



**City Council Meeting**  
August 4, 2014  
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 Truesdell, Councilman Peak and Mayor Ward were in attendance. Also in attendance were city staff Nathan McCommon, Kent Heskett, Jennifer Jones-Lacy, Christy Carter and City Attorney Michael Kelly.

Mayor Ward stated that in the previous week the City had lost a couple of people in the community who made a significant contribution to Tonganoxie – Franklin Easton a young man who lost his battle with cancer and Pat Albert who was a former Council member, teacher and volunteer firefighter. He asked for a moment of silence.

**Consent Agenda**

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

**Open Agenda**

No items for open agenda.

**Old Business**

- a) Update on Hwy 24-40 traffic signal improvements
  - Mr. McCommon said KDOT gave its concurrence on the revised grant amount and the revised specs. The next step is to approve Wildcat Concrete as the contractor.
  
- b) Update on Washington Street sidewalk
  - Mr. McCommon said the sidewalk is nearly complete.
  
  - Mr. McCommon said he researched the crosswalk between the VFW Park and the Chieftain Trail he said it would cost roughly \$3,700 to install the crosswalk. He spoke with the City Engineers who said the safest place to install a crosswalk and sidewalk would be at First Street.
  
  - The Mayor asked if the cost estimate was just the striping for the crosswalk or if it included a sidewalk. Mr. McCommon said that it would include the sidewalk and the cost to have City crews do the work.
  
  - Mr. Peak asked if the VFW sidewalks are anywhere close to this area.
  
  - Mr. Heskett said no.

- Ms. Reed asked if Mr. McCommon spoke with anyone at the VFW Park.
- Mr. McCommon said no he hasn't.
- Mayor Ward asked if this would be a General Fund expense.
- Mr. McCommon said it would be either General Fund or the Capital Projects Fund.
- Mayor Ward asked Council if the next step would be to direct staff to follow up with the VFW on this issue.
- Mr. Truesdell said to also provide written estimates of the costs.
- Mr. McCommon shared some of the budget vs. cost of work done by Public Works crews. He showed that overall City crews saved the City \$454,030 on four different projects.

## **New Business**

### a) Second Reading: Ordinance 1378 adopting a fee for contractor trade licensing

- The ordinance could be adopted this evening. It's intended to be effective Dec. 1<sup>st</sup>. This would require contractors to be licensed in trades. He made one change to the ordinance. Originally he used the word "structural" and changed it to "framing" which Johnson County provides training and certification for.
- Councilman Donnelly said he worked with Nathan and Christy today to get an answer to the question. He took the opportunity to discuss this ordinance with builders he knows and what the effect would be. Councilman Donnelly said the fee is not an issue but he wants to make sure the appropriate licensing is being assessed and he would like to hear from the builders to get their opinions.
- Greg Ward said the issue is not a matter of fees but the impact. He said he hasn't talked to all of his subs to see where they are licensed. He asked if Basehor requires framers to be licensed. Mr. McCommon said Basehor has adopted the entire licensing program of Johnson County and we're not proposing that. If framers are working independently they would if they are working under the general contractor then it would be under the general contractors license.
- Greg asked if the general contractor will have to have a license for all of those particular trades. Mr. McCommon said no. The City is only licensing the master builder and not the general contractor.
- Greg said when he applies for a building permit he doesn't know who he's going to hire and he asked how that would impact the building permit process. Mr. McCommon said Christy would check to ensure the trades people are licensed when she inspects on the job. He said he just wants to make sure that we don't raise the bar higher than Basehor. He said he doesn't want to slow development.
- Mr. McCommon said the plan is to implement December 1<sup>st</sup>.
- Jim Perry with Tree House Homes, he said he is just learning about this issue. The first question he has is if Tonganoxie would allow grandfathering.
- Mr. McCommon said it's not the way the text is written today.
- Mr. Kelly said we discussed the grandfathering option but just because they have been around doesn't mean the work is up to grade.
- Mr. Perry said the grandfathering was with the Johnson County program.
- He said he's never seen a "licensed" flat work or "licensed" framers. He said the only issue he sees is with the framing.
- In the past we had a building inspector for the purpose of making sure the work is done properly.

