



City Council Meeting

October 21, 2013

7:00 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, Jeffrey Brandau, City Engineers Jason Hoskinson and Brian Kingsley and City Attorney Michael Kelly.

I. Consent Agenda

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

Open Agenda

Nothing for open agenda

a) Approval of final plat for the elementary school

- Mr. McCommon explained that the Planning Commission approved the final plat contingent upon a few factors being met including a traffic study explaining how the traffic congestion issue will be satisfied. Mr. McCommon invited representatives from the school to explain how those contingencies were satisfied.
- Travis Wilson, HTK Architects, said that the traffic study they recently received. He said they realize that there will be additional cars to this intersection. He said the current study rates the intersection at East and Washington at a current level D but if a turn lane were added it would increase it to a level B. He said the misalignment of East Street was done several years ago when the middle school was built. He said he understands the City plans to realign that at some point in the future and focuses on the north side of Washington Street. The KDOT study focuses on 14th street being a main collector. The steps we're taking now improves the level of service. The other question was where we would store cars. The plan allows us to store vehicles on-site and off of Washington and limit the potential for further congestion on Washington. The current plan has the school accessing 12th Street to bring buses in and out, which is 18 buses and would alleviate congestion of cars and buses using the same roads.
- Mayor Ward asked Joel Skelly, Planning Commission Chairman, to explain their process and what they have done.
- Mr. Skelly, 1017 Starla Court, said the Planning Commission reviewed the site plan and plat review. Their questions revolved primarily around the traffic issues associated with the school and that intersection. He said he noticed there are peak times in the morning and afternoon. There was a concern that with the amount of new students at that location and how the traffic would be handled. He said their recommendation was contingent upon staff review because the information provided from the school architect was provided at 5 p.m. the day of their meeting. There were some concerns with safety particularly in the light of a few students getting hit by cars while crossing Washington. Traffic mitigation needs to occur and he said he thinks that has been addressed. He said he would be comfortable with staff response. He said they focused all their recommendations contingent upon staff recommendations and issues being addressed.

- Jason Hoskinson, BG Consultants said that a lot of the information submitted addressed their concerns but he said the main thing they are not comfortable with was the scope and timing of improvements to East and Washington Street intersection. The school recommends a left turn lane on Washington to East Street and no other improvements at this time. The study suggested a realignment of East Street to the north. There is a significant amount of traffic going through that intersection with this development. Level of service has improved but if west-bound Washington Street doesn't have a left turn lane, that will cause problems and there is some safety concerns. There is also concern about the off-set of East Street. When the road was originally put in BG's recommendation was to extend the road so that it's in line with the north-side of East Street but that was not done at that time.
- Councilman Peak asked what the cue time would be on East Street. He said someone planned an elementary school there but why wasn't some of these issues addressed early on prior to issuing bonds or going to a public vote on that. Peak asked if putting the school in that the traffic will be fairly congested at peak times. He asked if the City needs to make improvements now.
- Mr. Hoskinson said that in 2011 a traffic impact study was prepared and it was recommended that a number of improvements be made at that intersection including mitigating the off-set of alignment, adding turn lanes, etc. BG concurred with those recommendations at that time. He said they believe improvements are warranted at that intersection. Adding more traffic only adds more need to improve that intersection. From a safety stand-point, now might be an opportune time to address some of those issues. The final plat dedicates ROW and easements in that area. I haven't seen a design for East/Washington intersection improvements. If the plat were approved tonight the additional easement could be acquired at that time to make those improvements.
- Councilman Peak asked if Mr. Hoskinson was saying there would be no need for the City to do anything at this time. Mr. Hoskinson said their professional recommendation is to improve that intersection. There will be increased delays without the improvements. The study doesn't indicate catastrophic backups or gridlock but there will be delays.
- Councilman Donnelly referred to a letter to Kent Heskett from Jason Hoskinson– that said the improvements to that intersection had twice the traffic as noted in the original study. Mr. Hoskinson clarified that the school went from an 800 student capacity school as planned in 2011 to a 1200 student capacity school in 2013 which would increase traffic. It appears that the trips generated by the current plan would increase traffic. Donnelly wanted to clarify that we aren't relying on 2011 data. Hoskinson said they are using 2013 data.
- Councilman Donnelly said that we are talking about KDOT stuff but that he reads that the traffic study uses KDOT guidelines. Mr. Hoskinson said his concern using the Access Management policy was that the study showed a left-turn lane wasn't needed for west-bound traffic. Typically a left-turning movement is not the main movement. You typically want to focus on moving through traffic down the road. Since the left-turn lane is not the main movement he didn't see it as a good use of that data.
- Councilman Donnelly asked if the traffic study was skewed. Mr. Hoskinson said the traffic study is still valid. The study says the City and County needs to determine when improvements are needed to East and Washington Street. Mr. Hoskinson said the main question is when are improvements needed for that intersection. It is his opinion that improvements are needed now.
- Brian Kingsley said that the main issue is that the school is viewing the intersection improvements as a City improvement rather than a school improvement. He said the intersection would be safer if it were improved. Mr. Kingsley asked if there would be cuing on East Street, the architects from the school said that the cuing would all be internal in the school drive.
- Councilman Peak asked if the study in 2011 took into account changing of the buses. Mr. Hoskinson said no that they were planning all of the traffic to come down East Street. Mr. Wilson said there are about 1,000 kids who ride the bus system.
- Mr. Kingsley said we are discussing 12th street as a temporary solution. His concern is that the corridor management plan for 24-40 eliminates the 12th street intersection. Getting from the driveway of the school to 14th street could be an issue. Some day a road would have to be built from 14th Street. He said that it might be a City improvement or maybe the developer of the neighborhood would build that street. Mr. Kingsley said when that property develops to the south

