

City of Tonganoxie
City Council Meeting Minutes
1/23/12

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on January 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; Councilmembers: Dennis Bixby, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Mary Conway, City Clerk and Mike Kelly, City Attorney.

After roll call, the Mayor led everyone with the Pledge of Allegiance.

Consent Agenda

- a) Approval of Minutes –
 - 1. Regular Meeting dated January 9, 2011
- b) Consider Approval of Bills - Approve Pay Ordinance A-1675
- c) Consider appropriation to Art Davis Group for partial payment for City Administrator search in the amount of \$5,500.00.
- d) Consider appropriation to Alamar Uniforms for Police Department in the amount of \$4,508.88.
- e) Consider appropriation to First State Bank and Trust for ball field improvements in the amount of \$41,069.30.
- f) Consider appropriation to KDOT-Bureau of Fiscal Services for Transportation Revolving Loan TR-0131 in the amount of \$3,133.48.
- g) Consider appropriation to KDOT-Bureau of Fiscal Services for Transportation Revolving Loan TR-0132 in the amount of \$8,203.36.
- h) Consider appropriation to Midwest Public Risk for 6-months property and liability premium in the amount of \$26,667.00.
- i) Consider appropriation to Global Guns & Hunting, Inc. dba OMB Guns for police uniforms and vests in the amount of \$2,758.60.
- j) Consider appropriation to Mike Yanez for January City Administrator services and phone allowance in the amount of \$6,540.00.
- k) Consider appropriation to Kansas Department of Health and Environment (KDHE) in the amount of \$72,292.46 for public water supply revolving loan.

Motion by Gilner to approve the consent agenda items a through k. Second by Donnelly. All Ayes. Aye
5. Motion carried.

Open Agenda:

Bob Topping of 425 Pasadena Drive, Lawrence, Kansas came forward to discuss the Kansas Sampler Festival Wrap-Up. Mr. Topping provided a breakdown of the final distribution of funds after all expenses were paid. The City of Tonganoxie's portion was 3% for a refund amount of \$3,085.02. He highlighted the expenses and income and thanked the volunteers who participated to make this a successful event. Mayor Ward thanked Mr. Topping for taking the time to present the Kansas Sampler Festival's final accounting and for providing the council with some insight as to how the Festival positively affected our image. Councilmember Bixby also thanked Mr. Topping for his time and presentation.

With nothing additional from the audience the Open Agenda was closed.

Old Business: The first item discussed under Old Business was to consider Resolution 01-12-01 updating the job description of Police Officer. It was pointed out that on page two items 12, 13, and 14 were duplicates of 8, 9 and 10. With the correction of these items there was a **motion** by Truesdell to approve Resolution 01-12-01 updating the job description of Police Officer. Second by Donnelly. All Ayes. Aye 5. Motion carried.

The next discussion item was to consider an ordinance to encourage economic development and initiate construction of new housing. The only change made from the previous economic development initiative (Ordinance 1292) was to change the dollar amount for a single family house's appraised value from \$220,000 to \$175,000. **Motion** by Chris Donnelly to approve Ordinance (1331), an ordinance to encourage economic development and initiate construction of new housing by offering a refund to the buyer of \$3,000.00 on closing. Second by Truesdell. All Ayes. Aye 5. Motion carried.

The next item was Brian Kingsley with BG Engineering to discuss the timeline schedule for easement acquisitions. The council concurred with the timeline and Brian will be presenting a formal timeline agreement at a future meeting. He will also need to have KDOT's concurrence with 80% of the funding coming from them.

The last item under Old Business was the Police Department Building. Mayor Ward indicated this item would be discussed later in the meeting due to the length of discussion that could occur on this subject. Since the City Council had several visiting presenters who had driven some distance to be at the meeting there was agreement that this item be presented later in the meeting and move to New Business at this time.

