



City Council Meeting

November 4, 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, Kent Heskett and City Attorney Michael Kelly.

Consent Agenda

- Councilman Peak made a Motion to accept the consent agenda seconded by Gilner. All Ayes, the motion carried.

Old Business

- a) Update on Chieftain Trail
 - Mr. McCommon stated that Nov 4th was the official start of construction. The contractor gets some fill and the prep work is underway starting today. He thanked the Council for their attendance at the trail groundbreaking ceremony and thanked Jennifer Jones-Lacy for her role.
- b) Update on utilities extension and Agreement with US Army Reserve for sewer line maintenance
 - The sewer line is installed to the end. We still have boring to do for water. In the process of getting easement for water and gas lines. The tentative purchase date is Nov. 18th for the Army Reserve. The Army Reserve is asking for a sewer line maintenance agreement and Mr. McCommon has been working with the City attorney to put that together. They intend to have an agreement that includes the right-of-way and the reserve would pay an additional maintenance fee on top of consumption.
- c) Update on Hwy 24-40 traffic signal improvements
 - Mr. McCommon said he is still waiting on KDOT for an agreement between KDOT and the City of Tonganoxie.

New Business

- a) City Administrator Agenda

Action Items:

1. Approval of winning bid for boring for water and gas lines
 - Mr. McCommon said the work for the water and gas lines requires boring under Hwy. 24 and a sidewalk. We had three responders and one withdrew. He provided a summary of the quotes for Council.
 - Kent Heskett said BG had assumed \$48,000 for the highway bore and the prices came in well compared to the original estimate. He explained that the City needs to do an auger bore per KDOT. The low bid is putting in a bigger pipe than what

we specked out. The lowest bid is from Missouri and the highest is from Bonner Springs. Mr. Heskett said very few companies do this work.

- Councilman Donnelly asked for clarification of the boring and if another property owner wanted to link into the water lines if that would be a possibility. Kent said nobody else could share this bore and that it would be specific to the Army Reserve.
- Mr. Heskett said that the directional bore quotes were in the packet for the bores under driveways.
- Carver Brothers did the City's directional bore previously for the sewer extension and did an excellent job on that.
- Mr. McCommon said the question before the Council is if they would accept these bids as they came in tonight.
- Councilman Donnelly made a motion to approve lowest bid for the highway bore for Carver Brothers Construction at \$42,180, seconded by Peak.
- All ayes, motion carried.
- Councilman Donnelly made a motion to bore under the two driveways for Angell Excavating for \$4,700, seconded by Reed. All Ayes.

2. Second Read: Ordinance 1372: Amending the 2014 Water/Sewer Rates

- Mr. McCommon provided background information for Ordinance 1372 on the water and sewer rates explaining that the Council agreed to increase the water and sewer rates an additional 9.5% on top of the 3% they had already planned to raise the rates during budget discussions.
- Ms. Jones-Lacy explained some charts comparing neighboring community's water and sewer rates to that of Tonganoxie at the current rate as well as the proposed rates. She explained that the City's current fees are on the lower end of the spectrum whereas the proposed fees would move the City more into the middle of the pack for water and sewer rates.
- Councilman Peak asked how the rates were figured for Tonganoxie.
- Ms. Jones-Lacy explained that for the first 1,000 gallons we have one fee and after 1,000 gallons all subsequent gallons are rounded up to the next 1,000 gallons.
- Councilman Donnelly made a motion to approve Ordinance no. 1372, seconded by Councilman Peak.
- Councilman Peak said he voted on this and agreed on the rates. He asked if when we figured the rates if it still figures the same increase per person. Mr. McCommon said that the average increase per person would be the same as previously prescribed.
- Councilman Peak said we need to review the 3.5% increase in the future so we don't overwhelm the residents.
- All Ayes, the motion carried.

3. Employee performance evaluation policy

- Mr. McCommon said explained the evaluation policy and its merits. He said the intent of the policy was to change the method of evaluations for employees so that merit is the key basis for a raise. The compensation plan lays out pay ranges and steps within those raises. Essentially, when an employee receives a positive review, they would move up one or two steps in the salary range for their position.
- He explained that it also includes a statement for a special review for those who are not performing or meeting expectations. It also provides an opportunity for an exceptional performance review that could occur at any time in the year and would allow the individual to receive an accelerated merit increase. These reviews must be approved by the City Administrator and would only occur in rare circumstances

where someone was consistently performing well above their expected job duties and made some significant contribution to the organization.

- Councilman Peak asked if once an employee was topped out were they still eligible for merit increases.
- Mr. McCommon said their raise is based on the scale and once they are topped out they will no longer receive merit increases.
- Peak asked if they were eligible for some kind of raise and Kent said they were eligible for a cost of living allowance (COLA) but not merit.
- Councilman Donnelly asked about pg. 2 #4e, he said unusually extenuating narrows the city administrator's ability to apply that portion of the policy.
- Mr. Kelly said that language is more for emphasis than a legal definition.
- Mayor said he doesn't even know if you need those first four words.
- Councilman Donnelly said he just didn't want to limit the City Administrator's ability to apply.
- Councilman Peak asked how much he worked with each department and asked if they have been reviewed or trained on their evaluation techniques.
- Mr. McCommon said the executive team has been discussing this for several months and are trying to come up with the best way to conduct evaluations so that it's meaningful.
- Mr. McCommon said everything is subject to appropriations.
- Councilman Peak said this is a good move and he likes that you provide the opportunity to reward those going above and beyond.
- Mr. McCommon said it's important to recognize a superior performer over an average one.
- Mayor Ward said the challenge will be during budget season and how they will calculate raises
- Mr. McCommon said he we could take a second look at our compensation plan and if it's the best way to handle rewarding our employees as part of our review of the employee evaluation policy.
- Councilman Peak made a motion to adopt the personnel policy and strike the four words noted by Donnelly. Seconded by Councilwoman Reed. All Ayes, the motion carried.

