



City Council Meeting
September 15, 2014
7:00 p.m. Regular Meeting

Mayor Jason Ward opened the meeting at 7 p.m. with the pledge of allegiance. Council members present were Kara Reed, Andy Gilner, Chris Donnelly, and Bill Peak. Councilman Jim Truesdell was absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy and City Attorney Michael Kelly.

Consent Agenda

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

Open Agenda

Nothing for open agenda.

Old Business

- a) Update on Hwy 24-40 traffic signal improvements
 1. Mr. McCommon provided an update. He said we anticipate few lane closures, maybe for an hour or so only. We are waiting on a confirmation of when the poles will arrive, they are hoping October 2nd. The shipping time is 6 weeks.

New Business

- a) Request by USD 464 for a reduction of the special event fee for the homecoming parade of October 3.
 - In the absence of a representative from the high school, Mr. McCommon said an application for the special event permit was approved by the Police Chief. The High School Principal requested a waiver of the permit fee of \$125.
 - Councilman Donnelly made a motion to approve the fee waiver, seconded by Councilman Peak.
 - Mayor Ward said we have this topic on the agenda to discuss later regarding permit fee waivers. The goal is to allow staff to approve fee waivers as they come.
 - All Ayes, the motion carried.
- b) Discussion and adoption of the revised personnel policy
 - Mr. McCommon said he welcomes input on the personnel policy draft from Council.
 - Mr. Peak asked what the time frame was for the revisions. Mr. McCommon said there is some language that needs to be cleaned up. The substance is fine he just wants the language to be correct.
- c) Second Reading: Ordinance 1378, adopting contractor licensing
 - Mayor Ward said he asked staff to solicit additional comments from the building community related to the grandfathering clause Council is considering. He also asked Council to submit their comments and questions.
 - Mr. McCommon said after the ordinance text in the packet is a list of contractors that were contacted regarding this ordinance. These are contractors who have done business in town in

the past or have expressed interest in this topic. We received one phone call and the company expressed support of the ordinance. We received no other feedback.

- Mr. Peak asked how many people came to a meeting or called in and expressed their opinion.
- Mr. McCommon said the vast majority of feedback has been in Council meetings. Otherwise he can probably count on one hand the number of people who have come to him with comments on the topic.
- Curtis Oroke, 105 S. Village Tonganoxie, KS. He said he is more concerned about the grandfather clause. There are several people who started the community and are now being told they have to start over. He said downtown there are several vacant buildings and this ordinance will reduce the number of permits pulled. He asked how many new construction permits have been pulled this year. Mr. McCommon said 29 new permits. Mr. Oroke said Basehor has 60 permits. Mr. Oroke said if they approve this ordinance, Council will be cutting their throat because Tonganoxie can't compete with Johnson County.
- Sam Wiles asked what the criteria were for grandfathering the permit.
- Mayor Ward said the intent of the grandfather clause was to target those who have done worked in Tonganoxie and have done a good job. He said we're trying to capture folks that we are familiar with their work or has someone who is willing to endorse their work.
- McCommon added that doesn't mean the work has to have been done in Tonganoxie, either.
- Mr. Peak asked what Basehor's ordinance said.
- Shawn Reed, program manager of the contractor licensing program. 3237 Leavenworth Rd. Kansas City, Kansas. Basehor has been a member of the program for more than two years. He said it's interesting that Basehor was shown as being successful, because Basehor has more requirements, and he wants to pass that same success on to Tonganoxie. His point is that contractor licensing has not held Basehor back from being successful. Letters of endorsement could be submitted from anywhere to meet the grandfather requirement. He said Basehor employs a wider range of categories, licensing all ten categories available to the Contractor Licensing Program. Basehor required a letter of endorsement from the building official based on work in the City in order to approve grandfathering the requirements.
- Mayor Ward asked if Mr. Oroke could identify what would be negative about the passage of this ordinance.
- Mr. Oroke said between 2004 and 2006 Tonganoxie was doing well. The Council inherited a debt they didn't need. Oroke said the Council needs to institute a property tax abatement to get building started in Tonganoxie.
- Mayor Ward asked what it is about this ordinance that would be bad for Tonganoxie.
- Mr. Oroke started talking about the police department and that they give tickets to everyone. He said we need sales tax and building in this community. The only thing generating money is tickets. Mr. Oroke asked how we're going to get out of debt.
- Mayor Ward said our debt is budgeted and we haven't had the growth we would like and taxes have gone up. He said a turn in the economy would help; the new schools and new businesses would be a positive impact.
- Mr. Wiles asked how the procedure for getting permitted would work.
- Mr. Reed said the application is a \$100 fee and the license is \$225/year. He said you bring your paperwork to the Johnson County office the insurance company would list Johnson County as the certificate holder that way we would get a copy of your policy when it's renewed each year. You would bring your letters of reference that would verify that you have met the requirements to be grandfathered. You and your employees would receive ID cards stating you are licensed.
- Councilman Peak asked what territory the Johnson County licensing program covers.

