Brandau and City Attorney Michael Kelly.

A motion was made by Councilman Peak to approve consent agenda, seconded by Councilwoman Reed. All Ayes, motion carries.

Open Agenda

Dennis Bixby, 704 E. Street, spoke on behalf of Tonganoxie Christian Church. He said that the Oroke property annexation has been approved by Leveanworth County Board of Commissioners.

Mr. Bixby wants the City to annex its property which is adjacent to the Oroke property. That way it can be combined with the map update when annexing the Oroke property. He asked if the Council could take action on this annexation now.

The Mayor said a resolution was associated with the Oroke annexation and a resolution is not prepared for this particular annexation. The Mayor asked staff if they would be in a position to move forward on this issue today. Mr. Kelly said the Council would need to determine how the annexation would affect the City of Tonganoxie and if it's something they want to move forward on based on these factors.

The Mayor asked if the council would be willing to entertain a motion tonight and staff could pull together a resolution to be adopted tonight.

The planning commission wouldn't get involved since the usage of the property wouldn't change.

Mr. Kelly asked if the church had a time table for construction on the property. Mr. Bixby said he doesn't think there will be any changes in the next five years. He said the school is growing and will eventually need more property.

The Mayor asked if Mr. Mr. McCommon would be able to retrieve the language from the last resolution to put it together so the Council could approve.

Lawrence Hill, 501 E. 13th St., asked if the library's portion of the property taxes was the same as it was in the past. Ms. Jones-Lacy said that it was.

No other items for open agenda

I. Old Business

- a) Update on PWWSD #6 review of submitted termination language in order to enter an operating agreement with Public Wholesale Water Supply District #6 and #9 and authorizing a minimum purchase of \$3,300 per year from the Water Operating Fund

- There is a tentative meeting coming up and Mr. Kelly is hopeful that there will be a resolution at the next meeting.
- b) Update on Chieftain Trail
- Certificate of title was received from the title companies and the City is condemning three properties and the City Administrator has started work on that process.
- d) Update on city property sale: 636 E. 3rd and 301 S. Main
- Mayor said the white house was demolished last week. He mentioned the Gallagher family donated the house and there were some conditions associated with the property. They wanted parking to be limited to 20% of the property. He hopes the council will use it for beautification purposes such as a trail head.
 - Councilman Peak said the public would like those trees maintained as part of the beautification.
 - Ms. Jones-Lacy said the sale of the gray house was posted in the Lawrence Journal World and it will be posted for three weeks online and in the paper.
 - Councilman Peak asked if we were in a big hurry to sell the house. Ms. Jones-Lacy said no, it's just an attempt to dispose of the house so the property is available for future development.

Annexation

- Mr. McCommon brought back a resolution for the annexation of the property at issue per Mr. Bixby's request.
- The Mayor asked if Mr. Kelly would have any objections to passing the to annex the property in question tonight.
- Mr. Kelly said if the Council decides this will benefit the City and the annexation would be a prime candidate for meeting the requirements of the statute.
- The Council said they did not have a problem with the annexation and the County would contact the adjacent property owners to get approval. Mr. Donnelly asked if the person in between the two annexed properties would be notified of the annexation. Mr. McCommon said the County would notify that property owner.
- Mr. Donnelly said that person has a right to due process.
- Councilman Councilman Donnelly made a motion to approve Resolution No. 02-13-01 annexing the property owned by Christian Church of Tonganoxie. Seconded by Councilman Peak.
- Councilman Peak wanted to clarify that the language was correct. The mayor said that to the extent the Resolution number and property information is correct. All Ayes, the motion carried.

- e) Update on U.S. 24-40 Highway improvements
- Mr. McCommon recapped the previous meeting and provided an outline of the options for Council consideration. He asked the Council for direction on what the next steps should be. He recapped the options.
 - Option 1. Do nothing. KDOT will stripe the roadway and would reconfigure the intersections at Stone Creek and 24-40 and Laming and 24-40 so the side streets would have left merge lanes to merge onto 24-40.
 - Option 2. Has full grant funding available, and includes a stop light at 24-40 and Laming and a frontage road on the south side of the road restricting a left turn out from Stone Creek onto 24-40. The grant would not include utility relocation, construction engineering or easements. However, it would include 100% of construction and 90% of engineering.
 - Option 2b. Is basically the same as Option 2 but would be requesting slightly less construction. The risk on this option is that grant funding is available now and if there's a delay, the funding may not be available.

