



City Council Meeting Minutes
March 11, 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, Councilman Truesdell and Mayor Ward were in attendance. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, and City Attorney Michael Kelly.

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

Open Agenda

- Dennis Bixby, 704 East Street – said there had been discussions for sidewalks on County Road 6, the County is willing to work with the City to widen the street. The County is supportive. Councilman Truesdell said it was his understanding that the County already agreed to line the road, stripe it. The County Engineer is looking at a footprint of the design. Mr. Bixby said the County is looking at it.
- The new Solid Waste Director, Tammie Saldebar who has been scheduling cleanup days for Leavenworth and Lansing and they have some dates available in April if the City wants to do a clean up.
- He said they are currently in the process of purchasing replacement signs for the county. If there's a way to do some cooperative purchasing with the City, the County would be open to that.
- Dave Plomaritis, 1601 Commerce Road, Midwest Bikes to Trikes – wanted to discuss code violations in the Urban Hess subdivision. He wanted to show a slide show of his problems in the Urban Hess. He said there's a junk yard nuisance across the street from him as well a parking dilemma. He has trouble getting in and out of his business as do his customers. The reason he came to Tonganoxie was for a peaceful, clean environment. He wants to open a retail store, but this might not happen considering the problems he has had. The tractor trailers are also parking on Commerce Road which has created a problem. He was under the impression that there was a 15 minute parking limitation, which is not the case because these trucks are parking long-term.
- The Mayor asked Nathan if he had some background he wanted to share with the Council. He said the "no parking signs" were placed on the north side of the road to respond to complaints.
- Jerry Shephard, 1821 Commerce Avenue – Owns Alloy Steel, I was informed that I have to provide a parking space for my customers and my patrons, which we have done. The problem is the tractor trailers block the street and he's had to call the police. Today there were 11 vehicles parked on Commerce Avenue blocking the street. The police have been out three times.

- Mr. McCommon said he has had a couple of conversations with the two gentleman regarding Commerce Avenue. It's more of an issue of enforcing existing traffic ordinances. The police have been out as has Code Enforcement. The gentleman in question has been working to retrofit a business into an old building and he's working to be a better neighbor. He's already approached the City about improving his property.
- Police Chief Brandau said the ordinances allows for commercial and delivery vehicles to temporarily block traffic as long as its done in an expeditious manner and the driver stays with the vehicle. The ordinance requires there be 10 feet of passing space so those vehicles were legally parked. We decided to disallow traffic on the north side of the street to help improve the flow of traffic.
- Kathy Kem said she is working with the business owner who is trying to weigh his options on alleviating the problem.
- Mayor Ward asked Mr. Plomaritis about his nuisance concerns.
- Mr. Plomaritis said there are pipes on the concrete – said there are bins that store scrap metal in the front. Plus there is a trailer park there on a continuous basis. There is a fence with propane tanks and customers have to step over metal pipes to get to the tanks. The driveway is a mud puddle. This needs to be cleaned up. It looks like a storage yard.
- Mayor Ward said everyone has to play by the same rules. He wants to find a solution that will allow everyone to co-exist. He asked staff to bring additional information to the Council on this issue.
- Mr. Plomaritis asked for the option to address council at the next meeting. The Mayor said that was fine.
- No other 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
 - City Attorney Michael Kelly spoke with the attorney from wholesale district and explained the City's reason for the termination language. He plans to discuss this at the next meeting, which they haven't had in a while but it should be the only issue.
- b) Update on Chieftain Trail
 - Mr. McCommon said Westar is prepared to do some utility relocation.
 - Mr. Kelly said the condemnation process is proceeding. The meeting with the court is April 4th but I don't see any issues with the City moving forward on eminent domain. We're only taking one permanent right-of-way the other two are temporary. There will be no news for another month on this issue.
- c) Sale of property at 636 E. Third Street
 - The buyer withdrew his offer on late Friday due to the potential buyer's personal concerns.
 - Councilman Donnelly asked how long we've been trying to sell the property and Mr. McCommon said since November.