the City would have a partner in that development on the south side of 14th Street and the City should be thinking about this improvement.

- Councilman Peak said discussions have occurred on this in the past but the issue is funding. Mr. Kingsley said the way to fund it is through development on the south-side of 14th Street.
- Ryan McCay, BRR Architecture said the review has centered around the site development plan. The traffic impact on the existing roadway and surrounding community. He said handling the intersection of Washington with 24-40 may mean a reduction of speed along that lane. He said trying to alleviate the congestion for residents on 12th street is a concern. One way to do this is to condition the school district to only allow traffic during the week for school and not allowing it for any events outside of school hours/days. He said the final condition was the landscaping and that technically the applicant meets the landscaping conditions. The City has asked that they add to the landscaping to balance the aesthetic. The final condition is to address the traffic concerns already discussed.
- Councilman Donnelly asked if there was a requirement to speak to KDOT about this. Mr. McCay said there is no reason to get approval from KDOT unless there were improvements to 12th Street but the City could make it a condition of approval if they so choose.
- Mr. Hoskinson said KDOT counts traffic periodically so it wouldn't be totally ignored by them.
- Mayor Ward said KDOT looked at 12th Street recently and probably wouldn't review again.
- Councilman Peak asked the Mayor if the City looked at prior recommendations broken down into cost to realign East Street. He asked if any of these issues brought up and asked who would be responsible for paying for this. The Mayor deferred to Councilman Truesdell. Councilman Peak said he wanted to know if there were any costs drawn up to any enhancement to that intersection. He said he wanted to know the City's financial responsibility.
- Councilman Truesdell said they didn't discuss turn lanes as part of the Infrastructure Committee discussions.
- Mr. Kingsley said there were conversations about realignment and it was approximately \$175,000. The nursing home had discussed donating right-of-way at one time to get that job done.
- Councilman Peak asked he needed to know what this project would cost. Councilman Truesdell said that was his question too.
- Mr. Wilson said the realignment was the only improvement they said they wouldn't do at this point. The portion of the street that connects the parking lot is covered by the bond dollars. The school has constructed East Street in its entirety to Washington on both sides of the street. The deceleration lane is a part of the school plans and would be covered as part of the project. The school provides that deceleration will free up traffic to make a left turn onto east street heading west on Washington and creating the traffic flow to an A level of service for cars coming from the east to west only.
- Councilman Truesdell said the City has always assumed the City would make the improvements to East Street.
- Mr. Kingsley said the realignment is a safety issue that is recommended by BG but it's not a functional need.
- Mr. Hoskinson said people going east on Washington is a free flow movement so folks turning left onto East Street creates a higher likelihood of rear-end collisions.
- Mayor Ward asked that by adding the east-bound turn lanes would upgrade those turns from an F to a D and over 20 years, that would go down to an F if there aren't further improvements.
- HTK Architects confirmed that.
- Mayor said what he hears most is there needs to be a realignment at East Street and that needs to be done. He asked why the school couldn't fund that realignment out of that \$20 million bond issue that just passed. He asked why the School architects don't think we need a realignment now.
- The school architects said there is no delay time for the left turn going west bound on East Street.
- Councilman Peak said school does the deceleration and that covers the issue for now or does realigning the road necessary or will that only be enhanced when traffic is flowing through to 4th Street.