- Option 3 would install a signal at Stone Creek and 24-40 instead of Laming Road. That configuration would not be eligible for the Access Management Corridor grant unless the corridor plan were amended and that needs to be approved by KDOT. The City may have to come up with funding for this project.
- Option 4 would install traffic lights at both Stone Creek and Laming Road and eliminating the frontage road. Portions of this would be eligible for KDOT grants but the City would still need to amend the Corridor Management Plan.
- Any City funding would come from the County Sales Tax/Capital Project fund. The only other eligible funding would be the General Fund. The Council should keep in mind a list of its capital priorities in the past. Mr. McCommon provided a list of these priorities.
- The Mayor thanked everyone who participated in the last conversation. The Mayor recognized that Jason Hoskinson and Jim Pickett were here to answer any questions. He asked the Council to discuss the issues and then he would open it up to the public.
- Councilman Truesdell said he uses the gas station at Stone Creek three to four times per week and he thinks of that intersection as a detour now because it's so dangerous as it stands. He doesn't think the frontage road would be that far out of the way for those who might use the gas station. He thinks that Option 2A would be best.
- Councilman Peak said he would be in favor of that if there wasn't a business already at that intersection but since someone has a \$1 million investment, he doesn't think it's appropriate for the City to create a no left out change in the roadway. He said that move is patently unfair. He knows the budget would direct the City to do the Laming signal but considering safety, both intersections are about equally dangerous. He asked Mr. Pickett if it would be a problem to not create the "no left turn" at Stone Creek.
- Mr. Pickett said he thinks any changes to conform with the Corridor Management Plan would be a step forward. He wouldn't discourage the City from submitting an application for two out of the three improvements.
- Councilman Peak said his concern is that the current business has been there for years and that it's not fair to that business. He said there's two budget issues – sales tax impact to the City and the cost of installing a traffic signal on Laming. He is opposed to the no left out.
- Councilman Donnelly said he has a conflict of interest and thus will not vote on this issue but would like to comment based on his citizenship of the City. He addressed the Council from the podium. He said in Basehor, the stop light at 155th was moved to 24-40 and 158th street in 2001-2002. He said this signal does fit the Corridor Plan but it doesn't fall into the priorities of the City Council. The stop light is critical to the business at Stone Creek and 24-40. Mr. Donnelly handed out plans for extended development in Stone Creek connecting to Jackson Heights. The light at 158th street was installed for safety reasons and installing a light at Stone Creek would be a safety issue as well. There are funds available for safety improvements. He said the Laming Road intersection light would be something that isn't truly needed for many years. Councilman Donnelly said it's short sighted to stick to the corridor plan when a light is needed at Stone Creek now.
- There was a significant amount of infrastructure in that area that was paid for by the developer. Councilman Donnelly thinks its short sighted to put a light in at Laming when it's not needed yet. It doesn't make sense to pay tax-payer dollars to install a light on private property.
- Councilman Truesdell said KDOT may not allow us to install a light at Stone Creek while paying for it. Councilman Donnelly said it's up to KDOT to make that determination. The question is how does a traffic signal at Stone Creek get funded.
- Councilman Donnelly It doesn't make sense to install a light at Laming and spend \$1 million when we can install a light at Stone Creek now for much less. Councilman Peak asked how much a light at Stone Creek cost. The light at 158th Street in Basehor

fits the corridor plan but the light at 155th Street does not so they did not get funding for that.

- The Mayor said, right now Laming Road fits the plan. The question is, is a signal at Laming Road right for Tonganoxie right now and if not, we have to amend the plan. We need to make a decision based on the best fit. It's not the City's plan to impede traffic traveling on 24-40. Councilman Donnelly said in the near-term the biggest concern is the safety issue. The logic of a light at Laming today does not make sense for the City. It might make more sense 10-20 years from now.
- Councilwoman Reed asked Councilman Donnelly if he was proposing a light at Stone Creek only and wanted to look for alternate funds for that traffic light. Councilman Donnelly said that it was and he thinks his proposal will solve the issue now until Laming needs a light. He said he doesn't think Laming will ever be a busy Road.
- Dorothy Rose said there are no through streets that go to County Road 5 and she said you can't make a left or a right due to traffic.
- Councilman Gilner said it's really tough to turn down that much free money but he understands the issue and he said if we can find the funds to pay for a signal at Stone Creek, that would be okay but his biggest concern is safety.
- Councilwoman Reed said she's on the fence on this issue but she thinks a light at Laming would help with the intersection at Stone Creek and 24-40. She said she's also concerned about how long it would take to find funds if we're going to delay installation of a light and she doesn't want that to happen because the problem would still exist. She said having two lights close together could be problematic due to potential collisions.
- Councilman Peak said the funding offered by KDOT is very attractive but we don't want to get in the trap of only looking at funding to the exclusion of other issues.
- Councilwoman Reed said she's not 100% convinced that a three-quarter's intersection would negatively impact those businesses at 24-40 and Stone Creek.

