



**City Council Meeting Minutes**  
September 3, 2013  
7:00 p.m. Regular Meeting

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

**I. Consent Agenda**

A Motion by Councilman Peak to approve the consent agenda, second by Councilman Gilner all Ayes, the motion carried.

**Open Agenda**

Nothing for open agenda

**II. Old Business**

a) Update on Chieftain Trail

- Mr. McCommon explained that the bid letting is expected to be Sept. 15<sup>th</sup>. KDOT requires an agreement between Tonganoxie and BG Consultants. This is a requirement of the grant.
- He requested the Council authorize the Mayor to enter into an agreement with BG Consultants for engineering oversight of the construction of Chieftain Trail.
- Motion to authorized the signature of the mayor for the City to enter into the agreement by Councilman Peak, seconded by Councilman Truesdell.
- Councilman Peak wanted to know how the administrative overhead cost was calculated. Mr. McCommon said KDOT put the agreement together and they estimated a worst case scenario of overhead being 170% of the construction costs.
- The Mayor asked if Mr. Kelly had reviewed the agreement. He said he had and didn't see any issues with it.
- Councilman Peak asked if the extension on a bridge BG was planning was going to be necessary as part of this project and what that cost would be.
- The Mayor said that was a request for further evaluation by BG to determine whether or not the bridge needed to be extended than what was anticipated originally.
- Mr. McCommon said that was prompted by the state when the City requested a channel change amendment. They requested the bridge be a little longer to not obstruct the channel so BG proposed a slightly different construction of the bridge that is slightly less expensive than the original bridge but was still

within the cost allotted for the project. The original estimate was that the extension would add \$5,000 to the project.

- Councilman Peak asked if aesthetics of the bridge would change due to the extension.
- The Mayor said the Council would have some input on the design of the bridge. The Mayor said yes.
- All Ayes, the motion carried.

b) Update on utilities extension

- Mr. McCommon said that the City finished recording the easements on the east side of the highway which allows the City to start ramping up for sewer line installation. Mr. McCommon said he had a meeting with the Army Reserve and KDOT to get easement descriptions for the west side of the highway.

c) Update on Hwy 24-40 improvements

- Still waiting for approval on the grant submittal. Mr. McCommon said he doesn't anticipate this would take too long.

d) Selection of two voting delegates for the League of Kansas Municipalities

- Ms. Jones-Lacy said that the Council needed to select its two voting delegates and two alternates for League of Kansas Municipalities as well as who is interested in attending the conference.
- The Mayor asked if Council had the opportunity to review their schedules to determine who would like to be a voting delegate and who would like to attend the conference.
- Councilwoman Reed and Councilman Peak volunteered to be delegates and plan to attend the conference.
- The alternates were determined to be Councilman Truesdell and Mr. McCommon.

e) Agreement with Leavenworth County for expanding a culvert on Washington

- Mr. McCommon said that the infrastructure committee met prior to the Council meeting to review this issue. He asked that the item be moved to the Infrastructure Committee section of the agenda.
- Ms. Jones-Lacy provided an overview of the information that she learned in speaking with the City Engineer and County Engineer.
- Brian Kingsley said that he can prepare a concept drawing and estimate of construction and design costs for \$1,500. He suggested that we request 3 bids from a qualified company to construct an ADA sidewalk so we can avoid paying for full design and bidding process which he estimated at around \$10,500.
- However, according to our procurement policy, we cannot do that since the cost is likely to be more than \$15,000. Plus if we can receive grant funds for this sidewalk we will have to go through formal bidding. She explained that two possible avenues for grants were the Transportation Enhancement funds that would be available in 2013 and the Transportation Alternatives funding which would be available after the first of the year.
- Mr. Kingsley mentioned Transportation Enhancement funds may be available starting in November but that would require a full 10 foot sidewalk.
- We may be able to construct a 5 foot sidewalk using grant funds from the Transportation Alternatives program that will open a call for proposals after Jan 1.

