

City of Tonganoxie
City Council Meeting Minutes
02/22/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on February 22, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor, Michael Vestal, Councilmembers: Paula Crook, Tom Putthoff, Jim Truesdell and Jason Ward. Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney. Councilmember Burdel Welsh was absent

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular Meeting dated February 9, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1627

Motion by Ward to approve the consent agenda items a and b. Second by Putthoff. All Ayes. Aye 4. Motion carried.

Open Agenda: First under open agenda was Pat Sparks, 1230 E 4th Street. He would like to obtain a permit to explode shot gun shells on his property to scare off the geese. There is hundreds of the birds and they are destroying his property. **Motion** by Ward to authorize Pat Sparks to work with the City Attorney and the Police Chief to develop a permit that will allow the discharge of a weapon to produce explosions to relieve the geese from his private property. Second by Putthoff. All Ayes. Aye 4. Motion carried.

Old Business: The first item under Old Business was to continue discussion concerning an Ordinance repealing and replacing Chapter XIV (Traffic) and adopting the Standard Traffic Ordinance, 2009 Edition. There had been several calls placed to council members during the week with regards to this Ordinance the two sections in question were 14-206 and 14-209 they are as follows:

- 14-206 **PARKING ON UNPAVED SURFACES IN CERTAIN AREAS PROHIBITED.**
- (a) Except as may be expressly permitted by any ordinance of the city; it shall be unlawful for any person to park a motor vehicle upon the grass, sod, soil or grass area of any residential unit, residence, yard, lot or residential premises.

 - (b) Except as may be expressly permitted by any ordinance of the City, it shall be unlawful for any person to park a motor vehicle upon the grass, sod, soil or grass area of any property zoned under any of the following zoning district classifications: Historic Business District (HBD), Limited General Business District (LBD), General Business District (GBD), Planned Commercial District (PUD-C), Light Industrial District (I-LT), Moderate Industrial District (I-MD), Heavy Industrial District (I-H).

PARKING IN RESIDENTIAL AREAS.

- (a) Except as otherwise provided in subsection (d) of this section, and subject to the additional restrictions contained in subsection (b) of this section, no person shall park, stand or store a trailer, semitrailer, boat, bus, camper, recreational vehicle, mobile home (self-propelled or otherwise), truck, tractor, or other type of wheeled vehicle, other than passenger cars, motorcycles, bicycles,

children's toys, garden carts and lawn equipment on any lot zoned for residential use to the street on which the property fronts the established building line or lines on the lot for more than 72 hours.

(b) Except as otherwise provided in subsection (d) of this section, no person shall park, stand or store any oversized motor vehicle in an area zoned for residential use except in an enclosed building or garage. For purposes of this section, oversized motor vehicle means any of the following: any motor vehicle exceeding 28 feet in length; any motor vehicle with a licensed gross weight exceeding 18,000 pounds; or any motor vehicle with a chassis rated by the manufacturer as heavier than one ton.

(c) Except as otherwise provided in subsection (d) of this section, in areas zoned for residential use where on-street parking is otherwise permitted, no person shall park, stand or store on the street any motor vehicle which exceeds 7½ feet in width at its widest point.

(d) Exceptions to the provisions of this section may be authorized by a permit issued by the police department where such exceptions will not endanger the public safety or welfare of the residents of the area or motorists on the street. No such permit shall be granted for a period exceeding seven days.

Discussion began with Councilmember Jason Ward providing information as to what has transpired to date, reassuring the public that there had not been any decision made on the issue, rather they were trying to find a way to make the sections in question reasonable for Tonganoxie.

Comments were received from several citizens with approximately 60 present. Only those that reported their names and addresses are included in the minutes. However, several additional comments were made.

Chad Conley, 427 E 1st Street said you want to ticket and remove what property owners deem valuable. You cannot tell me what to do with my property. Foreclosed homes diminish property values. How can you tell me what can be done in my backyard?

Duskin Hull, 251 Willis Drive, said I bring home a tractor because it has to be plugged in. He said I have a boat and trailer. Where is the City going to draw the line?

Alexander Wiley, 1176 Delaware Drive, said he is in objection as to what was perceived to be in the Ordinance. It discriminates against people based on what their recreational activities are.

Luther Cook, 224 S Melrose said he has a one-ton diesel truck that he drives for his company that he brings home. He does business in town. He also has a 1951 one ton truck that he is rebuilding. It will run now but it has a lot left to be done to it.

Jenny Kosanke, 228 Grace Street, said they have a 4X4 mudding truck that they park in the grass on the side of their property. She wanted the council to consider allowing this because the mudding is their recreation.

