

City of Tonganoxie
City Council Meeting Minutes
04/12/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on April 12, 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, Jason Ward and Burdel Welsh. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Regular Meeting dated March 22, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1630

Motion by Ward to approve the consent agenda items a through b with the exclusion of Check number 33013 to be discussed under new business. Second by Welsh. All Ayes. Aye 5. Motion carried.

Open Agenda: First under open agenda was Bill Peak, 612 Washington. He requested additional patrol on Washington for speeders. He said he does not think the 4th Street project should have been put out for bid. He suggested the council consider deferring the 4th Street Phase III project until the economy improves. He said it is financial suicide. There is no increase in sales tax or other revenues, and he said the council should re-look at the project, take people's money seriously, and be prudent in dealing with matters of fiscal conservation. The town cannot afford a mill increase.

Tom Fields, 506 Elmwood Court, had concerns about 504 Washington. He read excerpts from the Tonganoxie Tidbits Spring newsletter concerning the Safe neighborhoods for Animal and People (SNAP) Ordinance. He said the Ordinance requires animals to be registered annually and that is not being enforced. He said referring to the section concerning number of animals a residence can have, if a person has eight dogs they should be a commercial kennel. He said frequently or habitually barking, howling, yelping or disturbing others is also not being enforced. He said he is going to buy a decibel meter and hang it on the fence to record the dogs barking and play it for the council members when they are trying to sleep. Council directed the City Administrator to handle this issue, as it is not the first time Mr. Fields has appeared at a council meeting with the same problem. Yanez will handle.

Charlie Ussery, 915 Pleasant, owner of Himpel Lumber and Jim Gambrill, owner of B&J Country Mart, said they had concerns about a different rate for citizens vs. non-citizens when using the water park. They said people have said they will stop shopping in Tonganoxie if they have to pay more to use the pool. They both stated they could provide records that show that at least half of their business comes from outside the city. The people felt if the sales tax was to pay for the pool, they pay sales tax in Tonganoxie as well and should not be discriminated against on admission price. Councilmember Putthoff agreed we need to take a look at this. City Administrator Mike Yanez said sales tax pays for the debt service on the pool, ad valorem tax pays for the operation. In 2009, the citizens subsidized the pool operations by more than \$25,000. While being fiscally conservative staff thought that

those who were not paying property taxes in the city for pool operations should pay a little more at the gate to help pay for its operations.

Denise Bixby, 704 East Street said she works at the pool at the admissions gate and charging varying rates is going to be terribly confusing, as two children will both have Tonganoxie mailing address but only one will be in the city proper.

Dennis Bixby, 704 East Street said the 4th Street project can be put on the shelf. He said he provided the City with a suggestion for a revenue influx by pre-selling pool passes at Christmas and the City ignored the opportunity. Councilmember Welsh informed Mr. Bixby that the City did join forces with the Chamber of Commerce at Christmas time to offer gift certificates to purchase pool memberships.

Old Business: The first item on the agenda under new business was the issuance of \$1,390,000 in general obligation bonds for identified projects. Mike Yanez, City Administrator said the governing body delayed action on issuing the debt for the identified capital projects. All projects have merit to the community to accommodate deteriorating infrastructure, improvement to substandard streets, meeting facility needs, maintaining streets and meeting the goals adopted in the Capital Improvement Plan. In previous years, the City has been able to borrow funds for capital projects and absorb the increased debt service requirements due to the benefits of community growth and escalation of valuation. However, the economy has taken a downward turn and the City does not expect any valuation increase in 2011. Other revenues are showing stable or descending levels. Additionally, over the past few years, the City has utilized much of its cash reserves to meet operational, capital projects and debt service requirements in order to maintain the property tax mill levy. Staff realizes this is a difficult decision due to current and near future prospects of the local, regional and national economic condition. The projects have merit or necessity and project costs will most likely not get any less costly. Yet there will likely be a tax requirement for the financing due to stagnant valuation.