- Mr. Perry said he's worked with a lot of framers and he might know two that could get licensed. They know what they are doing but they aren't framing because they were good in school. The licensing part of the framing is going to be a tough issue with any builder. He said the framers he knows in Basehor aren't licensed.
- Building Inspector Christy Carter said that someone has to pay for the work. If it's done incorrectly it's the general contractor or the home owner. She said it's not her job to tell the builder how to do his job. She said she called Johnson County and they do require a framing license to do work in Johnson County. There aren't a lot in this area but it is licensed in Johnson County.
- Mr. Perry said it wouldn't go to the next phase of the building inspection process if it didn't pass framing. It's not that you have to tear out a lot of concrete.
- Ms. Reed asked what a contractor license required. Ms. Carter said it takes a written test to ensure the framers understand code and eight continuing education hours.
- Mr. Ward said if a framer can go to Basehor and not have to jump through any hoops, they will work in Basehor and not come to work here in Tonganoxie. Mr. Ward said he isn't concerned with incurring additional costs if the framer doesn't do his job correctly.
- Mr. Perry said if he has to get a licensed framer then you'll have to pay \$5,000-\$10,000 more.
- Councilman Donnelly said he would abstain from voting.
- Gilner said he's concerned about licensing the framers and they don't want to build in Tonganoxie.
- Councilman Peak asked how many framers were licensed and Ms. Carter said we have three pages worth of licensed framers covering Johnson County and the outlying areas.
- Mr. Peak said he didn't understand if it was a scarcity of licensing for framers? Is there a concern with the plumbing, electrical and mechanical?
- Mr. Ward said he would prefer to eliminate framers from the list.
- Mayor Ward said we need to understand the competitive effect. He needs to know what the communities around us offer and he hasn't heard that yet. He said he doesn't think we have enough information to move forward tonight.
- Councilman Truesdell said he agreed with that as did Ms. Reed.

b) Presentation and discussion of business revitalization - Dr. Vincent Amanor-Baddu

- Mr. McCommon said Mr. Amanor-Baddu asked to speak to Council.
- Mr. Amanor-Baddu said he would provide the summary to the City administrator to share with Council.
- He said KS State Research and Extension will help work with businesses to help determine how to make businesses different. They will work with the businesses on an individual basis based on business willingness.
- One of the goals is community expansion. One of the reasons people move here is the school system and in the process transform the community and make this the right place to grow a business and raise a family.
- He said the hope is that we will be able to attract the right businesses with the right people that will allow the community to grow while maintaining the elements that make it attractive such as good schools and low crime.
- Mr. Peak asked Dr. Amanor-Baddu how they were working with the school system. The school attracts people here but it doesn't seem to integrate into the community. The goal is to bring the school into the community to provide a stronger linkage.
- Mr. McCommon asked if the respondents acknowledge the other assets – they said the City wasn't an encumbrance to do business and that the safety of the community is a positive. The

businesses identified areas of knowledge they lack and he is working to help bridge those gaps.

- Councilman Donnelly asked if there was a consistent challenge that stuck out. Dr. Vincent said if there was anything we could see as a challenge, he said many of them don't know how to assess the performance of their business. This came from looking internally and framing the question in the right way.
  - Dr. Vincent said we need to reframe the concern. Instead of looking at barriers to success, what is it that we could do to make improvements.
  - Dr. Vincent said there is something beautiful here in Tonganoxie and he has committed to the town and they will work with Tonganoxie businesses as long as they are willing to work with us.
  - Councilman Donnelly asked what we could do to make it successful.
  - Dr. Vincent said everyone should identify one thing they could do to raise the profile of this community. For example, school administrators are thinking organizing community events that highlight the successes of kids.
  - He said he thinks if the government can think about think about low hanging fruit, anything that can encourage business and make it easier for them, then the City should do that.
  - Mayor Ward said if we can focus on several things maybe that will allow us to move faster than in years past. Mayor Ward said he doesn't want to wait for the magic number to key success. He asked if what he has done in other cities to capitalize on the investment of volunteers in other communities.
  - He asked what Dr. Vincent we could do to capture positive feedback of those committed volunteers and keep them coming back.
  - Dr. Vincent said people want a homerun and those are hard to find. Small towns can't pay for large companies to come here. We need to redefine how we play the game. Those small initiatives give volunteers a feeling of success.
  - Councilman Donnelly asked where the leadership comes from.
  - Dr. Vincent said from the Citizens.
  - Vincent said the focal point is a small group of people to act as guides and facilitators. We have some volunteers – Bill New and J.W. are working as the initial point. As people succeed, they are going to want to help people to go through this process.
- c) Resolution 08-14-01 – Defining the geographical boundaries of the City of Tonganoxie
- Mr. McCommon said he wants to make an edit to this resolution. He said he wants to review the boundary on Main Street.
- d) Resolution 08-14-02 – announcing infrastructure priorities for the renewal of the county sales tax
- This is the official statement of the City Council to promote the renewal of the County sales tax set to expire at the end of 2016. This would be the second step to pass a resolution explaining what the City of Tonganoxie would commit to doing.
  - Mr. Truesdell suggested we get rid of the Church Street bridge replacement and the Fourth Street Bridge repair.
  - Mr. McCommon said there was some concern with Tonganoxie being too vague and not providing specific items in addition to the generalized items. If the City Council would include something specific, the Committee suggested using something achievable and the Church Street Bridge repair and Fourth Street Bridge repair were achievable items.
  - Councilman Peak asked if we have dedicated all of our funding in the Capital Sales Tax fund. Councilman Peak said he didn't have a problem with the list.
  - Mr. McCommon said we haven't dedicated all of it but most of it.
  - Councilman Truesdell said we need to add repair/replacement for Church Street.

