



City Council Meeting
January 5, 2015
7:00 p.m. Regular Meeting

Mayor Jason Ward opened the meeting at 7:00 p.m. with the pledge of allegiance. Council members present were Jim Truesdell, Bill Peak, Chris Donnelly, Andy Gilner, and Kara Reed. Also in attendance were City Administrator Nathan McCommon, Assistant City Administrator Jamie Shockley, and City Attorney Michael Kelly.

Consent Agenda

- Councilmember Gilner made a motion to approve the consent agenda. Motion was seconded by Mr. Donnelly. Mr. Peak stated that he would like to vote no on item C – payment to Leavenworth County for County Road 1. Mr. Truesdell stated that he believes we need to review this agreement and asked if we failed to pay, whether or not we would be in breach of the agreement. Mr. Kelly stated that we would be in breach of the agreement if we failed to pay. Mr. Truesdell stated that he would be voting no on Item C as well. Mr. Ward stated that we had the opportunity to discuss the inter-local agreement during budget development this past summer and if the Council wants to discuss the agreement further, they can do so, but right now the Council is only voting on the payment and not the agreement. Mr. Ward asked the Council to vote on Item C of the consent agenda separately in a roll call vote. Mr. Gilner amended his motion to approve the consent agenda for all items except item C. Mr. Donnelly seconded. All ayes. Motion carried. Mr. Gilner moved to approve item C, paying \$100,000 to Leavenworth County for the County Road 1 payment. Donnelly seconded. Roll call vote: Mr. Truesdell – No. Mr. Peak – No. Mr. Donnelly – Yes. Mr. Gilner – Yes. Ms. Reed – Yes. Vote is 3-2 in favor of making payment to Leavenworth County. Motion carried.

Open Agenda

- Diane of 219 E. 24/40 addressed the Council regarding the new Business License requirements. She stated that she knew nothing about it until December 17. She stated that some businesses haven't even received notification from the City. She asked the Council to explain how the City plans to regulate home businesses and enforce who did and did not get licenses. Mr. Ward asked Mr. McCommon to explain the process the City is using to notify business owners of the change in requirements. Mr. McCommon stated that the past records we have to work off of are incomplete, so we've been notifying business owners who have had business licenses in the past, as well as sending letters to all residents who have commercial water accounts.
- Mr. Conrad addressed the Council and stated that he through his notification in the trash. This year, he received a letter to Tuna's Café, which is not the proper name of his business. Additionally, his wife is the owner of the business and deserves respect from the City and should be the one receiving official correspondence from the City. Mr. Conrad stated that the City is asking for too much personal information to get a business license.
- Mr. Ward stated that we all want the best for Tonganoxie. We are all in it together and we're putting ordinances in place because we believe it is for the greater good. He stated that we are not requiring business licenses because we want to harass people or create an unfair environment. We're doing this because we see what other cities are doing and we want to move forward with policies and procedures that are considered best practices in local government. The environment we're creating is not one in which we're trying to pick on people.
- Ms. Bennett of 1414 E. 2nd and Ms. Henderson of 206 S. Village Street addressed the Council and asked them to consider looking into the barking dog ordinance. They stated that Section 2, 504, is very vague. They've been in an ongoing dispute with their neighbor, who they claim has been harassing them every time their dog barks and calls the police, even if it's for less than 30 seconds. They stated that they've looked into other City's ordinances, and most of them state that a resident can only be ticketed for excessive dog barking (greater than 30 minutes). They believe that the way the current ordinance is written allows someone to abuse it. Mr. Ward asked to speak to Chief Brandau about this issue and have this as an agenda item at the January 20 Council Meeting.

Old Business

- Nothing at this time.

New Business

Introduction of Fire Chief Jack Holcom

- Mr. McCommon gave an update to the Council on the Fire Chief recruitment and introduced incoming Fire Chief Jack Holcom, who comes to use from the City of Olathe, KS.

Second Reading: Ordinance 1389, repealing Ordinance 1372 and amending the rates charged for water and sewer usage

- Mr. McCommon stated that as a result of budget adoption this past summer, Council agreed to raise the water and sewer rates 3% and add \$2.00 to the base rate of both water and sewer bills. Mr. McCommon stated that staff has not taken any calls or received any public inquiry since the last meeting. Mr. Ward stated that one thing that we discussed during the budget period was that we were looking for a way to get revenue from all city users – not just property owners. He said that this is not something that he'd like to continue every year, but is in support of this increase. Mr. Peak asked if the Council can legally hold ourselves to not have an increase in future years. Mr. Kelly said that future Councils are the only ones that can make that decision. Mr. Truesdell moved to approve Ordinance 1389. Mr. Donnelly seconded. No discussion. 4 ayes and 1 nay. Motion carried.