New Business: The first item under New Business was Jim Pickett, KDOT Metro Engineer. Mr. Pickett was present to discuss the setting of speed limits on US Highway 24-40 as it passes through Tonganoxie. Mayor Ward provided background information as to how we had arrived to this point. The City had initiated efforts to have a signal light placed at Laming and Highway 24-40, which had been identified in the corridor study as a signal intersection. The City had then decided not to pursue the signal at this intersection but to address safety issues concerning the intersection at Stonecreek Drive and Southpark Drive. The consensus had been that a lower speed limit from Smiley Road to Stonecreek Drive could possibly improve the safety of the highway. Mr. Pickett thanked the Mayor and introduced Brian Gower, State Traffic Engineer. Mr. Gower presented power point slides with hand-outs to the council. He stated the basic intent of speed zoning is to identify a safe and reasonable limit for a given road section. The most widely accepted method is to set the limit at the speed which 85% of the traffic is moving at or below. Research has shown that the 85th percentile speed is the speed where accident involvement is the lowest. Reducing the speed limit below that which is warranted can actually be detrimental to safety. The 85th percentile study is reflective of the driving environment, i.e., curbs, two-lanes, four-lanes, shoulders, hills, straight-aways, etc. He discussed the traffic study that KDOT performed in February, 2009. This resulted in changing only a section of US Highway 24-40 south of 12th Street. The analysis for Stonecreek, which took place from January 2008 thru November, 2011, showed a crash rate below the

statewide average for intersections of this type. In 2005 this was a busier intersection than Laming; however, both meet the signal criteria but you can't have a signal traffic control at every intersection. The question was posed to Mr. Gower, why don't you post a uniform speed limit of 40 MPH from Smiley to Stonecreek. Mr. Gower responded that you need to post a limit that is safe and that most drivers will adhere to, otherwise you rely on your law enforcement officers to patrol such an area. Mr. Gower stated he would put a rush on the request for a Traffic Study, which would begin in approximately two to two and half months. After the study is complete he will present the findings and KDOT's recommendations. With the completion of his presentation, Mr. Gower turned the meeting back to Jim Pickett. Mr. Pickett indicated that Mike Moriarty, State Corridor Manager, will work with our issues and concerns. There were a couple of specific areas that the council would like to have reviewed by Mr. Moriarty. Besides the Stonecreek intersection, there was concern about the four-lane at 1st Street narrowing to one lane at K-16 with a right turn only lane. Truck drivers transport through Tonganoxie and are not aware that the right lane is a turn lane only until they are nearly at the intersection and then it is difficult to merge over. Council would like to see a warning sign further north of the intersection to advise drivers of the lane merging to one lane and the right lane being only a turn lane. The City supports the corridor study and looks forward to future discussions on this issue. With nothing further the meeting proceeded to the Suburban Water Representatives.

Travis with Suburban Water discussed water service options to the Industrial Park. This particular acreage owned by City of Tonganoxie is approved by the Kansas Corporation Commission (KCC) as a designated service area of Suburban Water. Travis presented two options to the council.

Option 1 provided for Suburban Water to extend a 16" water main and absorb the cost as well as setting a fire hydrant at the end of the 16" main. They would work with the City of Tonganoxie to develop a commercial rate for customers in the Industrial Park. The City could impose a franchise fee, which Suburban Water would collect and transfer to the City of Tonganoxie. The City of Tonganoxie would have no incurred expenses to extend water service to the proposed site. The location of Suburban Water's ground storage reservoir will provide great service and fireflow for the Industrial Park. In turn, Suburban Water would request an agreement between the City of Tonganoxie and Suburban Water to allow them to serve the full 240 acres located in their service territory. Suburban Water would give City of Tonganoxie the option to purchase the distribution main and service territory within five years of the date of the agreement, should the City of Tonganoxie elect to take over the water service for the Industrial Park. Additionally, the City of Tonganoxie would be responsible for the cost to develop the water infrastructure within the Industrial Park.

Option 2 offered City of Tonganoxie a wholesale contract for water service to the Industrial Park. The rate for wholesale water would be based on the current rate Suburban Water purchases water from BPU, plus a transmission fee. This is currently \$2.19 per 1,000 gallons plus a PILOT fee of \$.24/1,000 gallons. In consideration for the wholesale rate, Suburban Water would require the City of Tonganoxie purchase the service territory from the State of Kansas for the 240 acres of Industrial Park. Should the City of Tonganoxie elect Option 2, the city would be required to connect to Suburban Water's distribution system on the south side of Kansas Avenue and would be responsible for extending water mains south to the proposed 40 acres.

Suburban Water has a 1,500,000 gallon reservoir located approximately 3,000 feet from the proposed Industrial Park. Their hydraulic model report for fireflow is 25 feet in ground storage reservoir which translates to a residual pressure of 76 psi and a fireflow of 1500 gpm, 20 psi. It would take 60-90 days for Suburban Water to extend the infrastructure. Mayor Ward thanked Travis and Suburban Water for the informational presentation.

