



City Council Meeting Minutes

June 10, 2013

7:00 Regular Meeting

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilmembers Andy Gilner, Bill Peak, Kara Reed and Mayor Jason Ward were in attendance. Councilmen Truesdell and Donnelley were absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, and City Attorney Michael Kelly.

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

Open Agenda

Nothing for open agenda

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
 - Mayor Ward said to take this item off the agenda as we're just waiting on the water district's response.
- b) Demolition of property at 636 E. Third Street
 - Councilman Peak would like to see the property and house for sale to see if we could get something out of selling the entire home. If we could get \$70,000-\$75,000 for the land and house, that would be a better deal.
 - Councilwoman Reed asked if the City owned the entire block. Michael Kelly said the Masonic lodge owns the property in between. She asked what the logic behind purchasing it was.
 - Mayor Ward said it was due to its location.
 - Councilman Peak said he doesn't think it's worth keeping. We'll need to look at what kind of money we're talking about. We're not sure how we're going to be able to pay for any new facility considering the City's debt load. He said we have a viable house that is in good shape. Mr. Peak said we need to have really intense discussions on the City's capital plan. He would like to explore the opportunity to sell it.
 - Councilwoman Reed said she understood where the Councilman was coming from but that she disagrees.
 - The Mayor said this item has been on our agenda for a long time and we're in a down market now. We're a long way from making a decision on where to place

future buildings. If we don't tear it down, we need to invest in making it look better.

- Councilwoman Reed said she is strongly in favor of keeping that property for a new City Hall/Police Department. She agrees that it doesn't look very appealing and if the house is going to stay there we should paint it at least.
 - Decided to leave the item on the agenda
 - Mayor Ward said they have gotten a lot of requests from people on wanting to purchase items and he directed the City Administrator to hold off on taking items until the Council has time to review.
- c) City of the Second Class - Update
- Ms. Jones-Lacy said the Governor generally signs proclamations on the last Friday of the month which is June 28th. She said she will keep the Council updated when she hears confirmation on that date.
- d) Hwy 24-40 Improvements - Update
- Mr. McCommon said a written request was submitted to the State of Kansas to amend the US 24-40 corridor plan to install a traffic light at Stone Creek and leaving Laming Road open. KDOT had a comment period that ended last Friday. He said he arranged a meeting between the citizens and KDOT to provide their support of the project. The team at KDOT is officially in review of the request.
 - Councilwoman Reed asked the time frame and Mr. McCommon said the best answer he got was that they realized time was of the essence and that there was urgency to making a decision.
- e) Update on recurring nuisance violations
- The Mayor said he wanted Council to understand what nuisances were persistent. He also wanted the City attorney and City Administrator to be aware and review why these violations would be continuing, if there was a loophole that could be closed. He would like to leave it on the agenda. Staff plans to place a chart of the nuisance violations in the informational section of the agenda once per month.
 - Mr. Kelly said he spoke with the Police Chief today and he told the officers to move the nuisance violations up to the next available court date to try to advance that process. This might encourage more swift enforcement. Mr. Kelly said we have the same problem with impounded dogs so we are trying to move those up as well.
 - Mr. McCommon said we recently redefined an ordinance that prescribes how the City handles junk vehicle violations and he and the City attorney are looking to ways to expand this to other nuisance issues.
 - Mayor Ward said they have had a number of citizens who have come to Council asking how they could raise the bar in our community to make it a nicer place. You need the regulations but you also need the community to buy in and commit to making the City a nicer place.

- Councilman Bixby asked if anyone had spoken with the judge to more doggedly enforce. Mr. Kelly said he can't speak to the judge's opinion with him not being here and he can't speak to specific cases.
- Mayor Ward said he agrees but the judge is limited to the regulations in place. It's the Council's job to get community buy in. Mr. Bixby asked if we could get the boat moved at 6th and Yoeke that's been there for about five years. He said someone is going to get hurt since kids play in the street.
- Mr. Kelly said there were citations issued today by officers at that address.
- Mayor Ward said that may impact the sight triangle.
- Mr. Bixby asked why we couldn't draft an ordinance to tow vehicles. Mayor Ward said that's what staff is set to review and recommend to Council.

