

City of Tonganoxie
City Council Meeting Minutes
04/26/10

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on April 26, 2010. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor, Michael Vestal. Councilmembers: Paula Crook, Tom Putthoff, Jim Truesdell and Jason Ward. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator and Mike Kelly, City Attorney. Councilmember Burdel Welsh was absent.

Consent Agenda:

- a) Approval of Minutes -
 - 1. Special Work session Meeting dated March 22, 2010
 - 2. Special Work session Meeting dated March 23, 2010
 - 3. Regular meeting dated April 12, 2010
 - 4. Special Meeting dated April 19, 2010

- b) Consider Approval of Bills - Approve Pay Ordinance A-1631

- c) Consider approval of appropriation to Commercial Aquatic Services, Inc in the amount of \$5,395.76 for chemicals for the water park

- d) Consider approval of appropriation to Mainline Supply Company for Fire Hydrants and valves in the amount of \$7,720.00 for the 4th Street Phase III project to stock at shop.

- e) Consider approval of appropriation to KC Construction Inc in the amount of \$44,700.00 for sewer slip lining.

- f) Consider approval of appropriation to Danny Zeck Ford for the purchase of two 2011 F-250 4X4 pick up trucks in the amount of \$48,350.00, previously approved. One paid from the Sewer Capital Fund and the other from the County Sales Tax capital Funds.

- g) Consider approval of the appropriation to Capital Electric Construction for work completed at the Ballfields in the amount of \$4,765.14 to be paid for with the Ball Field Construction loan.

- h) Consider approval of the appropriation to Danko Emergency Equipment Company in the amount of \$7,900 for thermal imaging camera, expense to be reimbursed by insurance.

Motion by Ward to approve the consent agenda items a through h. Second by Putthoff. Councilmember Putthoff abstained from item g. Councilmember Truesdell requested a couple of minor corrections. He was absent from March 23 meeting and he voted Nay on page 5 concerning the Neighborhood Revitalization Plan from the April 12 meeting because the question was called and he wanted to have more discussion. Council also requested to add to the minutes the information concerning the extension of the moratorium in Part 1 of the County Road 1 corridor for an additional six months to allow for creation of the extra

territorial jurisdiction interlocal agreement. Council agreed to approve the minutes as amended. All Ayes. Aye 4. Motion carried.

Open Agenda: First under open agenda was Kay Soetaert, 628 E 4th St, a downtown business owner. She was concerned with the decision made by the council to replace the existing downtown crosswalks with concrete. She said the decorative crosswalks were part of the package that they bought into when they agreed to the benefit district for the downtown streetscape and they have ten more years of assessments and would like it to stay the same. She requested the council to reconsider that decision.

Janet Angel, 21760 Parallel Road, member of the City retail development committee said, on behalf of the committee they would like the council to reconsider the decision to remove the decorative sidewalks. The committee suggested the City only replace the Main Street and Delaware Street crosswalks at this time if they all cannot be replaced at once due to financial constraints.

Grant Ritchey, 504 E 4th Street, downtown business owner, echoed the comments of the prior speakers. He said that is what we paid for and will continue to pay for. He said taking a step backwards would be to the detriment of the downtown and he also encouraged the council to reconsider. He said while he appreciates fiscal responsibility he does not think this move is appropriate.

JW Evans, 503 E 4th Street, a downtown business owner said, there is a \$7,000 dollar difference in the estimates that equates to about \$1,000 per crosswalk. He asked the council if they had asked the business owners if they would be willing to participate in the costs. He said he has not had the opportunity to visit with them all but at least three business owners were willing to participate to keep the decorative appearance.

Dennis Bixby, 704 East Street, said it was a tough winter and we had more freeze and thaw cycles than ever. He said if you put the concrete borders back in place the crosswalks should be fine. He added concrete patchwork is not as pretty but it would get you by.

City Administrator, Mike Yanez said that several surrounding cities, notably Lawrence and Baldwin City have gone to a stamped colored concrete and are not replacing the brick pavers. The design has the aesthetic appeal of that of the brick pavers without the high maintenance cost.

Councilmember Jason Ward said the decision to remove the decorative crosswalks was a policy decision based on cost. There was a survey conducted, which showed almost all business owners that responded would prefer the decorative option. **Motion** by Ward to rescind the council action from the prior meeting on the crosswalks materials and replace the crosswalks to their original condition. Second by Truesdell. Aye 3. Nay 1. Motion carried.

Duane Nible, 1415 E 4th Street thanked the council for voting to continue with the improvement of 4th Street Phase III. He said the decision may hurt a little financially, but now is the time to do it and it will never be bid that low again. He additionally thanked councilmember Truesdell for sticking to his convictions with the project.

Public Hearing: Mayor Vestal opened the public hearing at 7:30 pm. The City Council will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A., 12-17, 114 *et seq.*, at this public hearing. Discussion by Mayor whether residential multifamily

properties should be included in revitalization areas. Assured Mayor Vestal that the property had to be zoned properly before a multi family building permit could be issued for improvement.

Discussion by Crook whether improvements considered should be limited to that of the main structure only. Ward commented if it adds value to the property it adds value, it is an opportunity for the City to increase overall valuation.