At this juncture of the meeting, Mayor Ward returned to Old Business and discussion of the Police Department Building. Mayor Ward updated everyone on the past analysis and introduced Chief Brandau. The chief discussed a priority set of criteria and a secondary criteria needed for a professional police station and the need to develop a facility that the City will not outgrow for quite some time. He presented

his first four option choices in order of preference with a fifth option as a temporary fix. The first four options were 725 Laming Road, 626 E. 3rd, 1701 Commerce, and 302 Shoemaker Way. The fifth option presented as a cost-saving temporary site was 328 Delaware. Mayor Ward opened discussion to the council. There was very intense discussions with high concerns over the cost to provide any of the first four options. If any of these options were chosen the city would utilize one-third of their borrowing power on this project, with no large debt falling off any time soon. Truesdell was not in favor of a short-term fix. He felt there is never a good time to make a large purchase and no one likes raises taxes, but the police department is in dire needs of an appropriate facility. Peak was concerned with the amount of debt that would be incurred and the tax increase to the citizens of Tonganoxie. He felt just because we have the borrowing power does not mean we have to utilize it at the expense of our citizens. Donnelly thanked the Chief for all his hard work and efforts involved in providing the council everything they had asked for; however, his concern was also the significant amount of money involved and a 5 to 6 mil increase to tax payers in an already tough economy. Gilner had questions on the 725 Laming Road site with regards to the turnkey pricing. A possible solution would be to improve that site in phases over a number of years and provide the bare minimum to accommodate the needs of the police department. He also wondered about the cost of asphalt for the 302 Shoemaker Way site. Bixby felt the timing was bad for an investment of this magnitude with the down turn in the economy. His preference was a two-year plan with the current space and the added 2,000 square feet at 328 Delaware. Another possibility would be to remodel the old post office building on 4th Street and move City Hall and Council Chambers to that location and give the current City Hall and Council Chamber space to the police department along with their current space. He and a contractor did a walk thru of the old post office and estimated for less than \$300,000 it could be remodeled as a City Hall. This option would give the police department three times their current space. He would not be in favor of any of the four options presented by Chief Brandau. Mayor Ward encouraged the council to make a decision as this has been under review for over one year. The Mayor's first choice would be 725 Laming Road with his second choice being 302 Shoemaker Way. He felt rehabilitating the current buildings and post office was not a good option. While the council members were not in a hurry to take on a million dollars in debt it was recognized that something needed to be done. The Chief has advised city staff what he needs to have a professional department and he is looking at minimum national standards. The need has been deferred for so many years it is now in dire straits. Discussion continued among council members with the main theme being fiscally responsible but recognizing something must be done about the police department. With council discussions over, Mayor Ward opened discussion to the public.

Craig Orschelen of Lenexa, Kansas and associated with Steve LaForge at Everlasting Specialities located at 725 Laming Road spoke on behalf of their site. He felt it was important to the community to have a first rate Police Station and felt their site provided that and saw it as an asset to the city.

Steve LaForge of Tonganoxie and owner of 725 Laming Road said their turn-key remodel option was less than the \$150 per square foot that was projected for other options. Their site would not need much renovation to make it a top-notch site and asked the council to give serious consideration to their site.

Jim Bennett, 25579 Evans Road, Tonganoxie and partner with Steve LaForge. He feels there is no better time to buy with builders hungry for the work and this provides the city an opportunity to use local builders for a win-win situation. One concern the Mayor had was how do we keep the pricing as low as Everlasting Specialities's builder, Ron Mather, if we use local builders who may not be in a position to quote that low of a price.

Les Meinert, 601 Hidden Valley Drive, Tonganoxie. Mr. Meinert stated that a beautiful building doesn't catch crooks, well trained officers do.

Loren Chenowith, 2105 Willow Bend Drive, Tonganoxie. Mr. Chenowith did not have a comment about the police station but he did want to go back to the discussion regarding the Stonecreek intersection. He has seen several wrecks there and would like to see a safer intersection by either lowering the speed limit or putting in a traffic signal.

Dave Plomaritis, owner of D&G Cycle at 1601 Commerce. He stated he came to this city to make money and to make money for the city. He believes Chief Brandau is an asset to the city and needs an appropriate building to conduct police business. He feels there is no better location than the Laming Road site. The Chief has stated his needs and now the council has the power to make it happen and he for one would like to see them do that.

John Shoemaker, owner of 302 Shoemaker Way. He stated that his building is visible from the highway and would show a presence of the police department in a facility that would be professional. He indicated he could also offer his building on a lease basis or a rental basis. He also stated he had checked with City Superintendent, Kent Heskett regarding the cost of asphaltting the property and Kent stated it was approximately \$.50 per square foot for the asphalt.