The first Resolution will authorize the improvement of 4th Street Phase III and the Pleasant Street Bridge. Thereupon, there was presented a Resolution entitled:

**A RESOLUTION DETERMINING AUTHORIZING THE
IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN
TRAFFICWAYS WITHIN THE CITY OF TONGANOXIE, KANSAS;
PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

Thereupon, Councilmember Jim Truesdell moved that said Resolution be adopted. The motion was seconded by Councilmember Paula Crook. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, being as follows:

Yea: Paula Crook and Jim Truesdell.

Nay: Tom Putthoff, Jason Ward and Burdell Welsh.

Motion Failed

The Resolution was represented authorizing the improvement of the Pleasant Street Bridge only. Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF TONGANOXIE, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Thereupon, Councilmember Burdel Welsh moved that said Resolution be adopted. The motion was seconded by Councilmember Jason Ward. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, being as follows:

Yea: Paula Crook, Tom Putthoff, Jim Truesdell, Jason Ward and Burdel Welsh.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 04-10-01 and was signed by the Mayor and attested by the Clerk.

The next Resolution presented authorized the improvement of a public building, namely the expansion of the Fire Department. Thereupon, there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO AN EXISTING PUBLIC BUILDING IN THE CITY OF TONGANOXIE, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Thereupon, Councilmember Burdel Welsh moved that said Resolution be adopted. The motion was seconded by Councilmember Jason Ward. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, being as follows:

Yea: Tom Putthoff, Jim Truesdell, Jason Ward and Burdel Welsh.

Nay: Paula Crook.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 04-10-02 and was signed by the Mayor and attested by the Clerk.

Discussion ensued. The council discussed that the first Resolution should have included parts of the 4th Street project to reimburse the City for expenses already incurred. Namely the Water line installation and the design engineering expenses.

Motion by Burdel Welsh to repeal 04-10-01. Second by Crook. All Ayes. Aye 5. Motion carried. The next Resolution number available was 04-10-06 so the council determined what improvements they wanted included in the authorization of improvement of main trafficway

Resolution. It was determined to include 4th Street Phase III water line and design engineering and the replacement of the Pleasant Street Bridge.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION DETERMINING AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF TONGANOXIE, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Thereupon, Councilmember Burdel Welsh moved that said Resolution be adopted. The motion was seconded by Councilmember Jason Ward. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, being as follows:

Yea: Paula Crook, Tom Putthoff, Jim Truesdell, Jason Ward and Burdel Welsh.

Nay: None.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 04-10-06 and was signed by the Mayor and attested by the Clerk.

Next, the matter of providing for the offering for sale of General Obligation Bonds, Series 2010A, came on for consideration and was discussed. It was determined the approval would be only for those items approved in the prior Resolutions.

Councilmember Tom Putthoff presented and moved the adoption of a Resolution entitled:

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF TONGANOXIE, KANSAS.

Councilmember Burdel Welsh seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: Paula Crook, Tom Putthoff, Jim Truesdell, Jason Ward Burdel Welsh.

Nay: None.

The Mayor declared the Resolution duly adopted; the Clerk designating the same Resolution No. 04-10-03.

New Business: The first item on the new agenda was to consider scheduling a public hearing on April 26, 2010 for input on the proposed Neighborhood Revitalization Program. **Motion** by Ward to approve Resolution 04-10-04 scheduling the hearing. Second by Putthoff. Discussion ensued. Councilmember Crook was concerned about several of the areas that

were selected for revitalization and the justification for their selection. Staff said the areas that were selected had been vacant for over a decade and had several environmental issues that would make it very expensive to develop so those areas were included as an incentive for development. 3 Ayes. 2 Nays (Crook and Truesdell). Motion carried.

Next on the agenda was a resolution revising the nepotism policy of the City of Tonganoxie to exempt members of immediate families within the same department if one or more of the family members are employed as part-time, temporary, seasonal, volunteer or reserve.

Motion by Crook to adopt Resolution 04-10-05 revising the policy. Second by Putthoff. All Ayes. Aye 5. Motion carried.