The Mayor opened the dialogue to the public.

- Dave Plummer at NE Laming and 24-40 owns Midwest Bikes to Trikes. He said there are two points in the day when you cannot get out on Laming and it's really dangerous. He said the Cerner facility will draw more residents here and folks are going to want have a light to safely get to and from their homes as well. The intersection at Laming is deadly at two periods on the day. He wants to see two lights and no frontage road. He said the lights can be synchronized.
- Greg Orshlen rents space at the Biomedical Devices building. If there were a light at Stone Creek, traffic would be stopped going west-bound which would enable Laming Road traffic to move east to west more easily. Would like to propose that KDOT revise the corridor management plan so that Stone Creek is the main location where the light would be. The sunshine is blinding at sunrise and sunset this creates more of a hazard in the evenings.
- Dennis Bixby, Leavenworth County Commissioner, 704 East Street, his concern is the Leavenworth County Annex and emergency vehicles stationed there. He said the long term plan is to move the location where the county ambulance would be stationed and move it to Hwy. 24 and either 166th - 178th. Keeping Laming Road open for emergency vehicles is not as important as once thought. Said he can't see the need for two sets of lights unless we found the money. We need to lower the speed limit before Stone Creek. A warning light closer to County Road 25 and a signal at Stone Creek. Laming Road will take care of itself.
- Mary Crouse, 18446 174th Street, Bonner Springs, owns the Liquor Store at Fast Tracks. People take the path of least resistance. If you close entry from the south side, people will go somewhere else. It doesn't take much to impact the bottom line when you initiate construction. Even a temporary shut down would really impact her

business. In the last two weeks she's been telling people to come to the meeting but the paper had the wrong date. Just because someone is coming and waiving dollars at you doesn't mean it's the best option. Please keep that in mind. A light at Stone Creek would be best.

- Ms. Rose asked if a light is installed at Stone Creek, how will the rest of the businesses from the west get out onto 24-40.
- Councilman Peak said a light at Stone Creek would give an opening for people at Laming to get out. Councilman Peak asked what the approximate cost of a light would be. Jason Hoskinson said it would cost a bit more than \$500,000.
- Councilman Truesdell asked if the plan could be modified to have the light at Stone Creek and a reverse frontage road redirecting traffic from Laming to Stone Creek. If they put a light at Stone Creek they would want to restrict access on Laming which would require a right-in-right out median. The City would need to write KDOT to change the plan.
- The mayor said if we installed a light at Stone Creek it would still cost \$1 million of tax dollars even though its not City money.
- Mr. Orshelen asked if we could reduce the speed limit to 40 miles per hour on 24-40 after entering the City. The mayor said that has been discussed at past meetings. One of the recommendations was to review speed limits and adjust accordingly. KDOT studied the entire 24-40 corridor and came back with recommendations which is why they are what they are.
- Mr. Pickett said this study did result in some adjustments. He doubts that the characteristics of traffic have changed in the last year and so he doesn't think the state will change the speed limit any time soon.
- The Mayor said he didn't necessarily think there would be a decision made tonight but each time its discussed he wants to move the issue forward. His challenge to the council was how do we move the conversation forward and address the issues.
- Councilwoman Reed asked if Mr. Pickett had any further comments. He said he concurred with the Mayor and thought the goal should be to make improvements based on the needs of the City. He knows everyone won't be happy. They recommend changes based on the Corridor Management Plan because that's the plan Councilwoman Reed upon by the most people and makes the most sense. They would be willing to entertain other ideas. Mr. Pickett said he can bring experts from KDOT out who have studied the impact of similar roadway changes on local businesses and they could come out and present to the council on what kind of changes it would make.
- Councilwoman Reed said she would love to have more concrete information from the state. Pickett said that we should listen to those who have more information on this issue than he does and that there's good data available.
- Mayor asked if there has been a market study to determine if restricting access impacts businesses. Mr. Hoskinson said he wasn't sure how much data was available but he was sure there was something out there but that this type of changes is fairly new.
- Councilman Gilner asked why we couldn't do a round-about at that intersection. Mayor asked what the top speed would be for a round-about. Jason said 15-20 mph. Pickett said he's seen these implemented successfully at rural intersections but he doesn't think this would be a successful use of in this area.
- Councilman Truesdell wanted to know if installing a signal at Stone Creek would increase safety.
- Mr. Hoskinson said when you put in a signal, you're likely to see an increase in rear-end crashes. Engineers would need to review sight distance at both intersections to see which makes sense. They would have to look at traffic flow from Laming Road
- Councilman Peak asked if you had a light at Stone Creek how would that open up Laming?