Susan Freemeyer, 312 E. 2nd, Tonganoxie. She told the council she enjoyed attending the council meetings and respects each of the council members and sometimes she must be content to agree to disagree with them. She stated she has her associates degree in law enforcement and was an officer for a short time and respects the dangerous situations an officer can be placed in. To her, the tax increase would be worth providing a police station to the police department that is something more than a temporary fix and asked the council to go with the Chief's proposal.

Lawrence Hill, 501 E. 13th, Tonganoxie. Mr. Hill thinks that if new businesses were to move in they would appreciate having a decent police station. He feels there is also a cost to not having a decent police station. Mr. Hill personally does not want a "dumpy" police station and urged the council to approve the Chief's request for a long-term facility.

Jim Welsh, 2707 Chestnut Drive, Tonganoxie. Mr. Welsh stated we can't be good at everything and the city took the right path by hiring an architect to review the proposed sites. He has had interaction with five architects and Wilson Estes was by far the best for police architecture. He feels the lack of a decision at this point is embarrassing. He would request that the council approve Option 1. The city hired Chief Brandau to do his job and he has done that. Maybe we cannot pay our officers what other cities do, but we can provide a professional building to allow them to do their job in a modern facility. He is willing to pay for an appropriate police station by the way of higher taxes. Using Mr. Peak's quote of not being in a hurry to spend a million dollars, he is not in a hurry to spend a million dollars either but in two years it could be two million dollars. In quoting Mr. Bixby's comment of comparing Tonganoxie to New York, New Jersey, Florida or other states of a population of 5,000 is inappropriate. Their geographic locations and diverse population makes it an unreasonable comparison. He too urges the council to approve Option 1 for a police station for City of Tonganoxie.

Tom Putthoff, 2050 Jackson Drive, Tonganoxie. Mr. Putthoff commended our Police Chief for doing an outstanding job. Mr. Putthoff was part of the City Council three years ago and the city had \$800,000 for expansion to the Fire Department. At that time, Mr. Putthoff suggested the city combine the Police Department and Fire Department and was told the city could not afford it, and in his opinion, the city can afford it even less now. He is not willing to pay 6 mil for a new police station. The economy is not right at this time. He commended the council members on their dedication.

J.W. Evans of Evan Real Estate in Tonganoxie. Mr. Evans stated there is a tax problem in downtown Tonganoxie and would like to know how a 6 mil increase would impact the downtown businesses. There are new businesses that are just not making it and could close their businesses. A tax increase could seal their fate.

With no further public discussion Mayor Ward announced a five-minute break at 9:50 PM to reconvene at 9:55 PM.

There was additional discussion with the council members with a consensus that two buildings be evaluated for bottom-line remodel costs. Those buildings are 725 Laming Road and 302 Shoemaker Way. Audience member Velda Roberts asked the council if there was any large debt that would fall off in the near future. Chris Donnelly advised the next large debt would not fall off until 2020.

Motion by Donnelley to direct staff to move forward for cost analysis on Option 1 and 4. Second by Truesdell. In discussion, Peak stated in fairness to the other sites he would like to include all buildings. Aye 3. Nay 2. Bixby and Peak. Motion carried. Peak wants impact of mil to businesses at next meeting.

Next on the agenda was approval of Foreman's job description. Yanez presented an amended job description of Foreman. **Motion** by Truesdell to approve the amended job description. Second by Donnelly. In discussion Donnelly questioned if the pay grade changes and was advised it does not. Peak questioned if there was currently a Foreman and was advised there was not. He asked about the pay scale and the purpose of a Foreman in Tonganoxie if we already have a City Superintendent. The position is a supervisory position to be present on-site of projects and oversee the stages of specific projects. The position is a Range 8 and funding is approved in the 2012 budget; however, Yanez was not sure of the exact salary amount and suggested the council postpone this item and also postpone approval of the hiring of a Foreman. The council concurred and the motion for approval was withdrawn.

The next item for consideration was renewal of Leavenworth County Probation Services. This service, which includes review of major offenses, sentencing guidelines, diversion agreements, and follow-up on probation of defendants, is provided by the Leavenworth County Probation office. The cost of this service for fiscal year 2012 is \$10,956.00. **Motion** by Peak to approve the renewal of the contract for probation services for 2012 and authorize the Mayor to sign the contract. Second by Gilner. All Ayes. Aye 5. Motion carried.

