



City Council Regular Meeting
November 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: Councilman Andy Gilner, Councilman Bill Peak and Councilman Jim Truesdell. Municipal personnel present were Mr. Nathan D. McCommon, City Administrator, Patricia Hagg, Municipal Court Clerk/Deputy City Clerk and City Attorney Mike Kelly. Councilman Chris Donnelly arrived at 7:05 p.m. and Councilman Dennis Bixby arrived at 7:20 p.m.

Councilman Peak made a motion to approve the consent agenda, seconded by Truesdell. The motion carried.

There were no comments during open agenda. Mayor Ward said he would accept public comment on all agenda items.

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
 - No new information.
- b) Update on Chieftan Trail
 - Mr. McCommon said he gave all easements to the register of deeds to the County to be filed.
- c) Review debt refinancing options to include certain state revolving loans and the industrial park.
 - Mr. McCommon explained a memo provided by Springstead Financial regarding the projected savings over the life of the refinancing for the loans. He explained that other benefits would be reaped by including the Industrial Park loans in the refinancing plan. He explained that the credit rating is unlikely to be negatively impacted and that by increasing the debt being refinanced, it will increase the pool of buyers of these bonds.
 - Councilman Peak asked why the city's debt would be extended to 2029.
 - The Mayor said the cost savings and the life of the assets would increase the life of the bonds.
 - Mr. McCommon said the interest rates have not changed.
 - Councilman Peak asked if there were additional finance charges from Springstead by including the Industrial Park. Mr. McCommon responded that there may be a slight increase.
- d) Update on research results regarding breed-specific dog ban ordinance
 - Mr. McCommon shared an email with the council provided by a citizen, Chris Hammer which includes links to several articles and supporting evidence that breed-specific ordinances do not make citizens safer. Mr. McCommon said that the City of Topeka did not change its ordinances because of new evidence, but more because of the outcry from the public.

- Mr. Hammer testified to the Council and explained that other cities require dogs to be micro chipped so that dog owners can be more easily identified if the dog is picked up. He explained that his dog was rescued from the Humane Society in Topeka and that he is very well behaved.
 - Councilman Peak asked the City Attorney what breeds were included in the City's ordinance. Mr. Kelly responded that it was pit-bulls, Rottweilers, and probably a couple more. Mr. Hammer said he believed the third breed were Dobermans. Mr. Kelly said there was a lot of testimony and research countering Mr. Hammer's evidence. He said if the Council does consider this ordinance he would suggest that they review additional evidence to the contrary and that they are currently having a lot of issues with a Rottweiler.
 - Mayor Ward said he thought if the Council would entertain hearing the ordinance again they should consider the alternative evidence and that they need to take feedback from the community.
 - Councilman Donnelly said he would like to see additional information on the cost of the hand-held devices.
 - Mayor Ward said he would like to see the public better follow our leash laws and provide better enforcement and control.
 - Councilman Peak said he would like to see more information and base the decision on facts and not emotion. He asked what we charged for fines for having a dangerous breed.
 - Mr. Hammer said its \$50 for the first offense, \$100 for the second and \$200 for the third.
 - The item will stay on the agenda and the Council will provide additional questions to staff.
- e) Update on city property sale: 636 E. 3rd and 301 S. Main.
- Mr. McCommon said the sealed bid is advertised and that it's in the Mirror, the City's website and Facebook. The Council discussed placing an ad in the Lawrence Journal World.

II. New Business

- a) Appoint Patricia Hagg as Deputy City Clerk
- Councilman Peak motioned to approve, Councilman Bixby seconded. The motion carried.
- b) Consider approval to enter an agreement with a recommended vendor for information technology services.
- Mr. McCommon explained the process of selecting a vendor for IT services and how the panel unanimously chose Link-Lite. He requested approval for the selection of the vendor.
 - Councilman Peak asked about the expertise of the chosen vendor.
 - Mayor Ward asked if Link-Lite would provide networking among departments. Mr. McCommon responded that it would. The Mayor asked about redundancy
 - Motion to approve the selection of Link-Lite was made by Councilman Donnelly and seconded by Mr. Gilner. The motion carried.
- c) Consider approval to enter an agreement with Mize Houser and Associates for the audit of 2012 accounts.
- Mr. McCommon said that he feels strongly that wants to do a public bid solicitation for an auditor in the future. However, because it's a transitional year, he felt that it would be beneficial to keep Mize Houser on board for the 2012 audit in order to have continuity of service.

