



City Council Meeting Minutes  
3/25/2013

The Mayor called the meeting to order at 7 p.m. Council members Kara Reed, Andy Gilner, Chris Donnelly, Bill Peak, Jim Truesdell and Mayor Jason Ward were all in attendance. City staff Nathan McCommon, Jennifer Jones-Lacy, Michael Kelly and David Bennett were also in attendance.

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

### **Open Agenda**

No items for open agenda.

#### **a) Presentation on Urban Hess businesses –Dave Plomaritis of Midwest Bikes to Trikes**

- Mr. Plomaritis said he's got a couple of issues with a neighboring business McNealy Steel. He said he it's been difficult to get his retail business started in the Urban Hess because of the location. Beyond that, there's a parking issue. There are trucks parking north to south on Industrial Drive. There are also cars parking east to west on Commerce Road. He said there's no way for cars to park here. He said McNealy Steel is zoned medium-duty industrial, but he considers it heavy duty. He wants to see the junk picked up. In speaking with Steve Kelly, the trucks were not supposed to park there long-term. Mr. Plomaritis said he would like to have there be no parking on Commerce Drive which would allow trucks to load and unload. He would like to come back to Council to discuss this issue at a later date.
- The Mayor said the City installed "no parking signs" on one side of Commerce. He asked Mr. Plomaritis if that has helped. He said no. He wants to see no parking allowed on either side. Short-term parking is an option but the street is blocked up all day.
- Mayor said staff has worked with Mr. McNealy to build a fence/screen around his equipment and is working to get a variance to get a parking lot built for his employees. He asked if there's anything other than the no parking on both sides that he wants the Council to address.
- Mr. Plomaritis asked how far back the screen was going to go and if it would comply with zoning ordinances.
- Mr. McCommon said Mark Lee has reviewed the issue and can ensure that it will follow code.
- Mr. Plomaritis said he hopes so because right now it's unsightly.
- Mr. McNealy from McNealy Steel said when he decided to move to Tonganoxie it was to be in a smaller town and be close to the highway. The last Council

meeting he said he listened to his neighbors bash his business. He didn't say anything then because he wanted to respond in a professional manner. The basic response he has received from everyone is that this is blown out of proportion. He said he has worked with staff to comply with any zoning code. The scrap tubs being discussed is shared with the Tonganoxie High School shop class. He doesn't want to tell them they can no longer use it. He said he's worked with Mark Lee to put in a chain link fence to cover the storage outdoor. Since he's been in Tonganoxie, his business has grown and he feels his neighbors are angry about this. He spoke with the Police Chief and was told he can park on the street, he just cannot take up more than 10 feet, which he does not. He said he has 18 parking spaces. If all of his staff parked in the parking lot, he would not have room for customers. Mr. McNealy said he will do whatever needs to be done to get this issue put to bed.

- Mr. Peak asked if he filed a variance for his parking lot.
- Mr. McNealy said the variance most likely won't move forward because he doesn't have the funds to put a parking lot in at this point. If he continues to grow, he said he would be more than happy to do so.
- Mayor Ward said everyone plays by the same rules. Also, we need to be good neighbors and find a way to cooperate so we can bring and do business in Tonganoxie. I'm hoping this is the end we come to. He said the City Administrator is always available.
- Mr. McNealy said every time he unloads a truck, he knows I'm being watched. This is a real hindrance to my business.

## **I. Old Business**

### **a) Discussion on U.S. 24-40 Highway improvements**

- Mayor asked the City Administrator to bring everyone up to date.
- Mr. McCommon said KDOT came early in January and suggested that some traffic studies indicated a high-level of danger at 24-40 and Laming and Stone Creek. This is the fourth public session. Mr. McCommon ran through the seven options. KDOT recommends Option 2A. He also explained the various levels of grant support associated with each option.
- The Mayor said his goal is that each time we meet we continue to move forward and make progress toward a decision. He introduced Jason Hoskinson from BG Consultants.
- Councilman Truesdell said he promised three people he would make comments on their behalf. One person said a signal at Stone Creek at South Park is his preference. One person was okay with the frontage road and signalization at Laming, the other fully supported this option. He said option 2A is the way the City needs to go unless we get some additional info tonight. We definitely need a signal at 24-40. It's always been in the City's plan to continue Laming and 4<sup>th</sup> Street as the major thoroughfares. He said he doesn't understand how putting a signal at Laming would impact the businesses at that location to the extent expressed. He doesn't think a frontage road and light at Laming would have that much of an impact.
- Councilman Peak said there's been really good info on both sides. His biggest concern is the no-left out at the business. There is a safety concern at both sites.