- Ms. Jones-Lacy said she spoke w/ Mike Spickelmeyer with the County and he said they are going to survey that area in the fall and would share their survey data with the City engineers which could cut down the costs the City would have to incur.
- Mr. Kingsley said if they did a full survey of the road they could use that data and it would help offset additional surveying costs.
- The County would still do the work if we didn't enter into the agreement but they may not extend the length of the pipe for the future sidewalk.
- The City could add a clause to the agreement and state that the City reserves the right to withdraw from the agreement if costs exceed \$100,000.
- Councilman Donnelly said it appears there are two separate projects being considered, the County culvert repair and the City sidewalk. He said he would like to see the two projects clearly delineated so we can understand the costs. What we're discussing is an agreement to complete the culvert repair with the County and we have thrown in the sidewalk.
- Councilman Truesdell said he was misunderstanding the agreement. Councilman Truesdell said that the County is doing extending the culvert so the City can install a sidewalk. Councilman Donnelly said he understood but there is no requirement for the City to build a sidewalk as part of this agreement. He asked if they would do the work regardless of whether the City builds a sidewalk.
- Ms. Jones-Lacy said the County had budgeted to line the culvert anyway, regardless of the sidewalk. However, the extension is the new piece because of the desire on the part of the county to build a sidewalk.
- Councilman Donnelly asked if we had to agree to build a sidewalk if the culvert extension was done by the county.
- Ms. Jones-Lacy said the draft agreement does not require the City to build a sidewalk at any given time.

### **III. New Business**

#### a) City Administrator Agenda

1. United Way of Leavenworth County Board position – Nancy Bauder and Ken Bernard
  - Ms. Jones-Lacy introduced Ms. Bauder and Mr. Bernard to speak to the Council inviting a member to sit on the United Way Board. She also said the City has agreed to partner with the United Way to offer payroll deduction to employees for those who wish to donate.
  - Ms. Bauder explained the benefits that the United Way provided to Tonganoxie. She also said that Cecilia Harry left the Board and that she would like to increase representation from southern Leavenworth County and Tonganoxie in particular. She said all funds coming from payroll contributions go directly to the agencies they serve.
  - Councilman Donnelly said he would be interested in serving on the Board.
2. Introduction of Bill Holladay, Building Inspector/Code Enforcement Officer
  - Mr. McCommon introduced Bill Holladay and explained that he has a background in electrical work and that he has a knack for balancing public

relations and maintain adherence to the code. The Mayor welcomed him and explained that nuisance violations have been a big topic for the Council as of late and that the more proactive we can be the better.

- Mr. McCommon said he is currently scheduled Monday, Wednesday and Fridays.
  
  - Diane Bretthauer explained to the Council that Team Tongie has raised \$82,382 for medical assistance for children in the district to date. They are hosting a race on October 5<sup>th</sup> at 9 a.m. and the annual block party will be October 6<sup>th</sup> from 3 – 7 p.m. at the high school south of the football field. She said they had a few serious issues going on right now and their account is down to \$500 which is the lowest the fund has ever been and she asked for the support of the Council.
3. Potential sale of old police building
- Mr. McCommon asked if this was something the Council would even consider selling so he could take that back to J.W. Evans who has a potential buyer.
  - Mayor Ward asked Michael Kelly what the process should be in selling any property.
  - Mr. Kelly said with any property for sale there has to be a public notice that the property is available.
  - Mayor Ward asked how long it would have to be advertised.
  - Mr. Kelly said there is no length of time or requirements to advertise formally. You could put a sign on it stating it is for sale.
  - Councilman Truesdell asked if we would have to do anything to it.
  - Mr. Kelly said we could sell it “as is”.
  - Councilman Gilner made a motion to sell the building as is to the best offer, seconded by Councilman Donnelly.
  - Councilman Peak said the offer could be \$20
  - Councilman Gilner amended his motion to allow staff to research the issue and set a dollar amount on the minimum price of any sale. Seconded by Donnelly. All Ayes, the motion carried.
4. Discussion on city planning services
- Mr. McCommon said that BRR Architecture just laid off Kathy Kem and the City is currently not under a contract with BRR.
  - Mr. McCommon suggested that the City contract directly with Ms. Kem as she has shown herself to be very capable and knowledgeable of City planning and zoning. She an eloquent speaker and can manage difficult personalities very effectively.
  - Mayor Ward provided various options for Council to review.
  - Mr. McCommon said he spoke with Joel Skelly from the Planning Commission and he was very supportive of Ms. Kem and approving of her work. He endorsed her as the City’s choice for Planner.
  - A motion was made by Councilwoman Reed to enter into an agreement directly with Ms. Kem for planning services, seconded by Councilman Truesdell.

