

City of Tonganoxie
City Council Meeting Minutes
07/25/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on July 25, 2011. The meeting was called to order at 7:00 p.m. with roll call showing a quorum and the following members present: Mayor, Jason Ward; Councilmembers: Dennis Bixby, Chris Donnelly, Andy Gilner, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst City Administrator/City Clerk and Mike Kelly, City Attorney.

After roll call, the Mayor requested Councilmember Gilner lead the Pledge of Allegiance

Consent Agenda

- a) Approval of Minutes -
 - 1. Regular Meeting dated July 11, 2011

- b) Consider Approval of Bills - Approve Pay Ordinance A-1662

Motion by Truesdell to approve the consent agenda items a. and b. Second by Peak. All Ayes. Aye 5. Motion carried.

Open Agenda: Don Harden, 910 Church Street, said he was present to represent the Tonganoxie American Legion Post. The ten-year anniversary of 9-11 is this year and the American Legion would like to hold a commemoration on September 9, 2011. They would like the Mayor, Police Chief and Fire Chief to speak at the event, determine, and explain how we are different today. They would like to do it in the evening time when there may be a home football game but we can work around it. The council agreed that this was a fitting exercise.

Roger Shilling, 910 Somers, said he received the harassment letter from Mr. Lee stating he had untagged vehicles on his property. They are all tagged except one and he is working on that one. He said it is commercial property and they have backhoes, farm equipment, wire tubing, etc. and it is all part of the business. He continued stating that Lee took picture of the inside of his building and he felt that was an invasion of privacy. Shilling continued saying Lee even said that he could not park a vehicle inside the building because it is a fire hazard. He said it is a garage. He finished saying Lee needs to get somewhere between reality and sanity. Mayor Jason Ward said this is not harassment; the governing body has put an increased effort out to code enforcement, if there was a junk car in my yard I would expect to have to address it.

Lester Meinart, 601 Hidden Valley Drive said he had a solution to the Fire Department issue of no sleeping quarters and just one uni-sex restroom. He said you need to put a mobile home down there behind the station and let them sleep in that. You could save quite a bit of money. He concluded stating the he did not think we needed a new Fire Station.

With no other comments or concerns presented by the public, the open agenda was closed.

Old Business: The first item on old business was to discuss Chapter 8 Health and Welfare (Nuisance) and consider adopting Ordinance amending the City Code. City Attorney Mike

Kelly said that the way he has drafted the chapter of the code, it will put the authority with the Building Inspector/Code Enforcement Officer and the Fire Chief in lieu of coming to the council. It will allow 10 days to rectify nuisance violations and 45 days for structural violations. It will give them the authority to issue a notice to appear in court. This takes out the hearing process in front of the governing body and takes the problem to Municipal Court.

Next on the agenda was to consider amending the City Code by excluding tall grass and weeds maintenance on parcels larger than three acres and not included in a final plat of record. Previously Mark Lee, City Building Inspector said the City has received tall grass and weeds complaints about the condition of some very large open pieces of ground located within the city limits. Although they may indicate a specific zoning per the city zoning map, these parcels are largely farm ground or other large open areas of land and not included in any recorded final plat. The Municipal code reads no tall grass and weed are to exist upon any property within the city limits. If the Ordinance is adopted it will not change the maintenance of residential areas, unless the parcel of land is greater than three acres and not included within a final plat of record. These larger parcels are mainly on the outskirts of town or in largely undeveloped areas. A map was presented depicting the parcels that would be affected by the change. The council agreed it was a good idea to include this in Chapter 8 Health and Welfare section of the code. The council also directed staff to include in the same section a change regarding the height of grass or weeds before it is deemed a violation from 12" to 8".

Next on the agenda under old business was to consider an Ordinance amending the City Code by adding erosion and sediment control guidelines. Previously, Mark Lee, City Building Inspector said he prepared an Ordinance and instructional guide for developers and builders undertaking the construction of single and multi family dwelling units. This Ordinance lays out the guidelines for the proper installation and maintenance of erosion control measures meant to limit the release of mud, silt and other debris into the Municipal Storm Water Drainage system and the city roadways. **Motion** by Bixby to adopt Ordinance 1320 amending the City Code by adding erosion and sediment control guidelines. Second by Peak. All Ayes. Aye 5. Motion carried.

