



**City Council Meeting**  
July 21, 2014  
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 Peak and Mayor Ward were in attendance. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Christy Carter and City Attorney Michael Kelly.

**Consent Agenda**

Councilman Peak made a motion to approve the Consent Agenda, seconded by Councilwoman Reed. All Ayes, the motion carried.

**Open Agenda**

Lawrence Hill 501 E. 15<sup>th</sup> Street Tonganoxie. He complimented the Council on their dressing up of the trail. He said his wife wants another cross walk from the trail toward the VFW park since lots of walkers use it.

**Old Business**

- a) Update on Hwy 24-40 traffic signal improvements
  - i. Approve an agreement with KDOT for grant funding of the construction
    - Mr. McCommon said this agreement is required before they will concur with the agreement for Wildcat Concrete.
    - Mr. Peak made a motion to approve the agreement with KDOT, seconded by Mr Gilner. Councilman Donnelly abstained, Four Ayes, the motion carried.
- b) Update on Washington Street sidewalk
  - All the concrete has been poured. They are completing the final ADA crossing.

**New Business**

- a) Request for city sponsorship and waiver of special event permit fee for the Leavenworth County Fair parade – Michael Kissinger
  - Michael Kissinger said he feels the fee is unfair and they shouldn't have to pay it.
  - Mayor Ward said this is just a process of making sure that the Council can approve these types of requests. He said the Fair provides a big benefit to the City and he doesn't want any hard feelings.
  - Councilman Peak made a motion to waive the fees associated with hosting the event, seconded by Councilman Gilner. All Ayes, the motion carried.

- Councilman Gilner asked if Councilman Peak would amend his motion to waive the fee on a long-term basis. Mr. Peak said they were planning to address that later.
- b) Tongie Tidal Waves Annual Review – Janet Falk, president
- 12263 223rd Street in Linwood. This is the sixth year and by far the largest with 125 swimmers. Tongie Tidal Waves came in second in the league. She said the awards ceremony was very successful.
- c) Nominate Steve Skeet and Lisa Christiansen to the Tonganoxie Library Board
- Councilman Peak made a motion to appoint, seconded by Councilman Truesdell. All Ayes, the motion carried.
- d) Annual A-133 audit report for FY 2013 – Auditor Sean Gordon of Mize Houser
- Shawn provided a summary of the audit and said that the city received the highest and cleanest audit it can receive.
  - He explained the City was subject to the A-133 Audit due to the grant.
  - Mr. Donnelly asked at what level we would need to raise the City to a full GAAP basis. He said Basehor is the smallest City that follows GAAP basis accounting and that the City is right at that level.
  - Mr. Cowan said it would be twice the work for staff and twice the work for the auditors to go to full GAAP basis.
  - Mr. Donnelly said he thinks we should go to that level at some point.
- e) First Reading: Ordinance 1378 adopting a fee for contractor trade licensing
- Mr. McCommon said that staff got in touch with contractors in and around the area to be present for this discussion. He said that trade licensing is being conducted by several other cities and all other cities in Leavenworth. The purpose is to ensure qualified professionals are conducting work in Tonganoxie. The International Code Council is the agency that sets the standard. The licensing is specifically designed for structural, plumbing, electrical, and mechanical any other trades would not apply they would just get their normal business license.
  - There's one benefit to using Johnson County's credentials to license contractors. Those who agree to get their certification through Johnson County are entitled to free continuing education and we can send a staff person as well for continuing education free of charge.
  - Mike Westerhouse, Westerhouse Heating and Cooling in Eudora. He said this is something the City will have to do. The most important thing is that work is done by code. Regardless of whether I'm licensed, the work will be inspected to insure it's up to code. He said Lawrence has the easiest permit processing and he would be happy to provide more details to council on that if they are interested.
  - John White with A.R.W Electric, said he's licensed everywhere. He thinks everyone should be licensed to keep up with proper code. Plus it creates a more fair playing field and everyone is on the same level. If there are repairs, most cities require a licensed electrician.
  - Christy Carter, City Building Official, said that while the inspection will catch issues, it's not her job to teach the contractors how to do their job. With licensed contractors she knows that the individuals already know how to do the work and she can simply address the issue at hand and the contractors already know how to do their job.
  - Councilman Peak said that the ordinance wouldn't go into effect until December 1<sup>st</sup>.
  - Mr. McCommon said that would give contractors some time to get licensed if they are not already.
  - Mr. Westerhouse said that he thinks the licensure should extend to replacement and repair work and not just new construction.

