



City Council Meeting Minutes
February 27, 2013
7 p.m.

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

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

Open Agenda

No items for open agenda

I. Old Business

- a) Update on PWWS#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
 - Mr. Kelly had discussions with the attorney of the water district. Their attorney is accepting of our language and he's going to meet with his clients and we should have an agreement acceptable to both sides soon.

- b) Update on Chieftain Trail - Request approval of Ordinance No. 1360 – An ordinance to acquire right-of-way acquisition for certain parcels for the improvement of trails, sidewalks and streets
 - Mr. McCommon said he is in the process of submitting applications to the State of Kansas for a permit due to the flood plain and potential change to the Tonganoxie Creek Waterway. We anticipate no changes but we have to submit a permit stating no changes will be made.
 - Mr. Kelly discussed the condemnation process and mentioned Ordinance No. 1630 that allows the City to condemn property for the Chieftain Trail that is up for the Council's vote tonight. It only needs to be published once.
 - Mayor Ward said we normally do a first and second reading and this one has today's date on this. Kelly said that would be helpful to pass it today because it would help speed up the process.
 - It's a process that we do for every condemnation.
 - A motion was made by Councilman Peak to approve Ordinance 1360, seconded by Councilman Gilner.
 - Mr. Kelly said there were nine tracts, six reached agreement with City and three did not.
 - All Ayes, the motion carried.

- c) Update on U.S. 24-40 Highway improvements – Hold
 - Mayor Ward said this was an issue we had discussed at the last two meetings and we had asked for some additional information from staff on the impacts of the various roadway improvement options. The Council did not plan to have additional discussion on this unless there are questions. Mayor Ward asked if anyone wanted to speak on the 24-40 discussion. The issue was held until next meeting.

- d) Downtown Revolving Loan Update
 - Ms. Jones-Lacy provided an update on the Downtown Revolving Loan Program and stated that Debbie Kriviansky from First State Bank, Ryne Wheatcroft from Mutual Savings Bank and Jamie Smith from Community National Bank all agreed to serve on the committee. She asked if any of the Council members would like to participate in the first introductory meeting to review the Revolving Loan Program.
 - Councilman Donnelly and Councilman Peak said they would be happy to attend.
 - The Mayor recommended that Councilman Donnelly explain the original goal of the program.

II. New Business

a) City Administrator Agenda

1. January 2013 Financial Report
 - Mr. McCommon highlighted a few points. He said that our property taxes come in mostly in January and May so it skews the revenue a bit in the first month.
 - He pointed out that the General Fund expenditures show roughly 10% expenditures in January due to the bi-annual payments for the ballfield debt, some once annual payments to various organizations, and insurance. He said it's comforting that the projections done in July were on target.
 - Mayor Ward asked how frequently we planned to provide these reports. Ms. Jones-Lacy said monthly.
 - Councilman Donnelly asked if we could show a percentage of total revenues and expenditures for each monthly report.

2. Resolution No. 02-13-02: withdraw from health insurance coverage with Midwest Public Risk
 - Mr. McCommon said the contract with the current provider requires that we give official notice from the governing body, which is what 02-13-02
 - Ms. Jones-Lacy said that we wouldn't submit this resolution to MPR until April 1st after we receive the RFPs on March 13th and determine that we would like to move forward with one of the proposals we received.
 - Councilman Donnelly asked what would happen if after we receive the proposals we decide we want to stick with MPR, would we have to rescind the resolution.