New Business: The first item on the agenda under new business was to consider making 3rd Street a one-way street going east from Shawnee to Main. Chief Brandau said he received a letter from USD 464 making a recommendation of making 3rd Street a one way street heading East. This was proposed to help alleviate traffic flow problems that occur when children are either being dropped off or picked up before and after school. They also have recommended making parking on one side of the street on 3rd Street. In July 2011, the Police Department notified all residents on 3rd Street of the proposed change. Several comments have been received. Several did not want the street designated a one way, but most thought the one way would not be a problem. He said he received more negative feedback about parking limited to one side. He continued stating the Police Department is aware of the traffic congestion that occurs at the school when school is in session, and he believes that making 3rd Street a one-way street heading east would have a positive impact on the flow of traffic and make it safer for all concerned. He concluded by stating he was not aware of any accidents or injuries that have resulted because 3rd Street is not a one-way. He said the recommendation would be to ease the flow of traffic only. Councilmember Peak said that for 45 minutes in the morning and in the afternoon, he thinks the recommendation is overkill. Councilmember Bixby said that the proposed one-way will meet with a one-way street going the opposite direction. He thinks the

change will affect the Library patrons and will add more confusion to the area than we have now. He said he is against the recommendation. Several citizens were present and the Mayor allowed public input. Wayne Jennings, 218 S Bury said he has two driveways and will have to go around the block 365 days a year. Roger Shilling, 910 Somers said, this request is for 275 hours for the school patrons and we use this road all year, all day long. He suggested making Shawnee no parking and loading and unloading only to help with congestion. Lauren Hill a Library Board member said the Library will have issues with this recommendation. People come west on 3rd Street to access the Library entrance. Bryce Ferris, 302 E 3rd St said, he tells his own kids not to park on the street to leave that space for the teachers to park so he is already inconvenienced daily during the school year; this is another inconvenience to the neighbors. Michelle McGhee, 1722 Finch said that the Library is the busiest in the summer and already has parking issues. Why not build a parking area for Library patrons and teachers. Phil Jeannin, 224 S Green said he disagrees with the recommendation to make 3rd Street a one-way street and asked the Council to consider a compromise and just make it one way where and when the school needs it, like just one way in the morning and afternoon from Green Street to Shawnee. Terry Ramirez, 225 S Green said he disagrees with the one-way Street. He said he has been dealing with the School congestion for 40 plus years. He said the School would be moving in a few years and thinks it should just wait. Mayor Ward said it seems these folks will be impacted by the recommended 365 days a year, not just the needed 3 hours on school days. The council agreed and tabled the recommendation for an alternate solution.

Next on the agenda was Janet Falk, the leader of the Swim Team known as Tidal Waves. She thanked the council for the opportunity to have the swim team. It is going well and the team is going great. They held two meets in Tonganoxie this year and there was a significant turn out of folks to watch the event. She requested to have the preliminary championships for 2012 at the Tonganoxie Water Park on July 10th and 11th and July 13th. She continued stating the championships will last until approximately 2:00 PM and the Pool Manger seemed excited to hold the preliminaries in Tonganoxie and was willing to adjust his swim lesson schedules accordingly to accommodate the event. The council praised Mrs. Falk for her leadership and what she has done for the swim team. Council agreed if the Pool Manager was ok with the event being held in Tonganoxie then they would welcome the event.