- Councilman Peak said the problem is moving the house, which is the costly part. Is said it would cost around \$25,000. It's been sitting vacant since 2007.
 - Councilman Peak asked what the original plan when it was purchased – Mr. Kelly said it was to secure the real estate for a new City Hall and Police Station.
 - Councilman Donnelly, made a motion to demolish the house, seconded by Councilman Gilner.
 - Ms. Jones-Lacy said that someone did inquire about the property today.
 - Councilman Peak said we need to have a fairly long-range plan on what we're going to do with the property, why not sell the house and property. He said he can't vote to tear the house down since it's viable.
 - The Mayor said it makes a lot of sense to keep the property for expansion purposes.
 - The Mayor asked Mr. Donnelly if he wanted to amend or rescind his motion.
 - David Plomaritis said he drives through downtown Tonganoxie and sees the sign but why don't we advertise in the paper stating that we sell it for \$1 plus moving it.
 - Peak said he's disappointed with the signs placed at the property – he thought it looked like a garage sale sign and that it was totally unprofessional. We did put the ad in the Lawrence Journal World. I would like to extend the deadline another month to try to save it.
 - The Mayor asked Mr. McCommon to speak to how it was advertised. Mr. McCommon explained there were two signs that they stated “no minimum bid, you move it” and the fliers said the same thing and how to submit an offer. The advertisement in the Lawrence Journal World pointed to the City's website which elaborated the details on the house. Mr. McCommon also placed an ad in Craig's List.
 - Councilman Donnelly said he would amend his motion to demolish it after one month if there are no other bidders. Seconded by Councilman Gilner.
 - All Ayes, the motion carries.
- d) Update on U.S. 24-40 Highway improvements
- Mayor introduced professional staff – Jim Pickett, KDOT, Jessica Upchurch, KDOT and Jason Hoskinson, BG Consultants
 - Mr. McCommon said he wasn't going to read the packet tonight but he wanted to review the important aspects.
 - Option 1 is to do nothing. KDOT will repaint the road to create left-out acceleration lanes.
 - Option 2A is to put a traffic signal at Laming and US-24 and a frontage road between Laming and South Park and a reconfiguration that would restrict left out turning from the side streets and crossing the highway.
 - Option 2B was to install a traffic light at Laming and install the frontage road between Laming and South Park and do nothing at South Park and Stone Creek.
 - On any option that would choose to do nothing at South Park/Stone Creek KDOT would restripe the road and provide an acceleration lane.
 - Option 2C a traffic signal at Laming with the modification of Stone Creek/South Park with three-quarters access and no frontage Road.
 - Option 2D – install a signal at Laming Road only, no frontage road and no intended changes to South Park except for the left out acceleration lane.
 - Option 3 is a signal at South Park only

- Option 4 is a signal at both South Park and Laming
- Mr. McCommon explained the costs of each item. Option 1 needs no funding, Options 2A and 2C automatically qualify for emergency KDOT funds. Options 2B and 2D would need to compete for grants in the normal process. Options 3 and 4 would require an amendment to the Corridor Management Plan prior to applying for funding.
- Mr. McCommon went through the previous conversations about what had happened – Mr. McCommon explained the history of conversations that occurred at previous meetings.
- Funding options generally competitive grants through normal competitive grants for projects but two of the options we can access through Access Management or safety funds that we could apply for immediately.
- Mr. McCommon explained how we would amend the Corridor Management Plan if the Council wished to pursue an option that would require it.
- Mr. McCommon provided the highlights for studies he read regarding Access Management and how that impacts businesses.
- Mayor Ward said he wanted this meeting to be about the funding available for the various options and the impact the various options would bring. Council specifically asked staff to provide studies on the impact of access management.
- Mr. Pickett said that as we're all working towards what's best and everyone adopted the Corridor Management Plan in 2008, it's important to note that the reverse frontage roads will take some time to put together. If you have a business that is not a destination business, which a gas station is the most sensitive to those types of changes, which is why the state adjusted to a three quarters access instead.
- Ms. Upchurch said she manages the Access Management Funds and they do an annual call for projects in mid-late August and they request applications back by November 1st and notify cities in February. She said more and more cities are applying for these funds. She said we hold back a certain amount of funds to act more quickly on some emergency accident issues. We wanted to jump in on this issue after reviewing the accident data on US-24 and the side streets. If we do a three-quarters intersection, this will really help the accident problem, and those emergency funds would be available. If you choose to move forward with a project that does not include the three-quarters intersections, we would ask that you compete during our normal call for proposals and you would not be eligible for the emergency funds. It has good possibilities of being selected but there are no guarantees.
- The PV Assistance Program, where KDOT funds the design work for the project. The original program was eligible for cities under 5,000 for 100% funding. Since the City is just over a population of 5,000, KDOT would offer 90% funding for design through this program. She said she didn't know what the future for this program would be. It's possible that the funding will go away for the PV Assistance Program.
- Councilwoman Reed asked for clarification on what is available for emergency funding.
- Ms. Upchurch said that the KDOT funding is a package deal. If you install the three-quarters you need to do something to offset this to allow people to access Stone Creek and the businesses there and the signal and frontage road would keep people moving and that would be something eligible for emergency funding.