We're trying to retrofit something a road to fit existing businesses. We have received various opinions on how it would impact the business and to what extent. Councilman Peak said he would like to see acceleration lanes and not put in the no-left out option. I think we're sending the wrong message to businesses if we cause a major impact on this business and if we do the work as recommended by KDOT. Both options that provide immediate funds say there must be a no-left out situation. He said he's not comfortable with this. There is a sense that the City is hostile to businesses. He would prefer acceleration lanes to no-left out.

- Councilman Donnelly said he has a conflict of interest in that he owns the corner across from the Fast Tracks. As such he will abstain from voting on this issue. His opinion, which has been consistent, is that the City and Council are being very short-cited because KDOT is offering a lot of money. The KDOT plan said that the ultimate goal is to restrict access at every intersection on 24-40 except 14<sup>th</sup> Street, Main, Laming and 4<sup>th</sup> Streets. We need to do what's right for Tonganoxie and not what's right for KDOT. The 24-40 plan is designed to move traffic through town and it's very effective at doing so. We need to rethink the plan as it goes through Tonganoxie. It's our main drag. If you start with one, the plan calls for you to move through the plan progressively. From a logistical standpoint and cost perspective, it doesn't make a lot of sense to move forward with this plan. In the short-run it only affects a couple intersections. In the long-term, it affects all of them.
- Councilman Gilner said he's in favor of Option 3 to install a light at Stone Creek South Park. He realizes that Option 3 means we would have to submit grant application that means we may have to wait three years to get funding. KDOT had previously offered to put a light at 14<sup>th</sup> Street. As a Council we declined that. Now we're in a situation where we're going to build a new school that will create a new traffic problem. He said he agrees with Councilmen Donnelly and Peak in that if we go with KDOT's plan, a lot of intersections closed from 24-40 would be closed off.
- Councilwoman Reed said she's given this a lot of thought and her opinion has not changed either and she supports Option 2A. When this plan was adopted it was approved by the City and KDOT. She doesn't agree with the entire plan and thinks it needs to be amended. She does, however, agree with the plan on this issue. That street on Stone Creek will provide eventually cut through to 206<sup>th</sup> Street and most people will use that to get to Kansas City rather than using Laming Road. Long-term that makes a light at Stone Creek to make less sense. KDOT will offer immediate money for options 2A or 2B. Otherwise this creates a three year delay for putting in a signal. She said she doesn't want to wait two-to-three years to install an intersection. She said she doesn't see how the City will come up with those funds on their own.
- The Mayor explained that his role is as mediator and facilitator. He explained the rules of meeting decorum and stressed that everyone needs to be respectful.
- Muriel Gable, 1890 Fall Creek Drive. I haven't heard mention where the trouble starts and that's when you move into Tonganoxie and nobody sees the speed reduction sign. People get to the top of the hill and they don't have time to stop. If they put a light at Stone Creek, nothing else needs to be changed, you can still make a left-hand turn. A lot of people go to that station all the time. As far as the ambulance is concerned, she doesn't want them to have trouble getting on the highway.