- Councilman Peak asked if this was subject to a monetary limit or if the City would come back with a contract. Mr. McCommon said the amount would be a wash.
- Councilman Donnelly asked what resources over time will she not have access to by not being a part of a larger firm.
- Mr. McCommon said we would not have access to GIS mapping services but that we get much of that from the County anyway.
- Councilman Donnelly asked where we would get the technical support in the future. He wasn't questioning her knowledge.
- Mr. McCommon said that we could still use BRR for depth of staff or Ms. Kem could sub-contract for those additional services. He said luckily we haven't had to do that too often.
- Councilman Truesdell said he doesn't see it as a problem.
- Councilman Donnelly said we would have to be clear in the contract that we would expect her to have the resources so the City gets what it needs.
- Mr. McCommon said he would like to mirror the BRR contract since that covers the scope of Tonganoxie's needs.
- Councilman Donnelly asked if Mr. McCommon was confident that Ms. Kem will be able to handle the challenges without the depth of a full-scale firm. Mr. McCommon said yes.
- The Mayor said the Council would have to vet the contract.
- All Ayes, the motion carried.

#### 5. New City website demo

- Mr. McCommon and Ms. Jones-Lacy provided a demonstration of the new website. He provided an explanation of the features of the website and encouraged the Council to provide comments and suggestions.

#### b) Mayor Agenda

##### 1. Agenda Format

- Mayor Ward discussed with Mr. McCommon ways to streamline the agenda. One opportunity is for people to sign up online to speak before the Council so staff has the opportunity to research and answer any questions.
- Councilman Donnelly asked if he wants to get rid of open agenda.
- Councilman Peak said he wouldn't be in favor of that.
- The Mayor said he would like to limit open agenda to a set amount of time.
- Councilman Peak said he would recommend putting a time limit on people's comments but that he has seen the Mayor do that now.
- Councilman Gilner said he thinks it would be good to put people on the agenda who have a legitimate concern.
- The Mayor asked for any request to give a deadline of a week before the meeting so staff has the opportunity to address the issue.

#### c) City Council Agenda

- Councilman Peak asked for a suggestion box in City hall for City employees and the public. He said he would like a suggestion box in each department and incentivize suggestions that save the City money.
- Councilman Peak would like to request improvements to Gallagher Park and how much it would cost to put parking and some benches there.
- The Mayor said the Council should be involved in vetting comments for the park. Mayor said he thinks we should have a community meeting.
- Councilman Peak asked if we have done anything about the old green fire engine and if we have worked to have the item sold.
- Mayor Ward asked if he wanted to know if the Council would approve the sale of the old fire truck. Councilman Peak said yes.
- Councilman Peak wanted to know if the City could get a strategic plan in place when we decide what we'll do with City property.
- Councilwoman Reed suggested that we go back to the capital projects list and prioritize these projects.
- The Mayor asked Mr. McCommon to check with Dave Bennett on the fire truck.
- The Mayor said that we typically have the conversation on prioritizing capital projects during Budget season but we haven't been doing it because we haven't had any money for so long but we still need to plan. Eventually the City will have funding to tackle some of these issues. He said we could tackle this issue in a piecemeal way.
- Councilman Truesdell said the Infrastructure meeting has discussed that some.
- Councilman Donnelly wanted to know what the full mil levy is for the City now if the 4.5 mils was increased for the new school. He asked if that was for the school building or the 2014 Budget. He wanted to know what the total Budget impact would be for the City.

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