- Mr. Randy Weseman said that during conversations with Councilman Truesdell and Nathan was that the City had considered making those improvements but made no definitive plans to get it done.
- Mr. Kingsley said he didn't know if you could keep cars from taking the Pleasant Street intersection. It's not the safest condition.
- Councilman Donnelly said the projected traffic to be four cars per hour on the peak hour going north or south on East Street. Do we want to spend over \$100,000 for four cars.
- Mr. Hoskinson said level of service is not the driving factor in creating a left-turn lane. The driving factor is safety and the likelihood of someone getting rear-ended while waiting to make a left. There is a good likelihood of that which is why we are suggesting it.
- Mr. Kingsley said we might be trying to settle a political issue of who is going to pay for this and trying to make it an engineering issue. Kingsley said that there is a gap to fill and that residential developments would occur. Typically when the ROW is platted, the road is built.
- Councilwoman Reed asked if at this point there are some improvements the city could make to this intersection and that the school is going to cover the improvements that would create the immediate traffic problems.
- Mr. Hoskinson said yes.
- Councilwoman Reed said she doesn't see a problem with approving the plat as submitted. So she made a motion to approve the plat as submitted.
- Seconded by Councilman Truesdell.
- Councilman Peak asked if the school would pay for the turn lane.
- Mr. McCay said the Planning Commission made a recommendation to approve contingent upon several factors which is not included in the plat as submitted.
- Councilwoman Reed amended her motion to approve the plat contingent upon recommendations by the Planning Commission A-E and bb-ee.
- Mr. McCay made the clarification that item aa was removed by the Planning Commission because it wasn't deemed necessary at the time.
- Seconded by Councilman Truesdell.
- Councilman Donnelly asked Mr. Skelly if he felt comfortable that the public had adequate opportunity to hear this issue.
- Mr. Skelly said he feels comfortable.
- Mr. Kingsley said nothing in this motion explains how the driveway to 14th Street will be extended since 12th Street is a temporary solution. He said he thinks it would be healthy now to address that issue since both the school and city are in the same room.
- Lawrence Hill, citizen, said the kids walk across the road where buses will cross and asked how that would be addressed.
- The school architect said it might behoove painting a cross-walk.
- Councilman Donnelly said to solve all the issues Mr. Kingsley brought up is going to cost a lot of money. To Mr. Kingsley's point, he said we need to be thinking long-term and that could be 10 years or 50 years. There is no way we can afford all of the improvements.
- Mr. Kingsly said he believes that when the 14th street intersection is put in even if it's not extended to the school, 12th street is going away and that buses will have to find another way to access the school and that they will be forced to use a residential street that doesn't want them.
- Councilman Donnelly said this might be 30 years down the road and that we need to address more immediate concerns now. Mr. Kingsley said it's a matter of how soon the Sorenson property to the south develops. Mr. Kingsley said as long as the school and City understands that there will need to be a partnership between the school and the City. He said he doesn't know that the issue can be solved today but he wants council to be aware of the issue.
- Councilman Truesdell said the Infrastructure Committee has been working on this.
- Mr. Skelly said to Brian's point is that there doesn't need to be an agreement tonight but the Planning Commission thinks the Council needs to not lose track of what should be done on a large-scale because that's how we got into this situation today. We need to continue to look at that because there is likely to be some growth due to developments to the east. We don't want to

run into another situation where we can't afford to do what we need to do such as where we're at today.

- Mayor Ward said that the traffic study says at some point the street needs to be realigned. BG said it should be done now, the school architect says it doesn't need to be done now. School Architects say it needs to be looked at for future development but it's not necessary now. BG said they have to fall back on professional liability reasons and that their key issue is safety. Mr. Kingsley said City regulations do not allow off-set intersections. It was created then because funding wasn't available for that intersection.
- Councilman Truesdell asked if the main issue was rear-end collisions for people making left turns on East Street. He asked how many of these collisions occur now.
- Councilman Peak asked why the road is misaligned. Mr. Kingsley said the school didn't want to acquire the easement. Councilman Peak asked why this was approved. Mr. Kingsley said the plat was approved by the City.
- Councilman Gilner said the school and the city agreed at the time to do that.
- Councilwoman Reed asked if any of the grants would cover any of these types of cost. Mr. McCommon said that he will look into it.
- Mr. Skelly said he helps administer that program and that Transportation Enhancement wouldn't accommodate that type of improvement and that Safe Routes to School would not provide adequate funding for this type of project since it's primarily for sidewalks and crosswalks. Also a grant was provided in the past to make improvements to the existing elementary school and it's not looked upon favorably that the project will no longer be used as a school and since funding was provided.
- Mr. McCay provided clarification of what approval of the final plat would mean.
- All Ayes to approve the plat. The motion carried.

The Mayor asked for a five minute recess.