Next on the agenda was City Superintendent, Kent Heskett. He said with the Pleasant Street Bridge nearing completion an opportunity has come up that would benefit pedestrians who use the sidewalks in this area. Along the east side of Pleasant Street between Himpel Lumber and the corner of 6th and Pleasant there is not a sidewalk. All pedestrian traffic has to cross the street at 6th and Pleasant. If the City would install a sidewalk along this section pedestrians would be able to utilize both sides of the bridge. Kings Construction has extended the City a price of \$4,200 to install this section of sidewalk. **Motion** by Truesdell to approve a contract with King's Construction to install a sidewalk from Himpel Lumber to the corner of 6th and Pleasant in an amount not to exceed \$4,200 with funds from the Special Highway Fund. Second by Donnelly. All Ayes. Aye 5. Motion carried.

The next agenda item was to consider an Ordinance that changes the days for discharge of fireworks to match that of the dates you can sell fireworks. At the last meeting, Mayor Ward said there were some issues over the 4th of July weekend. The issues seem to stem from when we can sell and when we can legally shoot fireworks in the City. They can sell them from June 30 but cannot shoot them until July 3. Police Chief Brandau recommended the council marry the

dates either sell less or shoot more. The council agreed marrying the dates was the best policy. **Motion** by Peak to approve Ordinance 1321 concerning the discharge of fireworks and authorizing them to be discharged the same dates they are able to be sold, June 30 through July 4 of each year or as authorized by the governing body. Second by Bixby. All Ayes. Aye 5. Motion carried.

Next on the agenda was to consider an Ordinance adopting Adult Oriented Business Regulations. City Planner Kevin Kokes provided an overview of the City of Tonganoxie's existing ordinances related to adult-oriented establishments. The City's Zoning Ordinance currently permits "Adult Entertainment" by right on properties zoned "GBD" General Business District. This zoning classification applies to much of the US 24/40 Hwy frontage from the Tonganoxie High School to the east city limits. The City's Municipal Code, including the Zoning Ordinance, does not provide for any standards with respect to the operation of adult-oriented businesses or the location of such businesses within GBD zoned areas, such as separation from residential properties, religious institutions, schools, etc. His memo continued stating City staff prepared an ordinance with proposed definitions and standards with respect to the operation of adult-oriented businesses and restricting the location of such businesses. The regulations are proposed to be added as a new Article to the Tonganoxie Municipal Code. **Motion** by Bixby to adopt Ordinance 1322. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Next on the agenda was Tom Kaleko, City Financial Advisor. He provided financing options for the governing body to consider if acquiring a facility to renovate to house a new Police Facility and Fire Department Annex.

Mayor called for a recess at 9:02 PM. The Mayor reconvened the meeting at 9:12 PM.

Next on the agenda was the 2012 Budget discussion. Considerable discussion ensued including increasing the Animal Control Officer (ACO) salary to \$1,000 each month. **Motion** by Bixby to make the \$1,000 each month for the ACO effective immediately. Second by Peak. All Ayes. Aye 5. Motion carried. Discussion continued concerning possibly insufficient salaries budgeted to effectively run the Police Department. Questions were asked why the Library mill request had increased and the Council would like a member of the Library Board at the next meeting to explain exactly why the State makes them increase their budget request annually or lose grant funds. Councilmember Donnelly said he does not agree with a COLA increase for everyone and no Merit increase. If the City can only afford to fund one or the other he would recommend the Merit so you only get a salary increase if you are doing a good job.

Motion by Gilner to enter into executive session at 10:05 pm to discuss a matters that pertains to non-elected personnel to include the City Administrator, Mike Yanez, Police Chief, Jeff Brandau and City Attorney, Mike Kelly for 10 minutes to return at 10:15 p.m. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 10:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

Motion by Gilner to promote William Naff to Sergeant with the Tonganoxie Police Department. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Donnelly to enter into executive session at 10:20 pm to discuss a matter that pertains to non-elected personnel to include the City Attorney Mike Kelly for 10 minutes to return at 10:30 p.m. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Bixby to exit executive session and reconvene with the regularly scheduled meeting at 10:30 PM. No items were discussed other than that mentioned and no votes were taken. Second by Gilner. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Bixby to adjourn. Second by Gilner. Motion carried. All Ayes. Aye 5. Meeting adjourned at 10:35 PM.

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