Motion by Crook to approve Fire Chief David Bennett's recommendation of hiring Tammie McCutchen and Adam Griffith to fill the vacant fire fighter positions with a starting salary at level 6A for both employees. Second by Putthoff. All Ayes. Aye 5. Motion carried.

Break for ten minutes at 8:40 pm, the meeting reconvened at 8:50 pm.

Next on the agenda was to discuss the interlocal agreements associated with the County Road No 1 associated with the Planning of the corridor and the financial obligations of the City associated with the corridor improvement. City Planner Kevin Kokes with Bucher Willis and Ratliff was present and addressed the council. He said that when reviewing the latest version of the interlocals, he noticed that it did not recognize the extraterritorial interlocal agreement in the section that lists other agreements. It is very important for this to be acknowledged as a separate agreement, without it we have no more jurisdiction in the area than we do today, even if the Planning Interlocals states city standards in Area 1, it cannot be enforced without several additional steps occurring. Discussion among the council incurred. Councilmember Truesdell said we are cutting street projects in the City because of lack of funds. How can we afford to help pay for a County Road? Councilmember Crook agreed, she said she was ready to cut our losses and kill the agreements. She said the \$1.5 million the County is asking from the City is like asking the City to pay to have a say in the growth area. When the agreements first started the County and the City were 50/50 on shared planning of the corridor and now the City's area has been pushed back to only a portion of the growth area. Councilmember Ward reminded the council that there are very liberal termination clauses in both agreements. If there are disputes along the way the agreements are null and void. **Motion** by Ward to revise the signed Financial agreement Section f5 to recognize an additional interlocal that will be necessary with the County to be entered into within the next six months and to add an extension of the moratorium in Part 1 of the area for six (6) months to allow for the adoption of the agreement for that area. Second by Putthoff. 3 Ayes. 2 Nay (Truesdell and Crook). Motion carried.

The Council agreed on the recommended language to be sent to request the addition of a number 5 to section f in the agreement to read as follows:

5. Any subsequent agreement between the County and the City regarding recognition and approval of extra territorial jurisdiction of the City for Area 1 within six (6) months from the date this revised financial interlocal agreement and revised policy interlocal agreement are signed by the County and City.

Next on the agenda was a Special Event Application from Genesis Schools. The name of the event is Genesis Christian Academy 5K Run/Walk. It is to be held on May 1, 2010 beginning at 7:30 am. They have provided the route to the Police and Fire Departments, signed a

cleanup agreement and provided the necessary proof of liability insurance. **Motion** by Putthoff to approve the Special Event Application to the 5K Run/Walk. Second by Crook. All Ayes. Aye 5. Motion carried.

Next, was discussion concerning Solicitor Permitting and this item was tabled to the next meeting.

Next Asst Administrator Bard informed the council of the City of Tonganoxie social networking sites. There is a Twitter Page and a Facebook for the City and they are linked, staff will bring a social networking policy to the next meeting.

Next on the agenda was the City Administrator. He updated the council on the 4th Street sidewalks survey results from the downtown business owners. Staff provided four options to replace the cross walks. Replace with Present design, replace with poured concrete, replace with colored concrete or replace with concrete and a stamped textured surface. There were 13 responses to the survey. There were three responses for option #2 indicating preference for the most economical repair option and eleven preferring a more decorative option. Councilmember Putthoff said there is too much traffic on 4th Street to rebuild with the original design as it will not hold up. The City was just lucky that the original streetscape lasted ten years. **Motion** by Putthoff to repair the crosswalks using option #2 replacing the cross walks with poured concrete, removing the present crosswalks and pouring standard concrete in the crosswalks, and striped to designate the crosswalk areas for \$32,900. Second by Ward. All Ayes. Aye 5. Motion carried.

Motion by Ward to approve a service agreement with J & M Answering service in the amount of \$1,200 each month through December 31, 2010 and approve check number 33013. Second by Welsh. All Ayes. Aye 5. Motion carried.

Next Mayor Vestal Proclaimed April as Fair Housing Month. He read the proclamation.

With no further business to discuss, there was a **motion** by Welsh to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:55 PM.

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