Michael Wedd, 1305 Greenwood Drive, said he has a BBQ smoker and someone put a letter on his door stating the council was not going to allow it.

Scott Grey, 224 Grace, said he drives a Big Mac Bus and delivers tools and he should be allowed to drive this and bring it home.

Jim Seeman, 501 E 2nd said it is necessary for communities to provide regulations for safety of the citizens, but Tonganoxie has bigger issues with barking dogs than large trucks running all night. These folks are trying to make a living. Leave them alone.

Tim Detrick, 604 River, said he owns many rental properties in town where the residents bring tractors or large vehicles home where they live. If they can't bring them home or you want to impose penalties, they won't live here and he will lose tenants.

Dennis Bixby, 704 East Street, said you have to draw the line somewhere. He has no problems with RV's and boats on properties, but he does have a problem with cars on blocks without license plates. These people wait until the last day of the process and then they move their junk to a neighbor's yard and the process starts over.

Robert Kanoy, 703 River Street, said he owns a boat, bobcat, work equipment and he pays taxes on all the equipment that he keeps in Tonganoxie. If he can't keep it here it will go to his property at the Lake of the Ozarks and they will get all the taxes.

Bill Peak, 612 Washington, asked if adopting this traffic ordinance will expedite the enforcement of junk in yards.

Tod Forbis, 701 Pleasant said he wants an opportunity to look at what the council is considering and then have another discussion on this matter.

The council continued discussion on the issue and determined that the sections should be removed and reworked so that it would work in Tonganoxie, to be adopted with a later version of the traffic ordinance.

Motion by Crook to adopt Ordinance 1294 repealing and replacing Chapter XIV (Traffic) and adopting the Standard Traffic Ordinance, Edition 2009, excluding sections 14-206 that restricts parking on unimproved surfaces and 14-209 and restricts on size of vehicles, and disallows recreational vehicles. Second by Truesdell. All Ayes. Aye 4. Motion carried.

Next on the agenda under old business was to consider an Ordinance repealing and replacing Chapter XI (Public Offenses), and adopting the Uniform Public Offense Code, 2009. The Council tabled the Ordinance regarding Uniform Public Offense to the next meeting.

New Business: The first item for new business was Brian Kingsley, City Engineer with BG Consultants to provide construction observation services for an amount not to exceed \$50,250.00. Kingsley went over the agreement and explained this is the maximum amount. It is budgeted for full time inspection and includes some overtime. They do not believe the project will require this much oversight and inspections and the total costs will be scaled back and reduced as the project progresses. **Motion** by Crook to enter into an agreement with BG Consultants to provide construction observation services for the 4th Street Phase III project in an amount not to exceed \$50,250.00. Second by Truesdell. 3 Ayes. 1 Nay (Putthoff). Councilmember Putthoff would like to see this project put on the shelf until the economy improves.

Next on the agenda was to consider entering into an agreement with GeoSource in the amount of \$3,000 for borings and geology associated with the Pleasant Street Bridge. Kingsley said, additional geology is required for the footing design of the pre-cast structure on the Pleasant Street Bridge project. Bids were received and as the City Engineer, BG Consultants recommend GeoSource provide the service. **Motion** by Putthoff to enter into an agreement with GeoSource for a two hole bore for additional geology to be performed for the Pleasant Street Bridge not to exceed \$3,000. Second by Ward. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider Ordinance 1295 repealing Ordinance 1249 annexing land into the city due to an error in the legal description and readopting the annexation Ordinance with the correct legal. **Motion** by Ward to Approve Ordinance 1295. Second by Crook. Aye 3. 1 Abstention (Putthoff) as the annexation was the Recreation Commission Ball Field property. Motion carried.

Next, there was a **Motion** by Crook to enter into an executive session at 8:45 PM for ten minutes to discuss a matter of attorney-client privilege and request Asst City Administrator, Kathy Bard and City Attorney Mike Kelly attend the executive session, to return at 8:55 PM. Second by Truesdell. All Ayes. Aye 4. Motion carried. **Motion** by Putthoff to exit executive session and reconvene with the regularly scheduled meeting at 8:55 PM. No items were discussed other than that mentioned and no votes were taken. Second by Crook. All Ayes. Aye 4. Motion carried.

With no further business to discuss, there was a **motion** by Ward to adjourn. Second by Putthoff. Motion carried. All Ayes. Aye 4. Meeting adjourned at 8:55 PM.

Respectfully submitted,
Kathy Y. Bard, City Clerk
Asst City Administrator