



City Council Meeting Minutes

October 7, 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 Peak and Mayor Ward were in attendance. Councilman Truesdell was absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Police Chief Jeffrey Brandau, City Engineer Brian Kingsley and City Attorney Michael Kelly.

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

Open Agenda

Nothing for open agenda

Old Business

- a) Update on Chieftain Trail
 - Mr. McCommon said we are expecting a performance Bond from King's Construction in the mail. He told Council staff would have a pre-construction meeting set for Friday morning.

- b) Update on utilities extension
 - Kent Heskett has been getting quotes on boring and manhole replacement. Staff plan to have the contract ready by Wednesday.
 - Since the last Council meeting we received legal descriptions of the road right-of-way on the west side of the highway. The description was labeled as temporary, however the contact from KDOT said that he is 99.9% certain that these descriptions would not change. KDOT staff state the easement descriptions are temporary Mr. McCommon said he wanted to make sure that there wouldn't be any jeopardy of conflicting with the permanent easement descriptions.
 - The Mayor said this is something Council discussed when they first received the preliminary descriptions. We found that KDOT uses the "temporary" language as a matter of course. The only way to completely eliminate the City's risk would be to wait until KDOT is completely finished to get a finalized ROW description.
 - Brian Kingsley said he thinks the risk is minimal since the City needs to get this project moving and reduce the cost associated with waiting.
 - Mayor Ward asked if the City Administrator could move forward with easement acquisition and utility description.
 - Mr. McCommon said the next step is to direct BG Consultants to write the easement descriptions and follow with talking with property owners.

- c) Update on Hwy 24-40 improvements
 - Under a former request the City has amended the corridor plan and KDOT has awarded approval for access management funds.
 - Mr. McCommon is requesting approval of an agreement with BG Consultants for traffic signal design.

- This agreement is between the City and BG for the traffic signal and median improvements and a sidewalk. KDOT said they didn't believe there is a need for any geometric improvements such as adding lanes. The full project is expected to be \$376,000 for the full agreement.
- Mr. Kingsley said the total project estimate was \$370,425 and of that KDOT covers 100% of construction up to \$300,000. The remaining cost of engineering and design and possibly easement acquisition if it's needed which is not anticipated. This agreement gets the finished plans approved by KDOT ready for bidding. On or around April 1st BG would be ready for bid letting.
- Mr. McCommon said the Council can expect to proceed with survey and environmental review which would verify the need for easement. KDOT will bring to staff the agreement of grant management of the project which we would expect to bring to Council the first meeting of Nov.
- Mr. Kingsley said the schedule assumes project completion in Sept as long as all equipment can be purchased and delivered in a timely fashion.
- Mayor Ward asked what kind of improvements would go in the median.
- Mr. Kingsley said the pavement is wide enough there would have to be some kind of safe haven in the middle but he's not sure what that would look like.
- Councilman Donnelly asked if the total cost is at or below what was presented at the last meeting. Brian confirmed that it was.
- A motion was made by Councilman Gilner for the Mayor to sign the contract to not exceed \$37,426, seconded by Councilwoman Reed.
- Councilman Gilner said when we had a meeting on this topic there were a lot of people who volunteered to donate some money for this project and he wanted to know if there was anyone who wanted to make a donation.
- Councilpersons Gilner, Reed and Peak voted Aye and Donnelly abstained. The motion carried.

