



## City Council Meeting Minutes

May 28, 2013

7:00 Regular Meeting

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilmembers Andy Gilner, Chris Donnelly, Bill Peak and Mayor Jason Ward were in attendance. Councilwoman Reed was absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Police Chief Jeffrey Brandau, and City Attorney Michael Kelly.

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

### Open Agenda

Nothing for open agenda

#### I. 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
  - Mr. Kelly said that the attorney for the water district, David Van Parys rejected the one year out clause and so now we're back to square one with the negotiations. At this point we're assuming they are willing to move forward with the old agreement.
  - Mr. McCommon said the agreement required that the City purchase a certain amount of water each year from the water district and now we will not be forced to do so.
- b) Update on Chieftain Trail
  - We're still in the time line for state funding if we keep moving forward.
  - Mr. Kelly said that we had a delay due to the appraiser's personal information.
  - Mr. McCommon reviewed the schedule moving forward on Chieftain Trail. He said it's his understanding that on state funded projects we typically wait until all utilities are relocated...
- c) Sale of property at 636 E. Third Street
  - Mr. McCommon said he now has nobody interested in the property. Those interested before have either not followed up or have submitted a formal notice they are no longer interested.
  - The Mayor asked Council how they wanted to proceed on the property.

- Councilman Donnelly thought we made a motion to take the house down and it was approved but we delayed it until due to the potential sale.
  - A motion was made by Councilman Donnelly to tear the house down by city crews. Seconded by Councilman Gilner.
  - Councilman Gilner said if we don't tear it down we need to fix it up.
  - Three Ayes, One Nay by Councilman Peak. The motion carried.
- c) City of the Second Class Discussion
- Ms. Jones-Lacy told the Council that she had sent a letter to the Township notifying them of the change and that she was preparing the boundary information to send with the proclamation request to the Governor.
- e) Hwy 24-40 Improvements – Update
- The Corridor Management advisory committee met a few weeks ago to discuss approving the request to change the corridor plan to KDOT. The committee voted 5-0 to bring it to KDOT, which had 15 days to notify the committee that the issue was under review. The City has until June 7<sup>th</sup> to submit additional support to KDOT for their consideration.
  - KDOT expressed sensitivity to the City for wanting to move forward on this issue quickly.
  - Mayor Ward said if the Council would like to submit information on behalf of the citizens to get that information together.
  - Mr. McCommon said KDOT prefers the comments be written.
  - Councilman Donnelly said if we wanted to provide residents the opportunity to comment. Mr. McCommon said he would like to make the opportunity available.
  - Councilman Donnelly said he will contact some of the more vocal supporters of a change to the corridor plan to see if they would like to meet to discuss this issue.
  - Mr. McCommon said he would follow up with KDOT on a time to get together with the citizens.
- f) Request amendments to the Personnel Policy
- a. Vacation accrual
  - b. Overtime eligibility
- Mr. McCommon asked the Council to review the actual changes to the policy. We request that vacation accrual for Fire Employees be adjusted due to their 106 hour per pay period work shifts. This allows their vacation to be comparable to the rest of the City.
  - He said we also would like to change vacation accrual for first year full-time staff and increase that from one week of vacation to two weeks.
  - The third change is the accrual – change the carry over maximum to an hours cap.
  - Councilman Peak asked if starting employees get one week now or two. Mr. McCommon said it was one week.
  - He asked what the budget impact would be for this additional week in the first year. Mr. McCommon said he wouldn't expect a noticeable change because it's subject to approval by the supervisor.

- Councilman Peak asked why part-time people didn't have some kind of paid leave.
- Mr. McCommon said the policy has been to not give vacation to part-time staff. He said that's a policy decision that has not been contemplated in Tonganoxie in the past.
- Ms. Jones-Lacy provided a rationale behind changing the overtime pay for police officers from 80 hours to a higher threshold of 84 hours per pay period. In the previous discussion, we had recommended increasing the threshold for overtime to 86 hours in a pay period to comply with FMLA standards. However, after further review, the Police Chief recommended changing that overtime threshold to 84 hours because that more closely aligns with the hours Police Officers work.
- Chief Brandau explained that the police officers work 12 hour shifts which gives them 84 hours in a two week period. He explained that if officers work more than their scheduled time that they would then be subject to overtime. He thought this was fair to the City and fair to the employees. He said this is a win-win because previously we were asking people to flex four hours and leave early for four hours so we did not have to pay overtime.
- Councilman Donnelly asked why the Fire Chief is not an exempt employee but the Police Chief is.
- Mr. McCommon said there's some flexibility in the definition based on the amount of administrative work someone does. Our Fire Chief does a fair amount of work that is similar to that of a standard non-exempt firefighter. However, if we were to increase staffing levels, that might change and Chief Bennett may take on more administrative tasks. He said that time might be now to review that.
- Mr. McCommon requested approval by Council for changes to the two policies as described.
- Councilman Donnelly made a motion that the Council approve the changes to overtime at 84 hours for police and vacation accrual, seconded by Councilman Peak. All Ayes, the motion carried.