New Business

- a) Request approval for sponsorship of Kansas State University local business survey – presentation by Bill New, First State Bank
 - Mr. McCommon explained Mr. New's presentation and that K-State is doing a business survey at Tonganoxie. He said the professor and students seem genuinely interested in our City and making it better.
 - Mr. New said Dr. Vincent Amanor-Boadu. He is in the Ag Economics Department at K-State and is a specialist in Community Development. He's had experience working with Greensburg and Cottonwood Falls. He travels extensively and he's proposing to study Tonganoxie and help determine how to spur business. Dr. Vincent's services are free but he does ask for some contribution to fund his student staff. He's developed a survey to determine what could improve the business climate and how to bring businesses here to Tonganoxie.
 - The one thing he offers is to put together an action plan to provide to local business owners and residents to put the recommendations to work that might help the City improve.
 - Mr. New said David Hodge recently accepted a position at another bank and he originally spearheaded this venture. He said the folks at the EAST business group have supported this effort.
 - They have asked the Chamber to submit \$1,000 to this cause, and Mr. New asked the City to also commit \$1,000 and they would try to raise the remaining \$1,000 by working with local businesses and banks. After the results are prepared, there will be a public meeting held.
 - If we should decided to go forward after the completion of the survey and implement the recommendations provided through the survey, Dr. Vincent asked that Tonganoxie residents, the City, etc. support a graduate student at the \$20,000 level.
 - Councilman Peak said he was heavily involved in the last survey and the biggest challenge they had was getting people to respond. He said if something were

going on at Ron Swain's church, he would have thought that the Council be involved from the inception.

- Alan Kirkhart said the Chamber voted to contribute \$1,500 of the total \$3,000 needed.
- Councilman Peak said if the goal is to enhance businesses in town – we don't want to be redundant since we have already gone through a similar process. Councilman Peak wanted to know where all of this was coming from.
- Mayor Ward said the Chamber did reach out to the Mayor and Nathan and this is the first opportunity to speak before the Council on this issue.
- Councilman Peak said he has a major problem with the Chamber not including the entire Council in the inception of this program. If I were more involved in the process, I would have more information to make a decision.
- Councilman Peak asked Mr. New if he has approached any merchants to make up for the difference.
- Mr. New said ideally it would have been better to have everyone at the table initially. He said the event at the church was pretty last minute.
- Mr. New said if Dr. Vincent can contribute in anyway it would be helpful. He can't speak to the redundancy.
- Councilwoman Reed asked if Dr. Vincent would be facilitating the survey.
- Mr. New said they planned to issue the survey via email. There will be direct contact with some of the business with Dr. Vincent and the graduate students will follow up to collect more responses.
- Councilman Peak asked the time frame and he said it would take 60 – 90 days. He said he will make sure that Council members are on the top of that list on the results.
- Councilman Gilner asked where the \$1,000 would come from.
- Mr. McCommon said there is a \$5,000 appropriation is available from the Transient Guest Tax for economic development that is not otherwise encumbered.
- Mayor Ward said there have been significant efforts by several groups to try to determine the reason for the dwindling businesses in Tonganoxie. We have many interested business leaders who want the same thing. The Mayor said we may want to ask Dr. Vincent if he will use the information compiled in the past to move forward if we choose to pursue putting their recommendations into action.
- Mayor Ward said the City needs to be a partner with those who are working to better our community. He said he hopes the Council would endorse this project.
- Councilman Gilner made a motion to approve the \$1,000 donation from the Transient Guest Tax, seconded by Councilwoman Reed. All Ayes, the motion carried.

b) Presentation of FY 2012 Financial Audit – Audrey Odermann, Mize Houser & Company

- The City's Auditor Audrey Odermann provided an explanation of the changes this year in the presentation style. She said she appreciated the questions that staff has asked and how they ask questions throughout the year. She said the City received the highest rating it could receive based on its basis of accounting. She said it speaks very highly of the internal controls the City has. She explained how staff took great interest in getting involved in the financial statements and how it was clear to them and hopefully clear to the Council.
 - Mr. McCommon asked Council to look on page 23 and that there was \$5,000 in the Transient Guest Tax. She said the letter is pretty boilerplate and you'll see that there are really no discrepancies.
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 - Councilman Peak said beyond the gas receipts that many governments use the mileage and had a sign in and sign out sheet. Ms. Odermann said the City of Mission has some of these tools in place that Tonganoxie could borrow.
 - Councilman Peak asked if we had a list of all equipment the City owns.
 - Ms. Jones-Lacy said we had a list of all the major and minor equipment the City has.
 - Mr. McCommon said we're going to pursue another avenue to explore purchasing fuel.
- c) Request approval to renew a five-year maintenance and usage agreement with Taser international for police cameras and video storage
- Mr. McCommon said the current agreement with Taser is coming to term and they wanted to know if we wanted to extend the warranty and enter into a five agreement with Taser. Mr. McCommon said the \$1,700 would cover any replacement of equipment.
 - Mr. McCommon said he was concerned that 5 years would be a bit long.
 - Mr. Kelly said the payments would be five years but it's really boilerplate. This is more designed for a sale rather than a maintenance agreement. Mr. Kelly the Taser agreement is not very well written. Mr. Kelly said there is no automatic renewal so there's little exposure to the City on this.
 - Councilman Gilner made a motion to approve the purchase of the five year agreement of \$7,748.80 allowing the City administrator to execute the agreement, seconded by Councilman Peak.
 - Mr. Kelly said the Council could allow the City Administrator to execute the contract which would allow for these types of agreements to move more quickly.
 - Councilman Peak asked if the total cost of the maintenance agreement is \$6,000, which is already budgeted and the \$1,700 is an additional amount not previously considered. He asked if the Budget could handle this and when the agreement starts.
 - Mr. McCommon said it would begin immediately and that the \$1,700 is not budgeted but it can be absorbed. Next year, the entire contract amount will be included in the budget.