New Business

a) Gallagher Property Update

- Mr. McCommon said he met with the Gallagher family regarding the project where the white house at 301 S. Main Street was located.
- Mr. Harry Gallagher and his wife Karen said they live in Jefferson City but they have a home in Kansas City near state line. He said the reason they are here is because they want to help the City make the area into parkland. He said he looked at other park properties with Mr. McCommon and the proximity of this location to other park properties makes sense to donate the property. His mother purchased the property in 1948 and it means a lot to his family and would mean a lot to his mother to make this project into a park. He would like to see a shelter house on this property along with typical park items such as benches, tables, etc. He said they want to do whatever they can to help including raise money for the park, etc.
- Mayor Ward said what they have done to date is just step one. City crews did a great job and the proximity to the pool makes it really valuable. What we need to do is determine a plan and pursue that. He said he agreed with the having a shelter house there. This always comes back to budget and what we can do and when. He said there are a lot of people in town who are interested in seeing that property evolve and helping to raise funds.
- Councilman Peak said he got a call from Mr. Gallagher and referred him to Mr. McCommon. He said the RCDC has some funding available that he would be happy to provide. We just need to get a plan together to start.
- Mr. Gallagher said Mr. McCommon has his contact info and any time the City thinks he and his wife can be helpful to please let him know.
- Mayor Ward said he would like to reach out to all of the civic groups to have a meeting. He wants to get everyone in the same room to get ideas to bring in the Historic Society, East Group, Civic Club and the Gallaghers can come to that meeting and provide their feedback.

- Mr. Kingsley said the Transportation Alternatives Program funds trail heads and scenic beautification. He said BG could participate in those meetings at no cost and would be happy to assist.

b) 2013 Water Park Season in Review

- Mr. McCommon introduced Darren Shupe, water park manager. He said the pool has been in operation since 2008 and it's going through its fifth season. He provided attendance information for the last five years. He said they had a lower number of season pass holders this year and that of course translates into lower attendance numbers. This May was really cool and wet and it reduced attendance dramatically from 2012, which had a heat wave. He explained the data that he provided. He said the facility is in great shape. He thanked Lloyd Wisdom and his staff for the work that he and his crews do all summer.
- He said this year they had two assistant managers, 25 guards and 5 concessions and admissions clerks. He would like to increase the number of chairs each year up to about 30. He said they purchase a few umbrellas each year. He said the computers are on their fifth or sixth year and IT contractor Jeff Bunnell said we may need to replace the two computers next year. He thanked Janet Falk and her swim team for their contributions to the pool.
- Councilman Donnelly asked if the swim team's numbers were included in the attendance numbers. Mr. Shupe said no.
- Councilman Peak asked how the expenditures were for the year. Mr. McCommon said they were down from the previous year due to staffing changes.

c) Update on City shooting range

- Mr. McCommon said that he spoke with Mr. Dowd who made some recommendations on the use of the shooting range, perhaps limiting its use to only Monday through Friday from 8 a.m. – 5 p.m. He said that Chief Brandau's comments are also included in the packet. He said another neighbor expressed similar concern of being bothered by the noise and to restrict its use.
- There has been a change in the use of the range and now officers have to check out a key to unlock the range and sign a log.
- Mayor Ward said he had asked that we get an understanding of the use of the facility so he is glad to see a log. He said he has to defer to the Police Chief and the best way to train the officers but at the same time be respectful of the residents in the area. He said he welcomes any comments from Mr. Dowd.
- Mr. Peak said he could hear the shots at a nearby auction. He said he respects the way that Mr. Dowd brought up the issue. He visited the range and that Mr. Dowd obtained two substantial changes that the range is locked and that there is a log to use the range. As to Mr. Dowd's recommendations, he said he would defer to the Police Chief.
- Mayor Ward asked if one of the issues is the topography.
- Stacey Meyers, a resident near the shooting range, said she hears shooting at all hours.
- Chief Brandau said there is a lot of shooting going on all around this area and the range is locked at night. Plus he has a log of when the range is used and there are no lights at that range. Chief Brandau said that periodically the police have to practice in low-light, no-light situations.
- Mr. Dowd said he knows when the shooting is coming from the range and the amount of shooting has been less as of late. He said he doesn't think five days a week is unreasonable. Ms. Meyers said she agrees. She said her kids are outside playing and since she doesn't know when a stray bullet could come over that hill, she is concerned and doesn't allow them outside when there is shooting.
- Chief Brandau said that his officers do shoot on the weekends because that's the easiest time to get qualified because he can bring part-timers in to work shifts. He asked the Council to review the log and the topographical map.