- Mayor asked if the application is still competitive.
- Ms. Upchurch said that it wouldn't be competitive at this time. If the Council decides to go with the three quarters intersections (Options 2A or 2C). However, if they choose to pursue another option outside of 2A and 2C, she would ask the City to go through the competitive process because we're not solving the accident problem.
- Councilman Peak asked what kind of data was used to make the determination that placing a signal at Laming wouldn't alleviate accident problem.
- Ms. Upchurch said they looked at the types of accidents that were taking place and they were primarily due to left turns from the side streets (Laming and South Park) heading east on 24-40. Placing a signal at Laming without restricting access would make the application for funding less competitive because it's not solving the accident problem that exists.
- Mr. Peak asked if the left-out acceleration lane would do anything to help eliminate accidents.
- Ms. Upchurch said that it solves the speed differential between someone trying to accelerate and those already travelling on US 24-40 but it wouldn't help with the current accident rate because it's mostly those who are trying to shoot across from north to south heading east towards Kansas City and they are getting side swiped.
- A left out acceleration lane would not necessarily eliminate the problem. She said the accident pattern is more with people misjudging the speed of oncoming traffic on 24-40 when heading east on the highway from the southbound lane on Laming. It would help prevent some rear-end accidents, which were a lesser problem for the intersections in question. Most accidents were t-bone accidents. Of the 13 accidents, eight were south-bound and one was north-bound, eight were injury and five were property damage only.
- Councilwoman Reed asked if there was originally a plan for a light at 206th and 24-40 Hwy. Ms. Upchurch said yes.
- Councilman Peak asked if installation of a frontage road would cause traffic to drop on 24-40 going through town.
- Mr. Pickett said he doesn't expect the frontage road would not likely be used for those who want to zip through town. It's not likely to be a bypass through town.
- Councilman Peak asked if the traffic wasn't expected to grow at 3% as originally forecast and if that would impact the access plan as far as urgency to make the three-quarters change now.
- Mr. Pickett said the biggest concern is accidents now and mitigating that.
- Councilman Peak noted the Gas Economics study that it said the data showed the impact on a non-destination business was understated and that that's not enough evidence for him to make a decision.
- Ms. Upchurch said the three-quarters intersection would be a reasonable change that still allows the left-turning movements that would allow people to those gas stations. There is also a convenience factor to consider because there aren't too many options for fuel so people will make the trip rather than drive to Basehor, for example.
- Ms. Upchurch said KDOT is putting in a backage road to help alleviate traffic in Basehor between 155th and 158th on the north side of the highway and KDOT is funding this improvement.