- Mr. Reed said they primarily extend to Johnson County but work with Basehor and Lawrence has its own licensing but they have a reciprocity agreement with Johnson County meaning they will accept a license from Johnson County. Miami County also has reciprocity with the program. Mr. Reed said there's a requirement for 8 hours of continuing education needed each year. Many cities send their contractors to Johnson County to get that continuing education.
 - Mr. Peak said we have picked up on this because other cities required licensed. Mr. McCommon said Leavenworth and Lansing license contractors they just don't use Johnson County as the administrative support.
 - Councilman Gilner made a motion to adopt Ordinance no. 1378 as presented, seconded by Councilwoman Reed. All Ayes (Donnelly abstained).
 - Mr. Reed invited all Council and City employees to attend the fall conference October 20th – 24th at the Overland Park Convention Center.
- d) Second Reading: Ordinance 1380, revising the regulation of political signs
- Mr. McCommon said Council discussed amending regulations related to political signs and when they can be displayed. This says the enforcement can begin after the third day and fines can accrue each day thereafter. City staff can remove signs on the fourth day after notice of their violation.
 - Councilman Peak made a motion to approve, seconded by Councilman Gilner.
 - Mr. Gilner asked where the sign had to be located. McCommon said a sign is irrespective of its medium.
 - All Ayes, the motion carried.
- e) Second Reading: Ordinance 1381, repealing certain sections of the City Code regarding personnel actions and adopting a recruitment policy
- The policy puts the burden on the department directors to ensure the policy is followed.
 - Councilman Peak made a motion to approve Ord. 1381, seconded by Councilwoman Reed. All Ayes, the motion carried.
- f) First Reading: Ordinance 1382, regulating peddlers/door-to-door sales
- g) First Reading: Ordinance 1383, amending zoning regulations of special events and mobile vending
- Mr. McCommon said we found a conflict between the zoning code and the city code that had language that confused mobile vending and door-to-door sales. Ms. Jones-Lacy helped create Ordinance 1382 which isolates door-to-door sales in this section of the City code and requires a permit and special application along with a fee. This would exempt these individuals from obtaining a City Business license.
 - Mr. Kelly said Ordinance 1383 is a companion ordinance that would clarify the City zoning code regarding the regulation of door-to-door sales. Mr. Kelly said the police department pointed out this inconsistency. He said the code clearly defines door-to-door sales.
 - Mr. Peak asked for clarification on those selling produce on private property.
 - Mr. Kelly said those selling local produce in town on private property would be exempt from a mobile vending permit under Ordinance 1383.
 - Mr. Donnelly asked if this would affect kids selling stuff door-to-door. Mr. Kelly said a charitable non-profit is exempt.
 - Mrs. Gilner asked if someone selling door-to-door if she could ask them for their City permit. Mrs. Jones-Lacy said after Ordinance 1382 is approved by Council on October 6th and published in the paper.
 - Mr. Peak asked what the feasibility would be for a farmer's market to get set up.

- Mayor Ward asked if anyone had any more questions

h) Discuss revision of the fee structure for special events, including parades

- Ordinance 1383 gives an exemption to governmental agencies or charitable nonprofits.
- Peak asked if someone was walking down the street with a sign with a police escort, would they have to pay \$250 fee.
- Mr. Kelly said if they are not a governmental entity or a nonprofit, they would have to pay a fee. Mr. McCommon pointed out that we would have to close the street.
- Mr. Peak asked why should that person have to pay \$250 when they pay taxes and these other entities do not. Peak said it's not fair to charge them again.
- Mayor Ward said the reason we changed the rule and asked groups like the fair board and school district to come forward was to know what was going on and to make sure we can provide the support in town. Of course, once we did that, everyone requested a waiver. The Mayor said we are stuck between who we waive it for and who we don't and where to draw the line. We should either recoup the fee or decide not to.
- Mr. Peak said everyone else is getting a complete break. Why don't we reduce the fee from \$250 to \$125 for anyone not exempt.

i) Request approval of New Homebuyer's Rebate for Kirby and Malissa Walker

- Mr. Peak made a motion to approve the incentive for the Walkers, seconded by Councilman Gilner
- Mayor Ward asked Mr. Oroke if he thought this would be a beneficial program. Oroke said this is the first time he has heard about it. They discussed how it was advertised and said it's primarily through the realtors.

j) City Administrator Agenda

- Third Grade Scavenger Hunt – Volunteers Needed
 - Mr. McCommon said we have a scavenger hunt in City Hall. Mr. Peak and Mrs. Read said they could help.
- Water meters – Mr. McCommon said we're in the process of installing meters and we determined that we fell short due to the number of vacant houses and businesses in town that had meters replaced.
 - i. Mr. McCommon said the new meters will cost approximately \$11,300 in addition to the meters already purchased paid for from the Water Capital Reserve Fund.
 - ii. Mayor Ward said due to the dissolution of the wholesale water district we will be getting a payment of approximately \$24,000.
 - iii. Councilman Donnelly made a motion to approve, seconded by Councilwoman Reed. All Ayes, the motion carries.
- August Financial Report
 - i. Mr. McCommon provided the financial report and shared some pertinent details.
 - ii. Mr. Peak asked if the connect fees cover staff overtime. McCommon said it varies and the fee goes into the Water Operating Fund.

k) Mayor Agenda

- Mr. Donnelly said that the United Way does work in the community and can't help everyone but does what it can.

- Mayor Ward read a United Way Proclamation, proclaiming September and October United Way months.
- Mayor Ward said this was Jennifer Jones-Lacy's last Council meeting. He thanked her for her service and professionalism and the work she's done for the City of Tonganoxie.
- Mrs. Jones-Lacy thanked the Mayor for his kind words. She said it's been really great to work with all of the Council.
- Mr. Peak thanked her for doing such a good job on the minutes and liked how they were so thorough.

Adjourn

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