- Councilman Peak asked what the cross check was on the log.
- Chief Brandau said people have to check out a key.
- Councilwoman Reed said the log is showing 8 hours in a one-month time period and she doesn't see that as excessive. She asked the two if they thought the shooting has been more excessive than 8 hours.
- Mr. Dowd said he thinks it's maybe been a little more than that. He said he doesn't think 8 hours is outrageous. He would just like to not have it used on the weekends.
- Chief Brandau said that there was construction out there all summer and that there were no targets set up and the range was rarely used.
- Officer Cannizarro said there is shooting along 24-40 and the shots echo all over.
- Chief Brandau said as long as they are reasonable and prudent in its use, there should be no restrictions.
- Councilman Gilner asked if other groups used the range.
- Chief Brandau said Basehor uses it once per year and the U.S. Marshals use it quarterly along with one other user who accesses it intermittently.
- Councilman Donnelly recommended a camera to see if others are using it.
- Mr. Dowd said he wasn't asking for the range to be shut down just to put some parameters on its use.
- Mayor Ward said the first step should be to find out who is using it and then come back to discuss use.

d) Update on sidewalk on Washington

- McCommon said he received an estimate from BG on the cost of constructing a sidewalk which is \$105,000. We have enough specifications that we could put an advertisement out to contractors.
- The Mayor asked if this included improving the surface to the east.
- Mr. McCommon said that it does and it also includes a 6 ft. tall fence.
- Mr. McCommon said the Capital projects fund has been the primary source for projects like this. That fund has mostly paid for debt service and Chieftain Trail this year. The easement acquisition was slightly over estimate and we do anticipate a slight savings from the trail. There are a couple of sources in the budget the Council has not previously considered for funding and that includes the Special Highway fund, which traditionally pays for street maintenance. The third source is the General Fund which would be a consideration of fund balance for a capital item. He said he's anticipating \$140k of uncommitted cash balance in the Capital Projects Fund. We have about \$40,000 available for nothing or something. There is a grant option available for this type of project. We can learn how strong of a candidate this project could be for grant funding soon as there is a meeting on the Transportation Alternatives grant October 28.
- Mayor Ward said it's very helpful to know where we stand with these funds. Obviously it's an important project for our City but we still have to have the funds available.
- Mr. Kingsley said that this is a construction cost estimate of this project. If we applied for a grant, the cost estimate would increase because of the need for full design plans. This would be a project that would break ground in early 2015 most likely with grant funding.

e) City Administrator Agenda

1. Continuing Disclosure & Arbitrage Agreement with Springsted Financial
 - Mr. McCommon said that when we issue bond debt that we are required to issue that publicly provide what is called continuing disclosure. Mr. McCommon said he looked around to find out who provided this service and it makes the most sense to continue to use Springsted since they already provide this service for our other debt issuances.

- Mr. Kidney said Springsted has been doing continuing disclosure for the City for a while. This is an addendum that adds the most recent bond issuances. Any bond issuer is required to continually update the market on the City's financial status via continuing disclosure. Mr. Kidney said it's not a money-making deal for anyone but he said we need to make sure this is done for our clients because without it, the City would have trouble issuing bonds in the future.
- The second part is arbitrage requirements which the IRS says if you issue tax-exempt bonds, they will not allow you to earn interest on that. We have to keep track of how much money is earned in our debt service fund. In the past we haven't been subject to arbitrage before because the City was considered a small issuer before because all issuances were less than \$5 million. This last issuances was \$6 million. Any interest earned would have to be rebated back to the IRS.
- Springsted does this calculation every five years to find out what, if anything is owed to the IRS.
- Councilman Donnelly said that the City could possibly earn interest in the future if the market changes.
- Mr. Kidney said if we start earning positive arbitrage that the City gets to keep some of it but we can't earn a lot more than what we are paying, according to the IRS. The concept of the law is to prevent the City from receiving the full benefit of earning interest on a tax-free issuance.
- Councilman Donnelly made a motion that the Mayor execute the agreement with Springsted, seconded by Councilman Peak.
- All Ayes, the motion carried.