- Councilman Donnelly asked if there are plans to move the light at 155 Street. Ms. Upchurch said not at this time. It will only be addressed if the data shows it's causing traffic accidents.
- Mayor Ward opened the meeting for public comment.
- Steve Kelly, 12608 W. 129th Overland Park, Kansas – Came before the council to consider adopting one of the proposed improvements that does not restrict north or south movement into Stone Creek or South Park such as options 2A or 2C. Pg. 7 of the agenda statement explains the study shows that it can impact a convenience store up to 17% in a negative fashion. Mr. Kelly said the studies that showed there was no effect were conducted by department of transportation experts. They are looking at the issue from a traffic flow perspective and any concerns on business are secondary. Mr. Kelly provided a mitigation agreement that he signed for the City of Tonganoxie. Every business has to pay a duty to the City on a traffic study, a one-time fee. My understanding when this was put together was that the intersection of Stone Creek was to remain fully open with ingress and egress with the plan of placing a traffic light at that location. That would have made a major difference to me. Said he is asking council to think about the businesses as well as the safety aspect.
- David Plomaritis said he doesn't think a traffic light at both intersections is practical, he would like to see a light at Laming and 24-40 only. It's the most practical location. If there's a light at Laming Road, the east-bound traffic coming out of Stone Creek is going to have the ability to turn when the light changes so it will reduce t-bone accidents.
- Greg Orscheln, 1205 E. 24 Hwy – said he was all for traffic signals at both Laming and Stone Creek. He fully supports Proposal 2A at this time.
- Mayor Ward said that Velda Roberts was on Council at the time the Corridor Management Plan was put in place.
- Ms. Roberts said the plan is not cast in stone and changes may need to be made. She said she's here because she wants Tonganoxie to have every opportunity to grow and 24-40 is the City's main transportation corridor. We don't want to focus on moving traffic through town, but to provide a service base for businesses to relocate to Tonganoxie so they don't see the City as just a pass through. She asked if the library had a reference copy of the Corridor Management Plan. Councilwoman Reed said it was available online.
- Mary Crouse, 18446 174th St. Bonner Springs, owns Mary's Retail Liquors. She said if the north-south entrance is obstructed its going to impact the business located at that corner. She said the Council needs to consider what's right for the town now. She said for people to get to the Industrial Park people can use Stone Creek to get to those businesses. Ms. Crouse said she doesn't want the Council to be swayed by the money KDOT is providing. Putting a light at Stone Creek does not mean you'll have to close Laming. We may be adding too much to the plan.
- Councilman Truesdell said he prefers Option 2A. He said he disagrees with waiting on the frontage road. It may actually spur development to have that road. He would like to move forward on 2A.
- Councilman Peak said he disagrees and thinks there should be a left out with acceleration lanes because we don't have enough sales tax to cover the pool now. He would like to see Option 2B. He said Council needs to look at the overall economic health of the City. He believes if you have a light at Laming people will be able to see traffic coming from the west stop. It doesn't make sense for the

Council to mess with a business not knowing the actual impact a three-quarters intersection could have. I think we send the wrong message by stating that we are going to make a change that will negatively impact a business. Nobody in a business should have to put up with a government impacting their livelihoods after they are already established. You're taking care of the safety issue at Laming by adding a light there planning for the future with the frontage road. He said he favors option 2B because it has the acceleration lanes on the highway. He would prefer an option that had the frontage road and a light at Laming only.