## II. New Business

- a) Update on property located at 602 Yoeke
  - Mr. McCommon said this property is continuously under review and staff is preparing a summons for the gentleman to appear in court.
  - Mr. Peak asked what policy allows an unpaid fine from January to continue. Councilman Peak asked if the Council had any power to do anything or if it lies strictly with the judge.
  - Mr. Kelly said we did increase the fines for nuisances and we're speeding this process up but it's still new on our books and has not had time to be evaluated. Plus the ordinance doesn't cover every nuisance.
  - Ms. Jones-Lacy explained the process for the code violation and municipal court process for code violations.
  - Mr. Peak said this process is a problem all across the City. If you are trying to sell a house near this guy, they have no recourse for lowering their property value.
  - Mr. Kelly said he can have 100 cars as long as they are licensed and running.

- Mr. Peak said this is a flagrant code violation. If there's anything we can do to put more teeth to violations.
- Mr. Kelly said we just increased the fines. Mr. Kelly said we moved everything out of long-term abatement and it moves the process along quicker.
- Mayor Ward said we should issue a warrant for their arrest if a fine is not paid. Michael Kelly said it depends on the violation and if people do not show up to court then the fine will increase dramatically.
- Mayor Ward said we cannot allow people not to pay their fines.
- Mr. Kelly said the abatement grace period was just eliminated for nuisance violations and this is a philosophical change toward dealing with nuisance violations. Every offense now goes to municipal court. He said we can make some of these violations criminal if the Council chooses.
- Dennis Bixby said whoever lives in the upstairs of this house has been throwing their garbage out of the window and it lands on the roof of the house. He said there's a boat on the side of the house where the road narrows and that there were at least three vehicles that were not registered.
- Mr. Bixby said there are people in the neighborhood trying to clean up their property but with that across the street from them, it's not that helpful.
- Mr. Bixby said the County will be adopting a fine structure for Codes Court on Thursday. The County's traffic judge will preside. The County has about an 8 year backlog of nuisance violations that it will try to work through. Hopefully the City and County can work together.
- Councilman Peak asked if there's anything other than issuing more warrants, if we could do something else to encourage the cleanup of this lot. Mr. Kelly said defendants always show up for nuisances to court.
- Mayor Ward said he wants to keep the nuisance issue on our old business so we can continue to monitor how it's coming along so the Council can continue to make adjustments.
- Mr. Bixby said these habitual offenders should know the rules by now. Our current process allows these folks to play games. We should be more aggressive with these repeat offenders.
- Mayor Ward said that's what the escalating penalties intend to accomplish. In addition to the escalating penalties, are there people who just aren't paying their fines and there is no recourse for these individuals.
- Mr. Kelly said we can stay on top of unpaid fines for nuisance violations. There are fines that can be pretty harsh.
- Dennis Sneed - A member of the audience asked if there were any regulations to how many buildings are on a property. Mr. Kelly said there are setback provisions but it doesn't seem to have specific restrictions on the number of buildings on a property. Mr. Sneed asked that if we're going to go that far to limit the square footage of a structure, why not limit the number of structures on a property?
- Mayor Ward said it's clear that there are a lot of items on his property would fall within our nuisance definitions. He wants to continue to evaluate why this is happening. He would like to keep this on the Council agenda and provide updates.

b) City Administrator Agenda

## 1. City Employee Benefits

- a. Request approval to select a medical, dental and vision benefits provider
  - b. Request approval of benefit premium cost allocation
- Mr. McCommon explained the process of doing an RFP for selecting a broker to bid our insurance and that ultimately we selected Bukaty to get bids for us.
  - Ms. Jones-Lacy said we received several quotes from insurance agencies from Bukaty. She explained we got three quotes and United Health Care was the best of those three. She explained that we looked at cost of the plans, the benefits and the complaint ratio for each company per the Kansas Dept. of Insurance. Blue Cross has a lower complaint ratio than United Health by a slight margin. She explained the benefits of each plan and what they bring. She said the savings the City can expect to receive from Blue Cross is slightly higher than that of United Health. When looking at both savings from Blue Cross and United Health the City and its employees will be saving approximately \$56,000 annually by switching to either program.
  - Ms. Jones-Lacy said staff recommend using Blue Cross for health insurance and Bukaty for Delta Dental and VSP vision insurance.
  - Councilman Peak asked when Blue Cross's price increases would go into effect.
  - Ms. Jones-Lacy said the prices provided by Blue Cross are locked in. There could be a slight modification if employees select different plans than they had originally selected in the application process, such as if they are adding new people to the plan or removing them, but these are essentially our rates for 2013-14. The entire cost for Blue Cross for the year is approximately \$276,000.
  - Councilman Peak asked if employees are covered by dental and vision now and if those rates along with medical are still better than they were with MPR.
  - Ms. Jones-Lacy said yes. The vision is a bit less expensive and the dental is slightly more than with MPR. However, the medical savings are so great that we will still save a significant sum.
  - Ms. Jones-Lacy said she reviewed several neighboring municipalities and counties to find out how much of employee benefits their jurisdiction covers. In the past, the City covered a flat amount regardless of the plan. For employees the City would cover a flat amount of about \$440 for a family, the City would cover around \$800. We are recommending the City cover a percentage of the base plan for each PPO and allow employees to buy up if they would like. Families will be covered at 75%, second tier 85% and employee only at 95%. The high deductible plans are much less expensive so staff recommends covering employees at 100%, employee-spouse or employee-child at 90% and families at 85%. She showed that employees will save quite a bit by switching to this plan.
  - Councilman Donnelly expressed his concern about covering any employee at 100%. He said even for the high deductible plan, he thinks the employee should have to pay something.