2. Purchase of cabinets and furnishings for the fire station addition

- Mr. McCommon explained that the fire chief is ready to add cabinets and furnishings to the new addition and received some quotes from a few vendors including Home Depot who had the least expensive cabinets available for purchase. The fire chief asked for expense authority not to exceed \$9,000.00 for cabinetry and countertops and not to exceed \$10,000.00 for furnishings.
- The Mayor made a point that this was a minor item that perhaps could be approved in another manner. He wanted to know how this information should come back to the Council in the future.
- Mr. McCommon said this particular issue would provide a good example of a need to revise our procurement policy. If we had hired a contractor for a project like this, we would have gotten Council approval by way of approving the general contract instead of coming back to Council in a piece-meal way.
- Mayor Ward says this doesn't make sense to approve every item. He wants the Council to play a role in important large projects but there has to be a happy medium between approvals and moving a project on down the road.
- Mr. McCommon said the original list of the project budget included cabinets and furnishings.
- Mr. Kelly said Chief Bennett should have provided more specific details on the prices and itemizations according to the purchasing policy.
- Councilman Peak said we should turn it down and require these quotes from the Chief Bennett.
- Mayor Ward said he doesn't think all of these items should come back as action items. Mayor Ward asked if it's the Council consensus to require more details.
- Councilman Donnelly said if we spend 100% of the budget on everything we aren't going to have the money available for anything else. We never choose not to spend it.
- Councilman Peak said he doesn't understand why there isn't an itemized list of items to purchase. He said the Council should be given the courtesy of seeing the items Chief Bennett wants to purchase and the exact cost.

- Councilman Donnelly said making decisions such as this is what he trusts staff to do.
 - Councilman Peak said he would like to know exactly what the City is purchasing so we can keep track of these items so there is a paper trail.
 - Mr. Kelly said the way the agenda statement was written is that it doesn't strongly conform to what the purchasing policy states.
 - Mr. McCommon suggested that if the Council agrees to the purchase that he would commit to provide to the Council the exact prices for these items along with the competitive quotes within the next few days. He said that we can do some homework and return to the Council for blanket approval for the remainder of the project items.
 - Councilman Peak made a motion to approve the purchase of cabinetry not to exceed \$9,000.00 and furnishings not to exceed \$10,000.00 contingent upon an itemized list, seconded by Councilwoman Reed.
 - All Ayes, the motion carried.
3. Purchase of sewer plant explosion-proof heater
- Mr. McCommon said the City's sewer plant broke down last winter. The funding source for this would be the sewer equipment reserve fund. Each year the Council appropriates funding for maintenance and we have not had to tap into that very much this year, only for the auto-dialers for the lift station.
 - Councilwoman Reed motioned to approve the purchase from RW Engineers, seconded by Councilman Gilner. All Ayes, the motion carried.
4. Agreement for City Planning Services
- Mr. McCommon provided an explanation of the agreement with Midwest Planning Services, LLC which is Kathy Kem's group. She has affirmed to Mr. McCommon that she has GIS capacity. She also has on her team the former Development Directors from Kansas City, MO and Lenexa, KS.
 - The agreement puts a spending cap of \$200,000 and he said his motive behind that is to allow for extra usage if we have a big development deal in one year. Any expenditure would be subject to Council appropriation.
 - Councilman Donnelly said he didn't see it in the agreement that it was a non-exclusive contract.
 - Mr. McCommon said that by its absence it is non-exclusive.
 - Mr. Kelly said that would work fine.
 - Mr. Donnelly asked if termination for convenience is in the agreement.
 - Mr. McCommon said yes and referenced Section 14(B) allowing termination in the best interests of the City with thirty days written notice.
 - Councilwoman Reed made a motion to execute an agreement with Midwest Planning Services, LLC, seconded by Councilman Peak.
 - Mayor Ward said Kathy Kem decided not to attend tonight out of respect for the Council to discuss this issue freely without feeling pressured by her presence.
 - All Ayes, the motion carried.
5. Closed session to discuss matters of non-elected personnel
- A motion was made by Councilman Gilner to move into closed session for five minutes. Seconded by Councilman Peak. All Ayes, the motion carried.
 - A motion was made by Councilman Gilner to return from closed session with a note that no action was taken seconded by Councilwoman Reed. All ayes motion carried.

6. Request to fill Maintenance Worker I at Range 4, Step A and Police Officer at Range 7, Step C
 - Motion made by Peak, seconded by Donnelly. All Ayes, motion carried.