- All Ayes, the motion carried.
- d) Request approval of Firework Sales and Stand Permits
- Mr. McCommon said there are a couple of applications for two fireworks stands this summer.
 - Mr. Gilner asked if the new ordinance language was in the fireworks agreements and if the vendors were fully aware of this new provision.
 - Mr. McCommon said we are in regular contact with the fireworks vendors and they are aware of the Fire Chief's ability to call a burn ban in the event of dry weather.
 - A motion was made by Councilwoman Reed for a five minute recess, seconded by Councilman Gilner. All Ayes, the motion carried.
- e) City Attorney Agenda
1. Inter-local agreement with Leavenworth County for roadway maintenance
 - Mr. Van Parys plans to bring the agreement to the County Commission on Thursday and if the Council has substantial changes to provide them during the week.
 - Councilman Peak asked if there were substantial changes to this agreement from the 2010 agreement.
 - Mr. Kelly said the only change was that if it's a City easement the City maintain it and if it's County easement the County maintain it. Once it is approved by the County Commission it will come back to the City for approval.
 2. First Reading, Ordinance No. 1366 – An Ordinance amending Chapter 2, Article 5, Section 2-509 providing an exemption from breed ban for registered service animals
 - Mr. Kelly said the law on service dogs is ambiguous but the ADA law does require people make reasonable accommodation.
 - Councilman Peak asked if those who have service dogs if they are required to have a certification license available.
 - Mr. Kelly said this is difficult part of the ordinance is due to the variety of organizations that certify service dogs. It can even be done online. That's why we used the language that a service dog "as defined by the ADA".
 - We're still subject to federal code and if it's a service dog we have to provide reasonable accommodation.
 3. First Reading, Ordinance No. 1367 – An Ordinance establishing the day and time of regular scheduled meetings of the governing body
 - This is an automatic move of all Council meetings that fall on a holiday would automatically fall on the next Tuesday but would fall to the next available day automatically.

4. First Reading, Ordinance No. 1368 – An ordinance establishing municipal court costs
 - This would help the City get reimbursed for some of the expenses incurred through the administration of justice including jail and impoundment.

Mr. Kelly said that July 1st the new open carry law goes into effect. Several Cities are looking for an exception to the rule. If we write a letter we can get a six month extension to the law. We need to know by the next Council meeting if they want to ban this.

- He said we could adopt a section in our personnel policy that bans employees other than police from holding firearms. Mr. Kelly said the City has to pass a resolution every year to extend the ban for four years.
- Mayor Ward said this issue merits additional investigation. He would like to get an extension. Mr. Kelly said they could have a letter drafted for the next meeting so the governing body could just sign it.
- Mr. Bixby said the County got the six month extension and sent a letter to the state, which will enable the County to develop a security plan for each building.

f) Mayor Agenda

- Mayor Ward thanked everyone for their hard work involved in Tongie Days.

g) Council President Agenda

- Councilman Gilner said several people asked why there wasn't a beer garden. Mr. Kelly said it takes the organization's initiative to get a special use permit.

h) City Administrator Agenda

- Mr. McCommon asked the Council to review the Budget document in the information section of the packet and if the Council was satisfied with that format.
- Councilwoman Reed said she thought it was useful as did Mayor Ward.

Mr. McCommon asked the Council if they would be okay with pushing the Budget Work Session back to the following week on Monday, Tuesday or Wednesday due to the amount of work needed to put into the packet.

Mayor Ward said the most important thing is to get the information correct.

The Council decided on Monday, June 17th at 6 p.m.

A motion was made by Councilman Peak to cancel the Budget work session for tomorrow, June 11th and reschedule to Monday, June 17th at 6 p.m. Seconded by Gilner.

All Ayes, the motion carried.

1. Executive session to discuss matters of non-elected personnel
 - A motion was made by Councilman Gilner for a period of 10 minutes. Seconded by Councilwoman Reed. All Ayes, the motion carried.
 - A motion was made by Councilman Gilner to return from executive session with a note that no action was taken, seconded by Councilwoman Reed. All Ayes, the motion carried.

- A motion to return to executive session for 10 minutes was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

- 2. Executive session for preliminary discussions relating to the acquisition of real property
 - A Motion to enter into executive session was made by Councilman Peak, seconded by Councilman Gilner. All Ayes, the motion carried.

 - A Motion to return from executive session was made by Councilwoman Reed, seconded by Councilman Peak. All Ayes, the motion carried.

A Motion to adjourn was made by Councilman Peak, seconded by Councilwoman Reed. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy, Assistant City Administrator