- Kim Music, 104 Gray Court, said her front door faces 24-40 and she is usually the first person to call 911 when there's an accident. There were two wrecks last week and the problem is that people are not slowing down when they get into town. A lot of this is the speed. She supports a light at South Park and 24-40.
- The Mayor said the City asked KDOT to do a traffic study regarding speed. They did adjust speed limits through town. We asked for a flashing light to notify travelers of the speed reduction in town.
- Steve Kelly, 12608 W. 129<sup>th</sup> Overland Park, Kansas, asked Councilman Truesdell if he thought this restriction would not impact his businesses. Councilman Truesdell said he doesn't think that it would have that great of an impact by putting a light at Laming and a frontage road. Mr. Kelly said one of the studies points out that there was a 17.6% decline in customers. Councilwoman Reed said that expert stated the study was referring to a fully raised median, not one with a right-in-right out. Councilman Truesdell said we need to educate people to shop locally.
- Mr. Kelly said if we put in a light at Laming Road, that's going to create traffic congestion on Laming. He said he doesn't think KDOT has thought this thing out. He thinks there should be a stop light at both streets, but we will create serious congestion on Laming if we install a light there.
- Mayor Ward said Woodfield Drive would eventually be extended east to 206<sup>th</sup> Street so that would be the hope that that would relieve some of that traffic. As far as the traffic on Laming, Mayor Ward asked Mr. Hoskinson if that had been studied. Mr. Hoskinson said no.
- Becky Miller, 803 N. Chestnut. She said she reviewed the traffic congestion data and the folks from Stone Creek that are turning left, we have 60% turning left. Of all the people turning left onto 24-40 from Laming, we have 35%, most people are turning right. If there is a light at Laming and we can't turn left out of Stone Creek, that's not addressing the main problem, in her opinion. She asked if the City pursues the Laming Road light, would it possible to put a round-about in at the Woodfield/Laming exit so that all the traffic diverted from making a left and it would keep traffic flowing. Mr. Hoskinson said he thought a round-about at Laming and Woodfield might be a good way to improve the intersection. It would be worth looking into She said doesn't want to have to go west to go east. She suggested putting in two left-hand turn lanes at 24-40 and Woodfield otherwise it will get really congested.
- Pam Smith 236 Outlook Court, is there enough easement on Laming to the degree necessary to have two turning lanes. Mr. Hoskinson said he hasn't studied that specifically but there may need to be additional right-of-way access. Ms. Smith asked if just because we can do 2A or 2C now does that preclude us from applying for a grant and installing a light at Stone Creek?
- Mayor Ward said the current 24-40 plan has a light at Laming and one at 206<sup>th</sup>. This is why KDOT would look any options that follow this plan favorably. If we were to add a light at Stone Creek and South Park, that would need an amendment to the plan. Generally KDOT wants you to apply for funding and then use it or it would go away.
- Clara Stallcup, 1801 Fallcreek Drive, she said she heard a Councilperson say 24-40 is our main drag. She said she would favor a light at South Park and Stone Creek. It would be a boondoggle to put an obstruction up at that intersection. She said she believes the current stop lights would act as a traffic calming device.

- The Mayor said while traffic lights would calm traffic to some extent, it wasn't enough for KDOT to fund immediately.
- Cathleen Malvay, 1821 Fallcreek Drive. She said her unit is on the north side of the street. How far is the frontage road going to be from those houses? Mr. Hoskinson explained the distance.
- Adrien Shubert 1621 Fall Creek Drive. If a frontage road goes in there, are you going to put in a sound barrier? Mr. Hoskinson said it hasn't been designed yet and the Council could consider that but that the budget probably does not include a sound barrier. She said that wouldn't be right to put in a sound barrier.
- The Mayor said the traffic would be moving 30 miles per hour or less.
- 1791 Fall Creek Drive, there are several issues to consider. She said she's for restriping and adding acceleration lanes. She's also in favor of a signal at Stone Creek. She said she has to put some responsibility back on the City. I'm not sure that the EPA would approve a core test because there is a lot of infill where the frontage road is proposed. She doesn't think the City can control traffic on the frontage road either.
- I'm for a light at South Park, I have four kids and one got hit at South Park and 24-40. This is about the comfort of living in Tonganoxie. It's about me being able to access fuel. I know the safety of his children and quality of life.
- Marsha Smith 1800 Fall Creek, if we have the money, why don't you put something in now at South Park? Why do we have to wait two-three years?
- The Mayor said the funds being offered are 90% KDOT money. They want us to follow the 24-40 plan which suggests a light at KDOT and 206<sup>th</sup> Street. We would have to change the plan and then apply for funds. The discussion tonight is do we want to move forward with a light at 206<sup>th</sup> Street and 24-40. There is no question that there will be a delay.
- Patty Bittler, 250 Willis Drive, said her concern is safety at that Stone Creek corner. She doesn't see there being a big problem at Laming right now. We need to have a cop hanging out at that intersection and hand out a ticket for anyone going over 55 miles per hour. Putting a light at Laming is going to mess up traffic for a bunch of people in two big neighborhoods. We need to take care of our own citizens.
- John Schumaker, 1811 Fall Creek Drive said he would like to see a light at Laming Road.
- Randal Music, 104 Craig Court, asked if we have looked into purchasing a speed camera and having violators pay for that camera. Then use the revenue to pay of the traffic lights.
- The Mayor said the City has a goal of controlling the speed at that intersection. He asked if Michael Kelly could discuss a speed camera.
- He said he doesn't think the state legislature has approved usage in the state yet. These are different from red light cameras. He said we are somewhat limited for enforcement based on the number of officers we have. He said he doesn't see a speed camera in the immediate future.
- Mr. Music asked if there's something we could do during the peak hours, perhaps have more patrols, during peak hours until we make a decision on when to install a light.
- Mayor Ward said this is something the police department has to evaluate every day on where to place police officers.