- Mr. Peak asked if a homeowner would need to be licensed.
  - Ms. Carter said they would need a permit but not a contractor license.
  - Mayor Ward asked if the City Attorney was okay with the ordinance.
  - Mr. Kelly said it was pretty much ready to go.
  - Mr. Peak asked why roofers would not be required to be licensed.
  - Mr. Kelly said they would have to have a state license. Mr. McCommon said the state license ensures the roofers have the qualified licensing. They would, however, have to have a city business license.
  - Mr. McCommon asked Mr. Kelly if someone doing work for a homeowners association would be subject to the ordinance. Mr. Kelly said yes.
  - They Mayor said that the next meeting the public will have the opportunity to comment on the ordinance prior to its passage.
- f) Request approval of the final plat of the Cornerstone Christian Church
- Mr. McCommon explained the final plat. He said the planning commission approved the preliminary plat and site plan. They recommend approving the final plat with no conditions.
  - Mr. McCommon said reps from the church are available for comment.
  - Councilman Peak made a motion to adopt the planning commission's recommendations and approve the final plat with no conditions, seconded by Councilman Truesdell. All Ayes, the motion carried.
- g) Consider amendment to inter-local agreement with Leavenworth County for roadway maintenance
- The County Commission took a formal vote to accept the revised agreement and has asked the City Council make a vote on whether or not to accept the amendment.
  - Councilman Peak made a motion to reject the amendment and let the existing agreement stand, seconded by Councilman Truesdell. All Ayes, the motion carried.
- h) City Administrator Agenda
1. June Financial Report
    - Mr. McCommon said we're tracking well on budget. We got news from the County Clerk that we will receive large delinquent tax revenue in October.
    - He provided a summary of the revenues and expenses in the General Fund as well as the remaining funds.
    - He said municipal court revenues have picked up but are down year-to-date.
    - We had some substantial IT expenses in June due to several necessary upgrades.
    - Mr. McCommon said he's pleased with how we're tracking. In light of the budget discussion it's our desire to end the year better than projection.
  2. Discussion of Zoning Ordinance 33-0, Division I, Special Events
    - Mr. McCommon said this is to reconsider the fees associated with special events. The reason for the fee is due to the use of city services. He said that so far, the Council has waived this fee every time. He said the fee is important in the event that a for-profit event comes to town and uses a bunch of city services. It's good to have the fee in place.
    - Mr. Peak said he understands paying for City services but would like to provide a waiver to historical events.
    - Ms. Reed said she would like to give staff more discretion in waving the fees. She said she is in favor of the fees but there's something odd about waiving the fee every time.

- Councilman Donnelly said it's a different situation when someone specifically requires City services, blocking off City streets and using emergency personnel. Many of the events do not ask for city services. Many of them we probably don't know they are going on.
- Ms. Reed said we should either have the rule or not and that we apply it to everyone or we don't apply it to anyone. She said she
- Mr. Gilner said people don't care until it affects them. The people at the Leavenworth County Fair Board didn't care until it affected them.
- Mayor Ward said that the fee now does not cover the cost associated with providing the city services.
- Mayor Ward said that we should put language in place to protect the city in the event a large-scale event is in place that requires serious city services.
- Councilman Donnelly said the ill-will isn't worth the money.
- Councilwoman Reed said we need to work that line into the wording of the ordinance.

3. Executive session to discuss confidential matters or trade secrets of a third party

- The motion included the governing body, city attorney, city administrator, assistant city administrator for 15 minutes, seconded by Gilner, seconded by Truesdell. All Ayes, the motion carried.
- Motion to return from executive session by Mr. Gilner, seconded by Mr. Donnelly. All Ayes, the motion carried.
- Three minute recess.

4. Update on renewal of the county sales tax

- Mr. McCommon said the County prefers to do a mail in ballot in February.
- Now is the opportunity to raise any collaborative projects to the County Commission.
- Mr. McCommon said he wants to aim for the second meeting in August to approve the resolution with the Council priorities.
- Mr. Peak asked when the sales tax expired. Mr. McCommon said the end of 2016.

5. Preparations for the FY 2015 Budget

- Mr. McCommon said the Council has come to a possible conclusion of removing the home rebate incentive, adjusting the WOW franchise fee for cable, add a business license fee and adding \$2 to the base of both water and sewer fees.
- The Council agreed to make a salary adjustment for the police dept. which accounts for 0.3 mills and adding a \$2 base to the water and sewer fees for capital needs. The current tax levy increase is recommended is 2.9 mills.
- Councilman Truesdell made a motion that we set the tax levy adjustment at 2.9 mills, seconded by Councilwoman Reed.
- Peak asked if this was the official vote.
- Ms. Jones-Lacy said they would have to vote on the budget at the advertised budget hearing. This would give staff direction to prepare the budget as specified.
- The Mayor called a roll call vote: Truesdell Aye, Peak Nay, Gilner Aye, Donnelly Nay, Reed Aye.

i) City Attorney Agenda

1. Dissolution of the Wholesale Water District

- The group had a meeting last week. He is getting different information from the Wholesale Water District Board and their attorney. The only area of disagreement is the distribution of

excess funds after the dissolution and we're close on that. The next meeting isn't for another three or four weeks.

- Mr. Kelly announced that Kenneth Harm died on Friday, longest serving judge in Leavenworth County.

### **Adjourn**

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

Respectfully Submitted,

Jennifer Jones-Lacy  
Assistant City Administrator