I. Old Business

a) Update on Chieftain Trail

- Mr. McCommon said the start date is November 4th to break ground. Set for November 1st at 4 p.m.

b) Update on utilities extension

- Mr. McCommon said City crews has begun laying the water line.
- The army reserve plans to acquire the property they intended to buy by mid-November.
- He said the US government has a rule that says it can't maintain any utilities off of their property. They asked if the City would maintain the section of the pipe under 24-40 and the City would pick it up.
- Mike Kelly said the City could request a contribution from the army to be held in a separate fund for water-line maintenance.
- Councilman Donnelly asked if we could connect others to it.
- Mr. Kingsley said it will be a pressurized pipe and it would need to sized-right because it's only sized for the army's use right now. The gravity sewer will be extended as it ends on cemetery property at the culvert that crosses under the driveway. The extension will need to occur at some point in the future.
- Councilman Peak asked if this would prohibit the Christian Church from hooking into the water/sewer lines.
- Mr. McCommon said water connection was the only request he understood.
- Mr. McCommon said he asked for easement descriptions for the east side of the highway which will allow the City to discuss getting easement from property owners.

- c) Update on Hwy 24-40 improvements
 - Mr. McCommon said he will be following up with Mr. Skelly on the grants since the City is in the MARC region instead of the KDOT region.

II. New Business

b) City Administrator Agenda

Action Items:

1. First Read: Ordinance 1372: Amending the 2014 Water/Sewer Rates
 - Mr. McCommon said this is an amendment to the standard ordinance which would increase rates 3% per year. This would increase that an additional 9.5% as discussed by Council during Budget discussions.
 - Councilman Peak asked if this levies the increases to all residents. Nathan said yes.
 - Councilman Donnelly asked if he could get comparative rates to other cities
2. Employee performance evaluation policy - Tabled

Informational Items:

3. Summary of Fire Station Expansion Project
 - McCommon said that the remaining purchases are in the hundreds of dollars so there is no need for any additional approvals.
 - McCommon said the contractor understood the City's budget restraints and was able to save us some money.
 - Councilman Truesdell asked if we only got one bidder for the building. Mr. McCommon said we actually got three. He said when we got quotes the actual cost were typically lower than the original estimates.
 - Mayor Ward congratulated City staff on the savings they were able to achieve.
4. September 2013 Financial Report and 3rd Quarter Treasurer's Report
 - Mr. McCommon said water and sewer trends were lower than anticipated, almost 10% lower than it was a year ago.
 - There is a policy change in the municipal court on payment plans in how we require payments from those who have fines.
 - Mr. McCommon said that we are continuously monitoring IT support and automotive maintenance.
5. Renewal of County Sales Tax
 - Mr. McCommon said the City of Leavenworth is proposing a city sales tax of 1% to offset the burden of property tax. They are proposing that go on the ballot in February of 2014 and reduce their property tax levy accordingly.
 - The County Administrator thought that would have an impact of the renewal of the County Sales Tax which ends in 2016. He said the last vote was a 16-17 month process to ensure people understand the value of the tax. He said he had a conversation with the County Administrator that the vote be November 2014 so that if it fails, there is time to raise it to a vote again. He said he's been meeting with them about every two weeks and asked if the Council had any questions they wanted him to raise.
 - Nathan said he met with City Manager or Lansing, Leavenworth and Mayor of Basehor and they said they could push it as far as November 2015.

- Donnelly asked why the election wouldn't be held on the same time. Mr. McCommon said the thought was that it jeopardizes one or the other. Donnelly said all Cities and the County needs to be unified in this effort.
- Truesdell said several major projects were paid for with this funding.
- Donnelly said we need to go early if Leavenworth is going early.
- McCommon said the neighboring cities preferred April 2015 thought that would be the better date.
- He asked the Council's preferred date for an election.
- Peak asked when it ended – end of 2016.
- Donnelly said he doesn't have a preference. Reed echoed that sentiment.
- McCommon said those who worked on the campaign before suggested 16 months. He said he doesn't know that that's necessary.

c) City Attorney Agenda

- He discussed the draft of the revised nuisance code. Councilman Peak asked if we will see the revision at the next Council meeting. Mr. Kelly said we could as long as we received comments from the Judge and Council.
- He said Mr. Mike Mogeson, a City prosecutor several years ago, local attorney's wife was killed at an accident at 75th and Roe.

d) Mayor Agenda

1. Mayor's Christmas Tree Lighting – the date will be Saturday November 23rd. He said the EAST group has been taking lead on this. Mr. Kelly said it would likely be between 4 – 6 p.m. Councilman Peak asked if they would encourage downtown merchants to be open. The Mayor said they have in the past.

e) Council President Agenda

f) City Council Agenda

1. Councilman Peak asked if we can get the community meeting set up to discuss the Gallagher property.
 - Mr. McCommon said Mr. Gallagher is very eager to be involved in this process.
 - Mayor Ward asked if Council could consider who they would invite to such a meeting. He mentioned the EAST Group, Tonganoxie Civic Club, Habitat for Humanity, etc.

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

Respectfully Submitted,

Jennifer Jones-Lacy
 Assistant City Administrator