- John Roark 2200 Hidden Valley Drive. Is there funding available for a light at Laming and 206<sup>th</sup> Street? The Mayor said it's not currently on the table because KDOT doesn't see that intersection as an issue right now. Mr. Hoskinson said that the City would be eligible to apply for this traffic light in a competitive round of grants in the future.
- Councilman Donnelly said the Corridor Mgmt Plan has a different pot of money available than other plans. KDOT wants any use to follow the plan. He spoke to the plan and that's designed to move traffic through town. He said it's the Council's job to do what's best for the safety of the community.
- John Rourke said he's in favor of a stop light whether it be at Laming or Stone Creek.
- Ms. Gable said when she moved in, she was told that there would be a frontage road put in where it's currently proposed. She expressed concern about the usage of a frontage road and that it would mostly be used by commercial trucks. Mayor Ward said heavy trucks would not likely be the main useage.
- Paige Laurie 2201 Hidden Valley Drive. The traffic moving westbound from...If there's a stop light at Laming, I think it would create a lot of congestion and you would have a lot of issues turning left.
- Councilman Donnelly said in the original plan, the side roads were set 300 feet off the highway. I think that's been moved to 400 feet – Mr. Hoskinson said he thinks that's right.
- Justin Kelly, 11211 124<sup>th</sup> Street. I had a question specifically on Option 2C, if you live south of South Park, how would you get to Dollar General? Except there is no frontage road so there's no way to turn west on Main.
- Heather Tecmeyer, 1950 Jewels Drive, said she's for the light at South Park. If you put in the median, you still have to cross traffic so wrecks will still occur.
- Debbie Frank 2110 Rock Creek. When crossing through the Stone Creek-24-40 intersection, it is extremely dangerous. People are driving 65-70 mph. You need to put a stop light at Stone Creek, someone is going to get killed.
- Jack Willis 410 Smiley Road. I would like to see a stop light "There," I assume that's Stone Creek.
- Tim Bowland, 1941 Jewels Drive. I realize you're trying to make the right decision. The problem I have with a stop light at Stone Creek is that traffic will back up. Because of the hill, I think you're going to have rear-end collisions. There is no easy solution, in the long-run for the KDOT plan, if we pay for a light at Stone Creek, that's a big waste of money if KDOT decides they want to remove that light. I realize we need to do what's best for Tonganoxie, but when it comes to KDOT, they are going to overrule you. I know Bonner and Basehor are battling with KDOT now. I agree it's an inconvenience; right now it makes more sense to do a light at Laming. There's no easy solution, but if we pay for a stop light at Stone Creek and 24-40, we would have wasted that money if KDOT comes through and overrules the City and decides they want a light at Laming, they will take that light out. Eventually KDOT will get their way. A light at Laming and a frontage road will be an inconvenience for people.
- Mark Crouse, 1846 174<sup>th</sup> Street. I think everyone here has to remember that KDOT's corridor plan is not perfect but it can be amended. Just because they are dangling money in front of us does not mean its right for Tonganoxie. People are going to do what is convenient for them. We rely on quick convenient access. My

customer base is north and south of the highway, that's the majority of my business. I would hate to see businesses move out of town because of this change.