7. Agreement with Espy Services for an audit of phone bills
 - Ms. Jones-Lacy explained that Espy Services would provide an audit of City telecom services to ensure it was getting charged in accordance with pre-established rates and would negotiate on the City's behalf to receive price breaks on future bills. If the audit revealed overcharges, it would work to get those rebated. Espy's fee is based on actual savings acquired. If the City received credit from past over charges, we would pay 50% of those savings to Espy. If there is a savings on future telecom bills, the City would pay 50% of those savings for one year. If we choose to pay those savings up front, Espy would discount their fee by 15%.
 - Mr. Kelly said he had reviewed the contract and thought that the venue for any legal action should be in Kansas. The agreement currently states that it would be in the jurisdiction of the complaining party.
 - Councilman Donnelly said it needs to be changed to Kansas.
 - Mr. Kelly also said if the City were to receive a large portion of savings refunded due to overcharges, the City would have to find the money to pay Espy half of those savings even though the City may only receive the benefit through invoice discounts over time.
 - Ms. Jones-Lacy said the likelihood that this would be a significant amount that the City would not be able to afford is slim.
 - The Mayor asked if Council would approve the agreement contingent upon changing the venue for legal proceedings to Kansas.
 - Councilman Peak made that motion, seconded by Councilman Gilner, all ayes, the motion carried.

8. Employee performance evaluation policy
 - Mr. McCommon explained the main points of the recommended performance evaluation policy. He said that pay should be tied to performance and allow for staff to distinguish between average and exceptional employees. This policy provides a 2.5% raise to anyone who meets expectations and a 5% raise to anyone who substantially exceeds expectations. These must be approved by the City Administrator. He said he this proposed policy would require evaluations around the employee's anniversary date and require a special review period if an employee fails to meet expectations.
 - Councilman Peak said the evaluations should distinguish great employees from average ones.
 - Mr. Gilner said he likes the idea of some kind of evaluation policy like this because he doesn't like the fact that all employees get the same raise.
 - Mayor Ward said he believes we should encourage people to move up in their position and perform. This pays off. His concern is anytime you have an evaluation policy where you divide people into buckets, everyone will move into a certain bucket which would change how we budget raises. He wanted to know why we don't look into breaking the raises out into multiple buckets of various percentages instead of only giving a 2.5% or 5% raise.

9. Discussion on utility billing policies
 - Ms. Jones-Lacy explained the need for an official utility billing policy so that it removes a lot of the discretion that staff have on determining late fees and other charges. She explained the key provisions of the policy including when late fees are assessed and that the policy would be not to waive this fee unless there is an

administrative error. That anyone who cannot pay their bill have up to 14 days after the shut-off date to pay but they have to come into City Hall to sign a form stating when they would pay. That any waiving of reconnect fees would require two levels of staff approval. Also, that after-hours reconnection fees would not be waived and would increase from \$60 to \$75 to adequately cover the cost of staff overtime. She also explained that the City would require a deposit for renters of \$100 which would be refundable with interest after someone pays their final bill. She said an ordinance formalizing some of these items would be presented at a later meeting.

- Councilman Peak asked if the policy would still allow residents who have substantial water leaks to pay these off over the course of a year.
- Ms. Jones-Lacy said that was a good point and that would not change.
- Councilman Donnelly said he didn't agree with not providing discretion to waive the late fee. He works at a bank and it's his position that at some point we will want to waive that fee.
- Ms. Jones-Lacy said the intention was to provide for greater consistency in application and that the policy allows us to waive the fee if there is an administrative error. Otherwise it would be consistently applied to anyone paying after the 15th.

f) City Council Agenda

- Councilman Peak said he's gotten a lot of complaints from residents on the \$1 convenience fee for the online payments.
 - Councilman Donnelly asked about the cost of credit card fees and said that the \$1 wouldn't even cover that fee.
- Councilman Peak asked about the suggestion boxes – Mr. McCommon said it's on order.

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

Respectfully Submitted,

Jennifer Jones-Lacy, Assistant City Administrator