- Ms. Jones-Lacy explained that the reason staff did not assign a contribution for the individual was because they currently are 100% covered under the high deductible plan and they did not want to have an increase for any group.
- Councilman Peak made a motion to accept Blue Cross for health insurance and Bukaty for Vision and Dental Insurance as well as the rate structure for each that has been proposed.
- Three Ayes, One Nay from Councilman Donnelly.

## 2. April 2013 Financial Update

- Mr. McCommon said that we are tracking on Budget for the year. He recommended that the Council draw a line below the employee benefits fund to separate the operating funds from debt and capital.
- He said the Fire Equipment Fund has higher revenue due to grant receipts. The Water Park fund is higher because the use tax portion had been recorded in the General Fund and in consultation with our financial advisors and auditors, we decided to record the revenue from the use tax in the Water Park Fund.
- Mr. Donnelly asked if the original budget was built by month and if we could provide the information for each month then show a cumulative number at the end.

## 3. Request approval to advertise for a part-time Code Enforcement Officer/Building Inspector

- Mr. McCommon explained that the City of Basehor is requesting Mark Lee back on a full-time basis. In conversation with Mr. Lee, he feels Tonganoxie would be better served by 25 – 30 hours per week which would better meet the needs of the City. Mr. Lee will participate on the selection panel and be available to train a replacement for a short period of time.
- Councilman Donnelly asked if a full time person would help address some of the issues in the community with nuisance abatement.
- Councilman Truesdell said we're doubling the amount of time currently spent on these duties, that should help.
- Ms. Jones-Lacy explained that part of the delay is due to the municipal court process. If the City staffed that up properly, we could move these nuisance claims through the court process more swiftly. We would also have more opportunity to seek out those who do not pay their fines and more vigorously pursue unpaid fines. Right now we only have one person who works on municipal court on a part-time basis due to her other responsibilities. One thing staff would like to pursue is another part-time person so that our court clerk can focus on court at least 75% of the time.
- Michael Kelly said the demand for municipal court has increased substantially in the past year. The City has really suffered because City Hall is so short staffed. Unfortunately there doesn't seem to be money available for the rest of the staff.

- Councilman Peak said we're in the same situation with no cross training. One of the desires was to provide effective cross training.
- Ms. Jones-Lacy said the goal is to have proper cross training.
- Councilman Donnelly said we would save some of the money by not paying Mark but then we would have to add another part-time person which isn't budgeted. He said that is why he recommended using the Code Enforcement Officer on a full-time basis to cover some of that municipal court work. He asked if staff was concerned about this person being able to adequately do the job.
- Ms. Jones-Lacy said this position wasn't really designed to fulfill those front-office support duties and their office location makes it inconvenient.
- The Mayor said that he wants to address the Building Inspector position tonight and address the other part-time office person during budget meetings.
- Mr. Bixby asked how long it had been since the City has increased municipal court fines and building fees.
- Mr. Kelly said municipal court fines were recently reviewed and increased in some cases. He said we adopted the standard traffic ordinance fines.
- Ms. Jones-Lacy said building fees are something we could look at increasing in the future.
- Councilman Donnelly made a motion to approve the advertisement for a building inspector/code enforcement officer, seconded by Councilman Truesdell. All Ayes, the motion carried.

c) City Attorney Agenda

1. Inter-local agreement with Leavenworth County for roadway maintenance
2. Ordinance No. 1366 – An Ordinance amending Chapter 2, Article 5, Section 2-509 providing an exemption from breed ban for registered service animals
  - This ordinance is designed for the Council review – this ordinance provides an exception for a service dog from the banned breeds. The only concern with this ordinance is that dogs can be certified by a multitude of organizations without submitting information on the illness.

d) Council President Agenda

1. Infrastructure Committee Report – Jim Truesdell
  - Councilman Truesdell said the school is looking to consider 12<sup>th</sup> Street as an exit drive for buses only.

A Motion to adjourn was made by Councilman Peak, seconded by Councilman Gilner. All Ayes, the motion carried. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Jennifer Jones-Lacy, Assistant City Administrator