- The Mayor said his goal is to continue to move forward. The Council needs to decide at what point they have sufficient information to make a decision. To the extent that you need additional information, I would recommend we open it up for Council.
- Councilman Truesdell, asked if we did agree to put a light at Stone Creek/South Park. How would we pay for it? We can apply to put a light there but there's no guarantee that it will be funded. This is going to come out of City coffers and we don't really have the funds to do that. He asked the audience if they would be interested/willing to participate in a benefit district to make that happen. Councilman Truesdell said he's not a big fan of the benefit district. Several people chirped in from the audience that they would support a benefit district.
- A traffic light with all the necessary improvements would cost about \$500,000.
- Councilman Peak said he really appreciate the comments. He said he went out and drove on that speed limits several times and dropped to the speed limit. I'm the only car that dropped to the speed limit and everyone else passed. I did this 25 times since the last meeting and everyone except one person sped past. There needs to be a flashing warning sign regarding the change in speed limit. The light at 206<sup>th</sup> Street is too far out in the future. If there is a way to somehow tweak their plan just a hair, that would be helpful. If the overriding factor is safety, and they are willing to do nothing except install acceleration lanes. If you're driving 50 mph, then the intersection is reasonably safe. Peak said he's in favor of a traffic light at Laming in addition to a flashing caution light warning people about the speed limit.
- An unidentified woman in the audience asked if there was a way that citizens could raise funds to install blinking lights. The Mayor said there are opportunities for us to share costs. Those are through property taxes, benefits districts, sales tax.
- Councilman Peak said he would like to see a flashing stoplight notifying people of the Stone Creek intersection. He would like staff to ask KDOT if this is possible, and ask KDOT if they would move the speed limit sign back a ways before the beginning of town.
- Councilman Donnelly said he wanted to recognize Vivian Hughes and Linda Freeman they said they wanted a light at Stone Creek.
- Councilman Gilner said he's still in favor of Option 3. He said a light at Stone Creek and South Park is the best option. He doesn't think the state was totally against a light at Stone Creek, they just said they wouldn't fund it now.
- Councilwoman Reed said she's been looking at this for two months. She has taken several phone calls on the issue. The long and short of it is it's a safety issue and I want it fixed now. Clarified that KDOT would not allow amendments to the plan immediately and to apply for funding under a revised corridor plan would be three years out. The only option for us to get a light now is to go with Laming and a three-quarters intersection. She said she would like to see a decision made on this issue as quickly as possible. If there's a feeling KDOT will negotiate, and would be willing to tweak the plan and move quickly, she said she is in favor of pursuing that.
- Mayor said from the beginning of our conversations on this topic, that he is in favor of continuing to follow the corridor plan. There was a lot of public meetings, community interaction, etc. in 2008. It makes a lot of sense to have a

light at Laming and have a north-south thoroughfare. This is a connector road for our City. The connection to 206<sup>th</sup> Street is a long ways out but we have to plan for the future of our City. He does not want to do anything that will negatively impact a business and that he loses sleep when that happens. However, sometimes it happens. He acknowledged that a lot of people have spoken in favor of a light at South Park and Stone Creek. He agreed that it's a dangerous intersection. However, his conversations with the professionals/experts in the field convinced him that a light at Laming and 206<sup>th</sup> are the best signalized intersections. If the Council had a direction for staff, my advice would be to return to KDOT and tell them that we want to install a light at Laming but do not want block access at Stone Creek and South Park.

- Councilman Truesdell said that when KDOT was here, we discussed putting a light at Stone Creek and blocking the intersection at Laming. However, that would have the same impact on those businesses off of Laming.
- Dan Lynch 19751 119<sup>th</sup> Street. He said he understands that some are opposed to a light at Stone Creek. He said you send the wrong message to businesses if you put a light at Laming. We need a light at Stone Creek today. He said he is concerned that if you don't you'll have to tweak the plan anyway to change it otherwise, you'll hurt the businesses that are there. The citizens are telling you that they want a light at Stone Creek. He said he would be very upset if he had an existing business and the traffic configuration would change access.
- Ms. Crouse asked how the City was going to get the \$175k - Mayor said we could do a budget amendment to fund it this year or put it in next year's budget. Ms. Crouse said she wants people to be aware that it's not all free.
- Councilwoman Reed said she's not against a light at Stone Creek and 24-40. What she is against is to promise citizens that there's a way to fund a light at Stone Creek. She doesn't see how we can pay for it.
- Councilman Peak asked Mr. Hoskinson to elaborate on the process for getting a light at Stone Creek if financing wasn't a factor. Mr. Hoskinson said the process would be to formally ask for an amendment to the corridor plan, there would be public hearings and then KDOT would analyze and have to approve a change. There's a five-person panel that makes the recommendation to KDOT and they would make the final decision.
- Mr. Hoskinson said there's no guarantee that KDOT would approve the plan. It would take 3-6 months to amend.
- Councilman Donnelly said regardless of the outcome it will be a \$175,000 investment minimum.
- Dave Plomeritus asked if you could delay the Chieftain Trail project in favor of a light. Mayor Ward said no, not at this point.

The Mayor called for a five minute recess.