Resolution 01-15-01, supporting affordable rental housing for seniors at Sundance Apartments

- Mr. McCommon stated that this resolution is the same as the one the Council passed in January 2014, which states that the Council supports affordable housing for seniors at Sundance Apartments. Mr. Peak moved to approve Resolution 01-15-01. Mr. Truesdell seconded. Mr. Ward stated that this is something that we've supported in the past and there's a continuing need for affordable housing for seniors. All ayes. Motion carried.

Agreement with Leavenworth County for court services

- Mr. McCommon stated that this court services agreement with Leavenworth County would be for court services through December 2015. Mr. Peak encouraged council members to attend court whenever they get a chance. He was very impressed with how efficient and fast it was. Mr. Gilner asked if this service provides coverage for jail time. Mr. Kelly said that it did not. Mr. Peak moved to approve the agreement with Leavenworth County for court services in an amount not to exceed \$9,160.42.

Approval to sell SCBA surplus equipment

- Mr. McCommon stated that according to the purchasing policy, if we are disposing of assets that don't already have a disposal agreement, it requires Council approval for anything over \$1,000. The SCBA's have exceeded their usable life; however, they can be used for other purposes. Mr. Peak asked if the Fire Department thought they received a fair bid. Mr. McCommon stated that they did believe the bid was fair. Mr. Peak moved to approve the sale of the SCBA surplus equipment to HAZ MAT Response in Olathe in the amount of \$4,500. Ms. Reed seconded. All ayes. Motion carried.

City Administrator Agenda

County Sales Tax Renewal

- Mr. McCommon stated that city managers from throughout Leavenworth County met with County staff to learn about what's happening so far with the county sales tax renewal campaign. He mentioned that Leavenworth County will be sending letters to all Leavenworth County registered voters to include the commitments of how the money will be spent. All voters must return their ballots no later than noon on February 3. Leavenworth County will be hosting a public forum at 7 p.m. at the VFW Hall in Tonganoxie to answer questions about the County Sales Tax. Mr. McCommon stated that we will use social media and Tonganoxie.org to get the word out about this event.

Next Council Meeting Tuesday, January 20

- Mr. McCommon stated that our next regularly scheduled Council meeting falls on Martin Luther King, Jr. Day, so we will be pushing it to Tuesday, January 20.

Mayor's Agenda

Discussion of discounting fees associated with building permits

- Mr. Ward asked the Council if anyone would be interested in offering a discount program for contractors' who purchase a certain number of building permits. Mr. Peak asked if staff has looked at this and the pros and cons. What have our permits been over the last few years? What would the benefit be if we offered a discount? What would it add up to for each permit? Mr. Ward stated that he's not asking Council to decide anything tonight; he's just curious if this is something the Council is willing to consider at all. If so, what information do you want from staff to be able to make an educated decision? Mr. Donnelly wants to know if this is an economic development tool. Is the City going to benefit and how does the City benefit? He stated that our goal shouldn't be to give discounts unless it betters our community as a whole. Mr. Gilner stated if somebody was going to build a couple hundred houses, he'd be willing to give a discount. Ms. Reed stated that should we be interested in more information.
- Council would like the following information at the next meeting:
 - How permits might be the minimum to quality?
 - Is there a deadline that would need to be imposed?
 - What is the city's permit history?
 - How would this help economic development?
 - Is this fair to contractor's who are only pulling a few permits and those that have pulled permits in the past?

City Council Agenda

- Mr. Peak moved to give an award to Dave Bennett for his service to the Fire Department and provide him with a nice plaque at the next City Council Meeting. Mr. Truesdell seconded. All ayes. Motion carried.
- Mr. Peak asked how we're doing on the easement on the Stevens property. What kind of timeline are we looking at? Mr. Kelly stated that he would have something to Council by the next Council meeting.
- Mr. Peak asked if there were recording devices in City Hall that employees are being taped or recorded on. Mr. McCommon stated that there was not.

Executive Session

- Mr. Kelly requested 15 minutes for executive session pertaining to real estate acquisition to include the Council, City Administrator, Assistant City Administrator, and City Attorney. Mr. Gilner moved to enter into executive session. Ms. Reed seconded. All ayes. Motion carried.
- Mr. Peak moved to return from executive session and make note no action was taken. Mr. Gilner seconded. All ayes. Motion carried.
- Mr. Gilner moved to go back into executive session for matters pertaining to real estate acquisition and non-elected personnel for a period not to exceed 15 minutes. Ms. Reed seconded. All ayes Motion carried.
- Mr. Peak moved to return from executive session and make not that no action was taken. Ms. Reed seconded. All ayes. Motion carried.

Reclassification of City Superintendent/Public Works Director to FLSA Exempt

Mr. Truesdell moved to reclassify the City Superintendent position from non-exempt to FLSA exempt and to increase his pay from Range 14, Step F to Range 14, Step I. Mr. Peak seconded. All ayes. Motion carried.

Mr. Peak moved to adjourn at 8:57 p.m. Ms. Reed seconded. All ayes. Motion carried.

Respectfully submitted,

Jamie Shockley
Assistant City Administrator