- Councilman Donnelly said he thinks the Council knows where he stands on the Stone Creek intersection. He would be opposed to closing Laming. If you look at the roads in the City, and take them away one at a time and see what the impact is. Pick any road off 24-40, and if you take those away, what will our town look like? It's our job to focus on the citizens of this community and not necessarily moving traffic through town. If we look at what we need to prioritize, there's a laundry list of capital projects that the City needs to address. He asked if removing an intersection is the right thing to do today. Eliminating access to 24-40 is a bad idea.
- Mayor Ward asked Councilman Donnelly if his previous preference was to signalize Stone Creek and maybe get a light at Laming later when needed. Councilman Donnelly said that it was.
- Councilman Gilner said he's in favor of a light at Stone Creek and South Park because it's a through street, four-way intersection and Laming is only a three-way intersection.
- Councilwoman Reed said she's in favor of Option 2A because there has to be a light on 24-40 on either Stone Creek or Laming because of the traffic accidents. She said she is not in favor of a light at Stone Creek because the residential traffic at the Stone Creek will use 206th street to get out when that light goes in. Two lights that close together does not make sense to her. She has reiterated KDOT's statement that it's safer to have a three-quarters intersection rather than just acceleration lanes. She said there was a limit on the long-term impact if there was a three-quarters intersection. She said she couldn't see evidence that the businesses would be impacted on the long-term. She also said she doesn't see the funding as available to install a traffic light at Stone Creek. Submitting a proposal would take time and that would leave more time for potential traffic accidents prior to the improvements.
- Mr. Pickett said that when we had to have left-turn movements off of 24-40 onto South Park Drive, the first plan wasn't very successful because it didn't allow people to get up to speed. If we install the acceleration lanes that will help people to get up to speed.
- Mr. Peak asked if the options were presented by KDOT.
- Mr. Pickett said KDOT has been consistent in stating that we would like Option 2A.
- Councilman Truesdell said he would like one of the experts to address a light at Stone Creek and the safety issues.
- Mr. Hoskinson said he asked where the City wants the access points for the City to be. If we signalize Stone Creek, how do you get the traffic into the industrial park? I know Woodfield wasn't designed to carry large volumes of traffic and the industrial traffic. Signalizing Stone Creek would help with the southbound left turn lane onto 24-40. However, a light does not necessarily stop traffic due to

human reaction. Councilman Truesdell said his biggest concern was with rear-end collisions at South Park. He said there's bound to be a rear-end collision at some point but they aren't as severe as t-bone. Councilman Truesdell asked if the collision rate would be worse at Laming or Stone Creek based on where you put the signal. Mr. Hoskinson said the accident rate would not change.

- Councilman Peak said he doesn't understand how the signal at Stone Creek would not address the problem.
- Mr. Pickett said Laming Road is a functionally classified route connected to another functionally classified route and Stone Creek is not a functionally classified route.
- Councilman Peak said Mr. Pickett only mentioned crash data as the only reason for favoring the three-quarters intersection. A light at Stone Creek takes care of the crash problem.
- Ms. Upchurch said the improvements are already included corridor management plans so that makes the City eligible for corridor funds. The accident rate makes the City eligible for emergency funds.
- Ms. Crouse said placing a light at Stone Creek is not hurting Laming Road people can still get in and out of Laming Road.
- Chris Wiehe 180 Rollings Drive. Anything you look at putting in at Stone Creek and put the City in a situation where we have two stop lights close together. The only consideration I have is to avoid that.
- Ms. Roberts said the City just approved a bond issue where they will build a new school. I see the biggest growth area to be north of 24-40 for new homes. How are we going to get people from the north part of town up to Washington Street where the school is? A number of years ago 14th Street was dedicated as a four-lane street with access. A critical issue of the light placement has to cross 24-40 into the south. What will the City do with the increased traffic?
- Mayor Ward said having a light at Laming would solve part of the problem and hopefully that street would extend to Fourth Street in the future.
- Mr. Plomaritis said there are a lot of elderly people who need to get to the post office from the north. He suggested taking the funding and Option 2B does not provide guaranteed money.
- Mayor Ward asked what funding year would be if the City applies for Option 2B – Ms. Upchurch said State FY 2016 (July 2015). Those packages are 100% of construction up to \$2 million. We can't say if the funding will continue to be there at that time.
- Mayor Ward said he appreciates all positions. We have to take into account the safety aspects and future development of the City. He said we have all the information we could possibly need to make a decision on this issue. His personal opinion based on everything he has heard and his participation in the Corridor Management Plan is that you cannot retrofit an entire City. For example, 7 Hwy, a bad design for today, but the corridor plan is set up to provide an educated estimate on what's best for the City. It's up to the Council to look at what makes the most sense for the City. Mayor Ward said his preference is to continue to follow the plan. He likes the signal at Laming because of all the traffic that goes through at that light. We don't have an effective north-south route in Tonganoxie right now, but eventually 206th will be signalized and that can be a hub for future development. If we stick to the plan and signalize Laming without negatively

impacting the businesses at Stone Creek, then we resolve the issues and that would be his preference.