- Mr. Hoskinson said long-term its going to be difficult to make a left-turn onto 24-40 from Laming.
- Councilman Peak said if 10 years would be a realistic time table then it makes more sense to wait on a light at Laming. He also said he would be dubious off any data that we see on how this type of intersection would impact business.
- Mr. Orshelen said he thinks the City will grow substantially over the next five years. He said we need to design something that is attractive to future businesses, existing businesses and is safe.
- Sean McNeally owns McNeally steel in the industrial park. He would rather see a light at Laming because he doesn't want a right-in-right out at Stone Creek.
- The Mayor said he would like more info on the impact of frontage roads, and whether we do this without changing full access at either intersection, and he would like to see a presentation by KDOT people on the impact of similar roadway changes on local businesses.
- The mayor called for a five minute recess.

II. New Business

- a) Request approval to purchase a software patch linking police and court systems
- Mr. McCommon said we've been analyzing ways to increase efficiencies in city hall and would like to purchase a software patch to reduce the demand on staff and overtime. Currently staff do double data entry and this patch would eliminate the need for that by having the data sent from Enterpol to Summit software in City Hall. The funding would come from the \$3,000 from police equipment reserve fund as well as \$2,000 from the city contingency line. In the future the software licensing would be \$1,150.
 - A motion was made by Councilman Peak, seconded by Councilman Gilner.
 - The Mayor asked the police chief if this would lead to electronic ticketing. Chief Brandau said that it wouldn't. Chief Brandau said they would like to have it but it's still very expensive.
 - Councilman Peak asked if there was a contract in place and if we know what the program will do. Mr. McCommon said we have no contract for this purchase but we would expect for the software makers to take care of any problems.
 - Ms. Jones-Lacy explained that we hoped to get a demo of how the system will work and explained the process. She explained the reason why we weren't purchasing the electronic ticketing system at this point.
 - Councilman Peak asked there would be a cross check to ensure the information entered into the system was correct.
 - Ms. Jones-Lacy said the court clerk will still receive the actual tickets to review and ensure the information is accurate.
 - All Ayes, the motion carries.
- b) Request approval to reclassify a Police Officer position to a Police Sergeant for internal promotion
- Mr. McCommon said the police department has been able to achieve some internal cost savings due to scheduling improvements and that they would like to promote an officer to sergent.
 - Chief Brandau said that he would like to conduct a competitive internal promotion so the lieutenant can oversee both sergeants who supervise the patrol officers. Currently the lieutenant is overseeing one of the teams. He would like the lieutenant to oversee both teams of officers.
 - Councilman Peak asked how the officers shifts work. The chief explained that the officers work 84 hours every two weeks when doing 12 hours.

- A motion was made by Councilman Donnelly and seconded by Councilman Peak. All Ayes, the motion carried.

c) City Administrator Agenda

1. Update on the Downtown Revolving Loan Program

- Ms. Jones-Lacy explained the Downtown Revolving Loan process currently in place and explained that the current process is pretty effective and needs only minor tweaks. She suggested reinstating the oversight committee to review the loan parameters and recommend acceptance of certain loans. She suggested appointing a couple of staff contacts – Building Inspector Mark Lee to assist the applicants in the process, review the proposed improvements and follow up on any suggested improvements to ensure they are completed. She explained the loan wouldn't necessarily have to be limited to 4th Street it just needs to be in the downtown area. She recommended that she and Michael Kelly assist with the loan agreement and mortgage.
- Councilman Donnelly said the intention of the program was to keep the spirit of downtown alive. He said there were very few people who took advantage of the program.
- Ms. Jones-Lacy said we would want to improve on the promotion of which we could do through our new website and by canvassing the businesses.
- Mr. McCommon said we would need to get some direction on forming the oversight committee.
- Ms. Jones-Lacy said the Mayor of the City of Anthony appointed three local bankers.
- Councilman Donnelly said the program is a great opportunity for the City but the money can go away really quickly.
- The Mayor directed staff to contact local banks to see if they would be interested in sitting on the committee.
- Councilman Peak said the oversight really needs to be enhanced.