- The Mayor asked to table the contract until the City attorney has an opportunity to review it.
- d) Request to reclassify Lieutenant position to Patrol Officer, advertise and fill the vacancy.
- Councilman Peak said that he needs more details in the memo about this position reclassification because he would like to find out what the protocol of the department would be.
 - Councilman Gilner made a motion to reclassify the police lieutenant position to a police officer and seconded by Mr. Truesdale. The motion carried.
- e) City Administrator Agenda
1. Mr. McCommon provided an update on the purchase of the digester aerator for the sewer plant. He said that this product will take \$11,000 from the sewer reserve fund and only take \$5,000 from the sewer operating fund.
 2. Survey results of council meeting rules
 - Mr. McCommon explained the results from his survey of 21 responding cities.
 - Mayor Ward expressed that he likes giving the public the opportunity to speak on each agenda item and allow three minutes per speaker. He said he didn't believe it was necessary to be formal with the process given the typical attendance of the Council meetings.
 - Councilman Bixby said that formal rules are necessary in order to control for meetings where there are several citizens that attend.
 - Mr. McCommon said he will formalize a set of meeting rules and work with the Mayor to get the language in order.
 3. Request for credit to water utility bill – 107 W. 4th Street
 - Mr. McCommon explained that a citizen living at 107 W. 4th Street is requesting that the City credit his water bill due to a water leak that he claims was caused by changing a water meter on his house. Mr. McCommon said that when meters go bad, the resident is getting a bit of a benefit because it isn't reading accurately so when a meter is replaced, the resident sees a bump in their bill because the meter is reading accurately.
 - Mr. Kelly said the Council should grant or deny the resident his request and that taking no action is considered a denial.
 - The request was denied by the council taking no action.
 4. Update on potential grant opportunities for a trail on Washington Street from Genesis Christian Academy to Delaware Street.
 - Sharon Behman, the Administrator from Genesis Academy addressed the Council and Mayor about the need for a safe option for kids to walk Washington Street traveling to and from school including signage and a cross walk.
 - Mr. McCommon said that there's an ordinance declaring that section of Washington a school zone.
 - Councilman Bixby said that if there's a cost estimate for a sidewalk there may be an opportunity for private partnerships to fund the construction.
 - Mayor Ward asked Councilman Bixby if there's anyone at the County would support funding the sidewalk. The councilman responded that MARC is probably the City's best bet to get funding.
 - Councilman Truesdell said he believed the County's comprehensive plan included a trail on Washington and that it was the County's road. He said the Infrastructure Committee is looking into this issue.

5. Discussion on Second Class City: Should the city representatives be elected from wards or at large?
 - Mr. McCommon said the Council has the option to adopt the statute for Chapter 14 of the Kansas Statutes Annotated for Cities of the Second Class to change the City from having council members elected at-large to being elected from Wards.
 - Councilman Truesdell and Peak said they did not see a need to change to wards at this period of time due to the lack of citizens who want to run for council currently. If the City moves to elections by wards that will make it more difficult to find representation.
 - Councilman Donnelly said he would vote to change to Wards because it's an opportunity to move the City forward and get better representation across the City.
 - Mayor Ward said it's important to encourage diversity on the Council and that Wards may encourage that.
 - Mr. Kelly said the Council would need a charter ordinance to exempt from moving to Wards.

f) City Attorney Agenda

1. *Second 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 he would get a final draft to the Council at the next meeting reflecting additional input from the Council.
2. *First Reading, an ordinance* establishing a school speed zone on Washington Street (County Road 6) from Church Street to East Street.
 - Councilman Peak made a suggestion to provide an hour buffer from the time school begins and ends. He said it needs to be consistent with other school zones times to avoid confusion among the citizens.
3. Executive Session to discuss confidential matters of a third party as it relates to property acquisition for a period of 10 minutes. Councilman Peak made a motion to go into executive session and Councilman Donnelly seconded. The Council returned from executive session with no action taken.

g) Mayor Agenda

- They Mayor asked that all Council members turn in their evaluations of the City Administrator for his six month evaluation.

h) Council President Agenda – No report

i) City Council Agenda

- Councilman Bixby said that the County wants to widen and improve County Road 5 from Tonganoxie to Leavenworth to include wider shoulders, realignment and other improvements. He said it's about an \$18 million investment and would better link County Road 1 and County Road 5 and drive more traffic through the City.

- Councilman Peak asked if there's a way to work with the County to determine how state budget cuts would impact the County and thus impact the City. He said he wanted to find a way to prepare for any potential cuts that would happen as a result of lost funding.
- Mr. McCommon said he thinks the impact would be negligible for our operating budget.
- Councilman Peak said he's been asking about a sidewalk on Washington Street and that we need to find a way to get that sidewalk installed.

Mayor Ward called for a motion to adjourn. Councilman Peak made the motion, seconded by Councilman Bixby. The meeting adjourned at 9:00 p.m.