The City Administrator agenda was next. The first item was amendment #4 to the loan agreement for Project No. 2041, Kansas Public Supply Loan Fund. This is a loan agreement entered into with KDHE for the purpose of the BPU waterline connection in the amount of \$3,029,745.00. The project is now complete and the total amount borrowed can be reduced to the actual amount expended of \$2,10,346.02. **Motion** by Donnelley to authorize the Mayor to sign and City Clerk to attest by signature the Amendment No. 4 to the Loan Agreement known as Project No. 2401. Second by Gilner. All Ayes. Aye 5. Motion carried.

The next Administrator item was the Farmland Lease RFP. The background and justification items were addressed and discussion ensued on whether the RFP would include the 40 acres that could be developed. It was determined it should be included with wording in any agreement that the tenant would understand that infrastructure could be placed at any time, and in that event, the tenant would be compensated if crops were destroyed. It was pointed out by City Attorney that the city could have a share crop lease or a cash basis only. He also stated that he had six to twelve farmers interested in possibly farming the acreage. The council agreed they preferred a cash basis lease. **Motion** by Donnelly to draft a RFP on a cash basis for the entire acreage at the Industrial Park. Second by Bixby. All Ayes. Aye 5. Motion carried.

Next the Administrator presented the Public Wholesale Water District #6 third amended Operating Agreement Proposal. PWWD No. 6 has stated it will sell water at a rate of \$4.04 per 1,000 gallons with a minimum purchase of three million gallons under a five-year contract. Under the amended operating agreement proposal, the city would be required to purchase one third of the annual minimum quantity, one million gallons, with an estimated cost of \$4,040.00 to the City. The council members discussed the pros and cons of the agreement and determined for the cost it seemed like a good back-up line for security purposes. **Motion** by Bixby to approve the PWWD No. 6 amended operating agreement proposal and to direct Kent Heskett, City's board member of PWWD No. 6, to advise PWWD No. 6 of the acceptance of their proposal. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next the Administrator reported on Fiscal Year 2011 Year End results. All Departments were under budget with the exception of Animal Control and Building Inspector. These overages were expected as earnings for Animal Control were increased and an additional day was required for the Building Inspector. Overall the budget came in at 90.6% and Yanez commended the Department Heads for holding down expenses and maintaining their budgets in 2011.

Next was the Mayor's Agenda. Mayor Ward indicated there had been a request to change the work session date from January 24th to January 30th. All members indicated this was a good date and all could attend on that date. **Motion** by Gilner to reschedule the work session from January 24, 2012 to January 30, 2012 to commence at 6:00 PM for the purpose of discussing community/economic development and to include the Chamber of Commerce, the Retail Committee, local business people, and anyone in the community interested in developing Tonganoxie. Second by Peak. All Ayes. Aye 5. Motion carried.

The next item on the Mayor's Agenda was Tonganoxie Planning Services. Kevin Kokes with Lochner, Inc. has been providing planning services to the city for the past eight years. He advised City of Tonganoxie that he was being transferred to Dallas, TX and that the Lochner's Kansas City office would no longer have community planners on staff; however, they are committed to assisting the city through this time of transition. At this time, Mr. Kokes is willing to assist the city remotely but at some point the city would need to consider an RFQ at a future date. Mayor Ward and Planning Commissioner Joel Skelly met with Mr. Kokes to discuss the transition. They would like the City Council and Planning Commission to have a combined meeting and determine the most appropriate way to handle the RFQ and the transition.

With nothing further on the Mayor's Agenda the meeting proceeded to the City Council Agenda. Council member Gilner inquired if our current trash pick-up vendor offered curbside recycle services. This would require an increase in the pricing for the services and the city would have to re-negotiate the contract. Gilner also inquired if there were any grants available for the police station. He suggested something could be available through HUD.

Council member Bixby mentioned the Spring city-wide clean up but indicated while he was willing to assist in this endeavor he was not willing to take a leadership role. Mayor Ward volunteered to take the lead on this project. Bixby also informed the council he was seeking the 3rd District Commissioner's seat in Leavenworth County and would continue to serve on the council until such time as he may be elected a commissioner, at which time he would step down from the City Council.

One final comment from Mayor Ward was that Art Davis had provided an outline for advertising for the City Administrator position. He would like each of the council members to review it and make any comments or changes as soon as possible so he can proceed with the advertising. Mayor Ward directed the council members to advise the City Clerk of any comments they may have by Tuesday, January 24th.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 5. Meeting adjourned at 11:05 PM.

Respectfully submitted,
Mary Conway
Interim City Clerk