2. Discussion of City of the Second Class: Compensation for City elected officials

- Mr. McCommon said the current conversation is on compensation for public officials. This would be an item that the public may want to have input on. Staff conducted a survey of second class cities to see if their governing bodies are compensated. Compensation ranges from nothing to \$650 per month. Some officials are paid monthly, some paid by the meeting. There seems to be no correlation to the size of city or budget to the compensation.
- The Mayor said in the past there has always been hesitation from the governing body to vote on pay for themselves. There are not many Cities, particularly in the Kansas City area, that have \$0 compensation. It's not a major budget impact. I would favor some kind of compensation as a thank you for involvement.
- The Mayor said the average looks good to him. Councilman Peak said he liked the idea of compensation per meeting. Councilman Donnelly said he's not comfortable with the idea of compensation. Councilwoman Reed said the same thing.
- The Council discussed what kind of compensation the Mayor and Council should have and when it should begin if they decide to move forward with compensation.
- Councilman Gilner asked if the budget would be able to take this compensation.
- Mr. McCommon said it would take some research as it's an unbudgeted item.

- Councilman Donnelly and Councilwoman Reed said they were not comfortable with compensation for elected officials.
 - The Mayor suggested making this conversation part of the public forum.
 - Councilman Peak said he would rather the Council make the decision.
 - Councilwoman Reed said \$1200/year would be a part-time firefighter.
 - The Council decided to collect public input at the Council meeting.
 - Mr. McCommon asked the Council what they thought about the provided brochure for a public forum. He also asked if the Council and Mayor would be willing to lead a round table discussion.
 - Councilwoman Reed asked if we had to make the change based on the census. Councilman Donnelly said the State of Kansas certified Tonganoxie as over 5,000 in 2012.
 - Mayor asked if the Council had a preference for the dates. They decided on March 4th and April 1st for the public meetings at 7 p.m. at the high school library.
- A motion was made by Councilman Gilner to go into executive session for 10 minutes. Seconded by Councilman Truesdell at 9:19. A motion to return to the meeting was made by Councilman Donnelly and seconded by Councilman Gilner. The Council returned at 9:29 p.m.

d) City Attorney Agenda

1. *First Reading*, an ordinance repealing certain sections of Article 3, Fireworks, of Chapter 7 of the Code of Ordinances and replacing same for the purpose of defining the authority to ban the sale and use of fireworks in the city limits and providing public notice of such ban
 - Mr. Kelly said the council should consider this new ordinance which includes a burn ban which would allow the fire chief to put it in place and wouldn't be lifted until the chief lifts it.
 - Councilman Peak said that it would be important to place signs so people knew the ban was in place.
 - Mayor said if Council passes the ordinance there will be an education process involved. We need to reach out to those involved in fireworks sales in the City.
2. Request approval of Ordinance No. 1356 – An ordinance to provide more effective enforcement for addressing inoperable vehicles
 - No updates

e) Mayor Agenda

- The City has an opening on the planning commission and an application from Steve Gumm, a former councilmember from 2001-2009 ,and a recommendation to accept from Joel Skelly.
- A motion to accept Mr. Gumm's application was made by Councilman Truesdell, second by Councilman Donnelly. All Ayes, the motion carries.

f) Council President Agenda

g) City Council Agenda

- Councilman Gilner made wanted to thank staff for tearing down the white house and said it looks really nice and they did a great job.

1. Retail Commercial Development Committee Report – Bill Councilman Peak
 - i. Approval of Ordinance No. 1350 - Amending Ordinance No. 1342 Retail Attraction and Retention Incentive Program, repealing Section 2A sales tax rebate incentives
2. Infrastructure Committee Report – Jim Councilman Truesdell
 - Councilman Peak wanted an update on Washington Street. Councilman Truesdell said the infrastructure committee discussed this issue and the plan footprint was sent to the County Engineer Mike Spikelmeyer. They are going to grade the area next fall. The City will have to do the design and construction.
3. Industrial Park Committee Report – Chris Councilman Donnelly
4. Update on fireproof storage in city hall – Bill Councilman Peak

A motion was made by Councilman Gilner and seconded by Councilman Donnelly. All Ayes, motion carried. The meeting adjourned at 9:37 p.m.