- Mr. McCommon said his goal is to make sure the Council has sufficient information to make a decision and if so, he encourages the Council to compromise on their positions since none of the options are particularly favored.
- Councilman Gilner asked if you put a traffic light at Laming, do you have to close off north-south traffic at Stone Creek. Mr. Pickett said that's KDOT's preference since it complies with the plan most fully. It does not, however, eliminate the opportunity for KDOT funding, it would just be competitive. Our earliest hope for construction wouldn't be to start construction until 2015.
- Ms. Roberts said we're not delaying construction that much. A year is not that big of a deal. It's better to delay if the three quarters intersection is not right for the City.
- Ms. Upchurch said if the City decides to do a three-quarter access, the City could hire someone to design plans tomorrow as those funds are available immediately. They could go to construction in 6 months or less.
- Councilman Peak said any corridor management plan needs to be adaptable based on the City's needs. We need to take some time and consider the consequences of any change we make. We're giving the wrong message to future potential businesses. We need to be able to tweak the Corridor Management Plan.
- Ms. Upchurch said this plan is meant to be a living document that is flexible. Basehor is making changes now and we've outlined the changes in your packet. This is something we want to address now because of the accident history.
- Mr. Pickett asked if our long-range capital improvement plan was to install a traffic light at Laming Road. Ms. Roberts said yes.
- Ms. Roberts asked if there was a way the Council could rethink the entire plan since she sees future north-south access at 208th street. Are we in such a big hurry to get this done? Can't we phase this project?
- Mayor Ward said if we were to put a light at Laming coupled with a frontage road that is part of the corridor plan and would be eligible for funding. That is an option. However, I don't know what kind of impact it would have on accidents. I think it would have some kind of impact because you're slowing down traffic. Mayor Ward said he wants to make progress each time this issue is discussed. Mayor asked if KDOT would meet us half way via option 2B. I don't want the Council to feel like they have to make a decision tonight but I would like to give the City Administrator some direction.
- Ms. Upchurch said she had a conversation with the KDOT traffic engineer regarding a compromise and it is unlikely.
- Councilman Truesdell suggested option 2A and see what the impact is to the business and then apply for a modification later.
- Councilman Peak said that would make the current businesses a guinea pig.
- Councilwoman Reed said she didn't see anything in those articles that says a three quarters intersection would negatively impact business. Except for the 7.5% straight across and during construction.
- Councilman Peak said one of the articles stated a no-left turn in would have a negative impact. The convenience store would be impacted the most.
- The crash rate at Stone Creek is 1.2, the crash rate at Laming is 5.5 cars per million.

- Councilwoman Reed said the money helps the City address the safety problem now. She said we're not stopping any traffic accidents in the two year period.
 - Ms. Roberts said that if the City decides to take the money now, and they put a signal light in at one of the two streets, what would it cost for just the light and none of the additional changes to 24-40?
 - Mr. Pickett said the estimate is about \$500,000 after you get the lane configuration done.
 - Mr. Wiehe thinks we should consider running with 2B and then make adjustments later. He said he doesn't want a stop light at Stone Creek and South Park.
 - The Mayor said we could move forward with 2b but the funds wouldn't be available for us immediately.
 - Mr. Steve Kelly said if you look at the bottom of pg. 6, you will find in one of the studies that the impact of three-quarter intersections on business – in the first paragraph any business could be impacted up to 70% in the short-term. The impact may be 7.5%. Reed said the impact would be conceivably less.
 - A traffic signal by itself is about \$150,000 without any road reconfiguration.
 - Mr. Plomaritis said if you wait two years someone will get killed.
 - The Mayor said we're not going to make any decisions tonight. He wants them to work with staff to get questions answered. He would like to come back at the next meeting with a plan to keep moving forward.
- e) Update on Fire and Building Code
- Mr. McCommon provided a summary to the Council from an expert with BRR Architecture who is a building and fire code instructor. Her conclusion is that what Charlie Conrad is constructing does not require a sprinkler system due to the size and the owner-occupancy. Our own building inspector spoke with her on what the expectations were moving forward. She did emphasize that Mr. Conrad needed a building permit.
 - Mr. Conrad submitted an application for a building permit and provided drawings for the proposed improvements. Mr. Lee said that by the end of the day on Tuesday, Mr. Conrad should have his building permit approved. He would have to do some firewall construction to provide a barrier between the business and apartments.
 - Mr. McCommon said the implications for other businesses downtown is the need for fire suppression system will vary based on the type of construction, and the number of units. Mark Lee got the same information provided by BRR from the International Building Code Council.