Dennis Bixby, 704 East Street, said if a neighborhood revitalization plan encourages improvement and growth, why would anyone want to improve something with all the junk in the area. He said if we want to encourage people to invest in their properties we should clean up before we take it on the road.

Laurence Hill, 501 E 13th said it strikes him as odd that the central part of the city has such tiny lots. He felt the City should do something to eliminate all the little lots downtown.

Councilmember Crook initiated discussion concerning the map and the areas designated for revitalization. There was significant discussion on why large cornfields were included in the revitalization area and large farm areas with one home and other undeveloped acreage. It was explained that these large areas have remained in their current undeveloped state for more than a decade and have significant environmental issues that deter development. The areas were included in the revitalization area as an incentive to develop.

Mayor Vestal closed the public hearing at 7:45 pm

Motion by Putthoff to approve Ordinance 1298 adopting a neighborhood revitalization plan and designating a neighborhood revitalization area. Second by Truesdell. 3 Ayes. 1 Nay (Crook). Motion carried.

Motion by Putthoff to approve entering into an Interlocal Agreement with the other taxing entities in the City of Tonganoxie (USD 464, Leavenworth County and Tonganoxie Township) and direct staff to present the agreement to their boards for consideration. Second by Putthoff. 3 Ayes. 1 Nay (Crook). Motion carried.

Old Business: The first item on the agenda under old business was to discuss recommendations for non-resident vs resident pricing for daily admittance to the water park. Considerable discussion ensued. Pool Manager, Darren Shupe said he had concerns with the proposal for the daily rates. He asked when the people buy a daily pass, do I take their word for it that they live in the City proper or require proof. A lot of children and adults that have a Tonganoxie mailing address think they live in the City when in fact they live in the County.

David Falk, 230th Street said it seems like it would be easier to keep the daily rates the same and have the different rates for residents vs non residents when it comes to season passes.

Councilmember Crook said she just wants to make sure the taxpayers that live in the City proper have to subsidize the operations of the pool with tax dollars. Councilmember Putthoff asked if the rates are the same we may sell more tickets and we need to take care of a community and that community is not just in the City proper that community is everyone who has a Tonganoxie address. Ward said that every municipal pool that is built has some sort of tax payer subsidy connected to it for operations. He suggested changing the definition of resident to those with a 66086 (Tonganoxie) mailing address.

Dennis Bixby, 704 East Street, said cutting off your nose to spite your face with different rates may be confusing to the admission clerks as well as the pool patrons. It would just be easier if all were the same rate.

Motion by Putthoff to set the fees for the 2010 Water Park Rates by changing the definition of resident to include those who have 66086 addresses and make the daily rate \$3.00 for a child/senior and \$4.00 for an adult. The rate for non-residents or those who do not have a 66086 address will be \$4.00 for a child/senior or \$5.00 for an adult. Second by Crook. All Ayes. Aye 4. Motion carried.

Next on the agenda was to consider pool hours schedule. There were two options. Option 1 would close the pool at 8:00 pm and have pool rentals from 8-10:00 pm. Option 2 would close the pool at 9:00 pm and have pool rentals from 9-10:30 pm. Discussion ensued that it was nice to have the pool open until 9:00 for those families that worked during the day so they could come in at night and swim with their families. Pool Manager, Darren Shupe said the attendance was very low for that last hour and it would be more cost effective to close earlier to allow more time for pool parties. **Motion** by Crook to approve Option 1 closing the pool at 8:00 pm. Second by Putthoff. All Ayes. Aye 4. Motion carried.

New Business: First item on the agenda under new business was Janet Falk, 122 230th Street, she is the Tidal Waves swim team coach and this will be their 2nd year. She had 35 swimmers last year and they did very well. On June 16th and 23rd there will be swim meets in Tonganoxie and they usually have 30 kids plus their families. The meets are held between 8:00 am and noon. They need bleachers, and a sound system. The sound system at the water park will work and the Recreation Commission should be contacted about the bleachers. They are planning an awards ceremony for the 3rd week in July and the council agreed to a complimentary pool rental.

Next on the agenda was to discuss the draft Ordinance proposing improved regulations for solicitors, canvassers and peddlers within the City of Tonganoxie and providing for penalties for violation of the regulations. Asst City Administrator Bard said in 2004 the Ordinances were codified, establishing the existing municipal code for solicitation in the City of Tonganoxie. The existing Ordinance requires certain stipulations that "raise constitutional issues" such as background checks in addition to placing undue liability on the permit issuer, in this case the City of Tonganoxie.

The ordinance presented tonight reveals a shift from a permitting process to a non-permitting process, providing the citizens of the City of Tonganoxie a tool to restrict such activity. Prosecution is complaint-driven and allows the City's law enforcement officials an affirmative statement providing them more authority as well.

Dennis Bixby, 704 East Street said he does not want to put a \$2 sticker on a \$600 front door. Council directed staff to bring back an Ordinance to the next meeting for consideration.

With no further business to discuss, there was a **motion** by Welsh to adjourn. Second by Truesdell. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:55 PM.

Respectfully submitted,
Kathy Y. Bard, City Clerk
Asst City Administrator