4. Utility Billing Policy

- Ms. Jones-Lacy explained the changes in the policy from the last time it was presented to Council. She had explained that previously the policy stated that the only reason to waive late fees was for administrative error. The new policy removes that.
- Councilwoman Reed asked who would make that ultimate decision to waive a late fee. Ms. Jones-Lacy said the utility billing clerk would make a recommendation to her or Mr. McCommon who would make the final decision.
- Mayor Ward asked if there was anything else not included in the policy that should have been.
- Ms. Jones-Lacy said staff made a diligent effort to include all issues that may arise regarding to utility billing issues.
- Councilwoman Reed made a motion to approve the Utility Billing Policy, seconded by Councilman Peak. All Ayes, the motion carried.

5. Closed Session to discuss confidential matters of non-elected personnel

- Councilman Gilner made a motion to go into closed session for a period of 10 minutes, seconded by Councilwoman Reed. All Ayes, the motion carried.

- Motion to return from closed session was made by Councilman Gilner, seconded by Reed. All Ayes, the motion carried.
6. Request approval to fill two police officer positions at Range 7, Step B and Range 7, Step C.
 - Councilman Donnelly made a motion to approve the two positions with one starting immediately and the second starting full-time on December 1st, seconded by Councilman Gilner. All Ayes, the motion carried.
 7. Request to create a and recruit for a part-time custodian position
 - Mr. McCommon asked to create and approve the recruitment of that position. Councilwoman Reed made a Motion to approve the creation of the new position and recruitment to fill, seconded by Councilman Truesdell. All Ayes, the motion carried.

Informational Items:

8. Closed session to discuss confidential information or trade secrets of a third party as it relates to property acquisition
 - A Motion to enter into closed session was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.
 - Councilman Gilner made a motion to return from executive session noting that no action was taken. Seconded by Councilwoman Reed. All Ayes, the motion carried.
 - The Mayor called a two minute recess.
 - Chief Brandau explained that he was given a grant of \$8,000 for the police dog. There's another local organization that will partner with the City to donate for this purchase. The PD is going to accept the grant this month at First State Bank and said we're moving forward on the project.
 - Chief Brandau said he wanted to sole-source the dog because the vendor he would like to use trains it in a particular way.
 - Councilman Peak asked if \$14,000 was the purchase price of the dog. Mr. Peak asked how much the dog was for a year, Chief Brandau said \$28,000. He asked how we get to \$28,000.
 - Chief Brandau said we have the PD Trust fund for narcotics expenditures. Chief Brandau also offered to show the Council a demonstration of how the dog operates..
9. Cell Tower Lease Agreement
 - Mr. McCommon said American Tower is our current lessee and they have one tenant, Sprint. He said he wants to have an agreement available at the next Council meeting. They are currently proposing \$750/month plus \$350 additional for each additional tenant per month plus a \$20,000 one-time payment and this includes four 5 year terms that renew automatically.
 - Mr. McCommon said he has done some comparisons with other communities and knows that rural communities do not fair as well as urban and suburban communities. Mr. McCommon said he did a survey of other communities and their lease agreements for cell towers.
 - Councilman Ward said that they spent some time reviewing the proposal and comparing it to other Cities for fairness. We are trying to balance the cost of our lease compared to those around us. Some of it is trying to predict the future on what will happen in terms of development of the area and asking for the Council's guidance on how they might want to move forward.

b) City Attorney Agenda

1. Council meeting on December 2nd – Mr. Kelly said he wouldn't be available that date and he can arrange for another attorney to be here.
2. The EAST group repainted the Good Shepherd Thrift Store over the weekend. He thanked City staff Chief Jeffrey Brandau, Nathan McCommon and Jennifer Jones-Lacy for their time in volunteering on the project.
3. The Mayor said the groundbreaking and the thrift store project were two good ways to showcase the City.

c) Mayor Agenda

1. Mayor's Christmas Tree Lighting – We are having organizational meetings starting this Wednesday at 6 p.m. at Flashbacks. We are also doing a canned food drive with the elementary school.

d) Council Agenda

1. Councilman Peak asked when we would have the nuisance ordinance on the agenda. Ms. Jones-Lacy said we should have something at the next meeting.
2. Councilman Peak also asked about the Gallagher property meetings and when that would get started.
 - The Mayor said we need to get this started. He said it would be great if we could include all stake holders including pool users on that invitation. Mr. McCommon said Mr. Gallagher doesn't want to be a leader in that process he just wants to be available to support it. He said we can use the groundbreaking invitation list to send an invitation.
3. Infrastructure Committee Report – Jim Truesdell
 - i. Update on sidewalk on Washington – Councilman Truesdell said on the sidewalk, we're leaning toward having city forces do the actual labor and we're looking into funding mechanisms for that and it depends on how much we save on other capital projects.
 - ii. Capital improvements planning – We should have a joint meeting with Council and planning commission to participate in a planning session. He suggested opening it to the public and having it after the first of the year.

Adjourn

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

Respectfully Submitted

Jennifer Jones-Lacy
Assistant City Administrator