II. New Business

a) City Administrator Agenda

1. Request to reclassify the Pool Manager position from non-exempt to exempt
 - Mr. McCommon said he's sure the Council is aware of the issues with this as discussed in the past. The motivation behind the change is to be consistent with the managerial demands of the position.
 - Councilman Peak asked if there was a consideration for the hours worked for this position. His concern is if this salary commensurate

with 60 hours per week. Mr. McCommon said that issue is considered in this salary range. He said there's a reasonable expectation that those in exempt positions will work more than 40 hours per week.

- Councilman Peak made a motion to reclassify the Pool Manager position, seconded by Councilwoman Reed.
 - All Ayes, the motion carried.
2. Request approval of a contract with Leavenworth County Probation Office for municipal court services
- Ms. Jones-Lacy explained that this was the annual contract for probation services with Leavenworth County.
 - Councilman Peak asked what the rate was based on.
 - Ms. Jones-Lacy said it was based on 2011 case loads and that it would adjust accordingly based on this year's case loads.
 - Councilman Peak motioned to approve the agreement, seconded by Councilman Donnelly, all Ayes, the motion carried.
3. Request approval to pursue City Codification Services with Code Publishing
- Mr. McCommon said the City hired AOS to update our website; part of those improvements involves making the municipal code available to the public. He said we have some concerns about the availability of our current code. He said Ms. Jones-Lacy did some research on various companies and got some price quotes. He said the lowest price came from Code Publishing with a price estimate of \$2,500 approximately.
 - Ms. Jones-Lacy said this price includes initial codification, getting all of our outstanding ordinances codified, building a custom interface and putting it online. She explained that to update the information in the future would cost \$22.95 per page.
 - Councilman Peak asked if the \$2,585 was for the initial setup and if the \$22.95 per page is in addition to the \$2,585. Ms. Jones-Lacy said the \$2,585 is all encompassing.
 - Ms. Jones-Lacy said that all of these services provide an opportunity to review the entire code for any inaccuracies or inconsistencies with state laws. However, that would cost about twice as much.
 - Councilman Peak asked what Michael Kelly thought of this option.
 - Mr. Kelly said updating the code right now is the most important thing right now.
 - Mr. McCommon said that staff would bring a final contract back to Council to approve anyway.
 - Council was in consensus to move forward on pursuing codification services with Code Publishing.

b) City Attorney Agenda

1. *First Reading*, Request approval of Ordinance No. 1357 – An ordinance to provide more effective enforcement for addressing inoperable vehicles
- City Attorney said the only way we can accommodate making this an enforceable issue is to increase the fine. The problem is law enforcement is seeing the same people violating this ordinance. He said he can write something that eliminates

the abatement period but I don't know if you want to pursue that right now. The repeat offense is the issue, not the time frame. It's difficult to identify a repeat offense because of all the potential variances.

- The Mayor asked if there was a way to make the ordinance subject-matter specific so that the 10-day abatement period would be eliminated if the individual has more than one mowing violation, for example.
 - Mr. Kelly said the language needs to be carefully drafted.
 - Mr. Kelly said the first citation is a notice
 - Mayor asked Council if there's a consensus to find language to improve the code enforcement without removing the abatement period.
 - The consensus was yes.
 - Councilman Peak asked if there was a requirement to send letters to anyone regarding a violation.
 - Mr. Kelly said yes.
2. *First Reading*, Request approval of Ordinance No. 1359 - An ordinance annexing certain non-contiguous property into the city limits of Tonganoxie
 3. *First Reading*, Request approval of Ordinance No. 1361 – An ordinance annexing certain non-contiguous property into the city limits of Tonganoxie

A motion was made by Councilman Gilner to adjourn, seconded by Councilman Peak. All Ayes, motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy, Assistant City Administrator