- Councilman Peak made a motion to accept the resolution amending the language from Church Street Bridge to replacement/repair, seconded by Councilman Truesdell.
- Four Ayes, Councilwoman Reed absent, the motion carried.

e) City Administrator Agenda

1. Discuss grant opportunity for Church Street Bridge
  - The state of Kansas is offering a program on very small bridges with low traffic counts. The application period is through Sept. 13<sup>th</sup>.
  - Mr. McCommon explained that there were three options Mr. Hoskinson provided. He said we don't have the matching funds available to provide the match for this program. The state option would be a good one if we had the funding. Mr. McCommon said the urgency for Church Street is lower than many of the bridges around the state.
  - Councilman Donnelly said if the bridge was a little less wide it would no longer be a bridge it would be a box culvert. Mr. Heskett said you aren't saving much, maybe a foot.
  - Councilman Truesdell said the only benefit is cutting it out of the biennial bridge inspection. The cost differential of a bridge versus a non-bridge isn't much.
2. Update on House Bill 2047 and Kansas Budget Law
  - Ms. Jones-Lacy said this legislation was enacted this year. She said there are three items of note. 1) If the governing body decides to increase the tax levy, the record of the vote must be published in the official county newspaper; 2) We no longer are required to do an ordinance, it's just a motion; 3) the County clerk will factor in a CPI adjustment in the October levy. The 2015 budget is using the 2013 average CPI which is 1.5%.
  - Councilman Peak asked if the amount taxed would be adjusted by 1.5%?
  - Councilman Donnelly asked if it was just an adjustment for budgetary purposes, Ms. Jones-Lacy said yes.
3. Preparations for the FY 2015 Budget
  - Mr. McCommon said the hearing is set for the next Council meeting. It's required to be submitted to the County Clerk by the 25<sup>th</sup> of August.
4. Discussion on Mosquito Control
  - Mr. McCommon said that historically Tonganoxie has not had mosquito control. He said he did a survey of several towns and found that most do not fog which has not shown to help. Some cities do larvacide bricks in standing water in public spaces. He said he wouldn't have a problem with having larvacide bricks on hand.
  - Mr. Peak said he appreciates that he followed up on a citizen request.
5. Executive session to discuss confidential matters or trade secrets of a third party for 10 minutes to included the governing body, city administrator, assistant city administrator and city attorney.
  - Motioned by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, motion carried. A motion to return was made by Ms. Reed, seconded by Mr. Peak. All Ayes, the motion carried.

6. Executive session to discuss confidential matters related to non-elected personnel for a period of 15 minutes to include the Governing Body, City Attorney and Kent Heskett.
  - Motion to return to executive session to discuss nonelected personnel to include governing body, Kent Heskett and the City attorney. Motion by Councilman Peak, seconded by Councilwoman Reed. All Ayes, the motion carried.

f) City Attorney Agenda

- Dissolution of the Wholesale Water District – A draft of the dissolution was distributed to the attorneys of each entity and he expects signatures soon.

g) Mayor Agenda

- Mayor Ward said the McCullough family has an 8 year old little boy battling brain cancer for six years. The entire family got a trip to Hawaii. The little boy loves fire trucks and parades and the Firefighters picked Curt up from his house and they had dinner at the fire station with the firefighters. Mayor Ward said our firefighters were as happy to be involved as he was. It was a very special thing and he was very proud of the City at that time.
- Mayor Ward apologized to Bill

h) City Council Agenda

- Councilman Peak would like to see a work session and pros and cons of the forms of government so we can review the issues and we can discuss. Councilman Truesdell asked what the proposal was
- Councilman Gilner asked about Wards. Councilwoman Reed said that would be a separate issue.
- Mr. Peak said he wants to see ramifications of these issues.
- Mayor Ward said this is something we don't have a timeline on.
- Councilman Donnelly thinks it's the right way to go. He said he thought when we had the conversation about the City of the Second Class there were a few items that were left out hanging. He said he would like to keep it on as a standing item until it's resolved.
  
- Councilman Gilner said he wants to thank those who organized the fair and thought they did a good job.
- The Fair Board provided Curt McCullough and his family free tickets to events and free food.
  
- Councilman Truesdell said we have an infrastructure committee meeting on August 5th at 7 p.m.
- Councilman Peak said Phil Lobb, a longtime teacher also died. He was a teacher in Tonganoxie for 44 years.

Councilman Gilner made a motion to adjourn, seconded by Councilman Peak. All Ayes, the motion carries.

Respectfully Submitted,

Jennifer Jones-Lacy – Assistant City Administrator