- b) Update on PWWSO #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
  - Michael Kelly provided an update on the status of negotiations.
- c) Update on Chieftain Trail

- Mr. McCommon said Chieftain Trail condemnation is in process, we're meeting with the judge on April 4th at 4:30. Mr. Kelly said he has spoken with the attorneys of the property owners. The protest period ends April 4<sup>th</sup>. Westar plans to review the poles on the property on April 1st.
  - Brian Kingsley said we have to show KDOT that construction plans in late November. There's a couple of things that need to be accomplished before advertising the project which is to show all right-of-way has been obtained and that the utilities have been coordinated and relocated. BG is working through that process with Mr. McCommon and KDOT to get approval to advertise. Summer is a great construction time frame and I think this project will fall into that time frame.
- d) Sale of property at 636 E. Third Street
- Councilman Peak wants to push it out a couple days
  - End of April is the new deadline for making a decision on the house.
  - Councilman Peak made a motion for a decision the end of April, seconded by Councilwoman Reed. All Ayes, the motion carried.

## II. New Business

- a) Approval of construction agreements for construction of the fire station expansion project
- Mr. McCommon asked Council to review the agenda statement. At the end you'll see the bids for the various aspects of work on the fire station expansion. The request today is to proceed with negotiating a contract.
  - Mr. Kingsley said BG supports staff on whatever we need to work with contractors. The City is acting as the general contractor. The amount that didn't go towards construction, that we saved from doing some of the work ourselves, where is that going.
  - Mr. McCommon said there will likely be no cost savings because there is no contingency.
  - Fire Chief Dave Bennett said that on March 26<sup>th</sup>, 2012 Council approved using a \$200,000 bond issue and a contingency fund of \$25,000. To date, we've spent approximately \$1,600. We're hoping for additional savings but that remains to be seen.
  - Councilman Truesdell made the motion to approve working with the vendors to expand the fire station. Seconded by Councilman Peak. All Ayes, the motion carried.
- b) Approval of a design agreement with B&G Consulting for the extension of utilities to the Industrial Park
- Mr. McCommon said an agreement with BG Consulting for extension of utilities for the industrial park. There's a pretty good scope of services laid out in the Council packet.
  - Mr. Kingsley had a couple things to point out. He said he developed the scope closely with design engineers and the surveyors. We're in the process of working with our design engineers. He said we are currently on track for the work. Over the duration of the next two months we will be coordinating the

design services. We have easements on properties that will bring some challenges due to the location of the sanitary sewers. We have minimized the survey on this project because of the work of City staff. We're going to coordinate a utility corridor on the west side of the water line. We're boring across the highway for the gas and lines and we're in the process of getting the permits from the state on this. He said he wants the Council to recognize that by scaling back on services, there is an increased risk of finding problems in the future. He doesn't foresee this being a major issue but he wanted the Council to be aware of the possibility.

- Mr. McCommon said the private developer of the other parcel will have to bore under for the sanitary sewer. He asked if they would have to get their own permit from KDOT to do this or if they could join in on our permit.
- Mr. Kingsley said it would be best to have the private contractor get their own permits since it will be a different location and the location of the utilities has yet to be set.
- Councilman Donnelly said his budgeted numbers fall in line but he doesn't expect BG to stick to a Sept. 2011 scope. He asked Mr. Kingsley's perspective for cost and timeline.
- Mr. Kingsley said he's still hoping that they are within the original budget. He said he will have to run the numbers again to see if this makes sense. He said he's seen about a 2% per year increase in the cost of material over the past five years. However, labor costs have dropped over that same time frame. The total cost might balance out.
- Councilman Donnelly made a motion to allow the Mayor to execute the contract with BG and the City of Tonganoxie for utility improvements. Seconded by Councilman Gilner. All Ayes, the motion carried.