- Mr. Kelly said we would do another resolution at that time overriding this one.
 - Councilman Peak asked if the attorney if the resolution looked okay and he said that it did.
 - A motion to approve was made by Councilman Donnelly and seconded by Councilman Peak. All Ayes, the motion carried.
3. Discussion of City of the Second Class: mayor-council or council-manager form of government
- Mr. McCommon highlighted that the City currently has a mayor-council form of government. He highlighted the differences between mayor-council and council-manager. The main differences are in personnel management and mayoral responsibilities. Under the guidance of a personnel policy, the City Manager is responsible for all personnel administration. In contracting, the City Manager can execute contracts under the guidance of the Council. The Council can decide all of these issues individually. In the typical Commission form of government, the Mayor would vote and would not necessarily be elected separately but would be selected by the council and rotate annually. These are the main differences but they are significant.
 - Mayor Ward asked if everyone wanted to meet beforehand to prepare for the public forum. They discussed meeting at 6 p.m.
 - Councilman Peak told the Council that Nathan can answer a lot of questions and he's very accessible so he encouraged everyone to contact him in advance.
 - Mr. McCommon asked if the council wanted to get an email in advance to review the topics. Councilman Peak asked if he could list the pros and cons of each issue. He doesn't feel like we have gotten incredibly in depth with the topics.
 - The Mayor said that was because we weren't sure who would be on the Council with the upcoming election. Since the incumbent council members are running unopposed, however we have had a wealth of information.
 - The Mayor asked if staff could provide information to the Council.
 - Councilman Gilner said the library is in the west campus of the high school.
 - Councilman Gilner asked if the compensation issue was something that we could get on the ballot – Mr. Kelly said this is too late to get on the April ballot and we don't have anything on the November ballot.
 - Mr. Kelly said the only thing that has to be voted on by the public is if the Council goes to a City Manager form of government.
 - Mayor Ward asked for a motion for the 6 pm meeting on Monday. A motion was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.
 - Mayor Ward said compensation is a pretty isolated issue, he didn't think there was any great urgency to put this issue on the ballot especially if it's not going in effect until 2014. He said he thinks the city manager vs. city administrator is a much bigger issue. Maybe we can put everything on the ballot at once.

1. *Second Reading*, Ordinance No. 1358 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 provided a summary. Current city code does not give any ability for the fire chief to enact a ban on fireworks in the event of a drought. This ordinance fixes that so that the fire chief can make the determination and then we notify the public. It does not stop the sale of fireworks, but it does affect sales in some way as consumers cannot set fireworks off in the city limits during a burn ban. There is a penalty provision associated with violation – the penalty would go through municipal court. It allows the City Council to consider the refund of any permit fee if firework vendors are shut down for a period of time and a refund of up to 50%.
 - Mayor Ward said this is brought about by the weather due to the extreme drought we have experienced. July 4th falls in between council meetings which creates a delay for putting in place a burn ban if one is needed. This gives the authority to the fire chief to make that determination. It gives the Council the chance to protect our citizens without delay.
 - Councilman Donnelly made a motion to approve Ordinance No. 1358, seconded by Peak. All Ayes, the motion carried.

4. Closed session to discuss confidential matters of non-elected personnel
 - A motion was made by Councilwoman Reed to go into closed session for 10 minutes, seconded by Councilman Gilner. All Ayes, the motion carried.
 - A motion was made to return from executive session by Councilman Gilner, seconded by Councilman Peak. All Ayes, the motion carried.
 - A motion was made by Councilwoman Reed, seconded by Councilman Gilner to return to closed session for 10 minutes. All Ayes, the motion carried.
 - A motion to return from closed session was made by Councilman Peak seconded by Councilman Donnelly, the motion carried. No action was taken in closed session.

b) Mayor Agenda

- Mayor Ward requested a motion to appoint Tabitha Regehr to the Library Board at the recommendation of Amanda Almert Motioned by Councilman Gilner, seconded by Councilman Peak. All Ayes, the motion carried.

- Mayor Ward thanked City crews for clearing the roads and taking care of the community. It's very much appreciated.

Mr. Kelly said the downtown businesses have picked up the responsibility for the St. Patrick's Day parade on March 16th. T-Shirts will be for sale denoting the 25th anniversary of the parade.

Councilman Peak thanked the City for opening up the fire station and Vintage Park for those in Stone Creek who lost their power.

A motion to adjourn was made by Councilman Peak, seconded by Councilman Gilner. All Ayes, motion carried. The meeting adjourned at 8:10 p.m.