c) City Administrator Agenda

1. Request approval of a purchasing card policy
  - Mr. McCommon said explained the proposed purchasing card policy, staff had approval from Council to provide p-cards to directors with a spending authority of \$1,000.
  - A motion was made by Councilman Peak to adopt the Purchasing Card Policy for manager, seconded by Councilman Truesdell.
  - Mayor Ward asked who had cards. Mr. McCommon said it was just the directors.
  - All Ayes, the motion carried.
2. February 2013 Financial Report
  - Mr. McCommon explained we are tracking on budget both revenue and expenditures. He explained some of the major expenses that occurred in February as well as the revenue.
  - The water, sewer and debt, bond and interest funds are a bit higher but that will self correct over time.
3. Update on Health Insurance RFP process
  - Ms. Jones-Lacy explained the status on selecting a broker for employee benefits. Staff received four proposals from local companies. Of those

proposals, the selection committee found Bukaty and Cbiz to be the strongest. The City interviewed both of these firms and selected Bukaty due to their willingness to work with the City and not require an upfront fee to get quotes from insurance companies. At the same time we sought quotes from Blue Cross Blue Shield of Kansas as they do not work with insurance brokers. Those quotes were very competitive and show the City will save a minimum of 35% over MPRs rates. Staff recommends using Bukaty to seek additional insurance quotes and make a determination from there.

- Councilwoman Reed made a motion to move forward with Bukaty to get additional insurance quotes, seconded by Councilman Gilner. All Ayes, the motion carried.
- Mr. Kelly asked if we needed to sign an agreement with Bukaty. Ms. Jones-Lacy said we would sign an agreement once we decided to partner with Bukaty to receive benefits from Bukaty.

#### d) City Attorney Agenda

1. *First Reading*, Request approval of Ordinance No. 1357 – An ordinance to provide more effective enforcement for addressing inoperable vehicles
  - Mr. Kelly said he spoke with the police chief regarding this ordinance. Hopefully this will be ready for the next meeting.
2. *Second Reading*, Request approval of Ordinance No. 1359 - An ordinance annexing certain non-contiguous property into the city limits of Tonganoxie
  - Councilman Donnelly made a motion to approve Ordinance No. 1359, seconded by Councilman Gilner. All Ayes, the motion carried.
3. *Second Reading*, Request approval of Ordinance No. 1361 – An ordinance annexing certain non-contiguous property into the city limits of Tonganoxie
  - Councilman Peak made a motion to approve, seconded by Councilwoman Reed. All Ayes, motion carries.

#### e) Mayor Agenda

- Extended condolences to Chief Brandau and his family
1. Infrastructure Committee Report – Jim Truesdell
  2. Industrial Park Committee Report – Chris Donnelly
  3. Update on fireproof storage in city hall – Bill Peak
  4. Discussion on variance for signage at Leavenworth County Fair Grounds – Bill Peak
    - Councilman Peak said he's a member of the Southern Leavenworth Leadership Development Class and every year they do a class project. We decided on doing something at the County fairgrounds. We decided on a large, double-sided aluminum sign. He completed the permit request, the

sign is going to be 9 ft. high. The standard is 6 ft. It has to be taller due to an existing fence that they do not want to remove. He would like to ask the Council for an exemption for the permit and variance fees. He said he is going before the County Council but wanted to get the exemption from Council first.

- Councilman Gilner asked if the sign would flash or blink, Councilman Peak said no. We had to wrap aluminum around the pole sign. We're looking for a variance because of the existing chain-link fence.
- Mike Kelly asked who was applying for the variance. Councilman Peak said he was going to. Mr. Kelly said it needs to be done by a property owner. Councilman Peak said he got the Fairgrounds to sign off on it.
- Councilman Donnelly asked if we have waived other fees. This will set a precedent.
- Mr. Kelly said he is not aware of other waivers for permits in the past.
- Gilner asked if the Baptist Church was charged a fee. Mr. Kelly said they didn't go through the variance process so it was a different issue.
- Councilman Donnelly made a motion to waive the two fees, seconded by Councilman Gilner.
- Ms. Reed asked why we're waiving the fees.
- Councilman Peak said it was partly because of the class not having money but it's mostly for the fairgrounds.
- All Ayes, motion Carried.

5. Executive session to discuss confidential or trade secrets of a third party
  - A motion made by Councilwoman Reed to go into executive session, seconded by Councilman Gilner, for six minutes. Councilperson Reed made a motion to return, seconded by Councilman Gilner, all Ayes, motion carried.
6. Request approval for a surety bond to extend utilities to the industrial park
  - Mr. McCommon said the request is to approve the expenditures. Donnelly made a motion, seconded by Gilner. All Ayes, motion carried.

A Motion to adjourn was made by Councilwoman Reed, seconded by Councilman Gilner. All Ayes, the motion carried. The meeting adjourned at 10:53 pm.

Respectfully Submitted,

Jennifer Jones-Lacy  
Assistant City Administrator