

City of Tonganoxie
City Council Meeting Minutes
08/08/11

The Governing Body of the City of Tonganoxie met in their regularly scheduled session at the City Hall Council Chambers on August 8, 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, Andy Gilner, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst City Administrator/City Clerk and Mike Kelly, City Attorney. Chris Donnelly arrived at 7:15 PM.

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

Consent Agenda

- a) Approval of Minutes -
 - 1. Regular Meeting dated July 25, 2011

- b) Consider Approval of Bills - Approve Pay Ordinance A-1663

- c) Consider approval of appropriation to AA Fleet Services in the amount of \$2,710.50 for repairs to Fire Truck

- d) Consider approval of appropriation to the City of Basehor in the amount of \$3052.50 for services provided in the month of June and July 5 & July 7.

- e) Consider approval of appropriation to Edwards Chemicals, Inc in the amount of \$3,441.35 for chemicals for the Water Plant

- f) Consider approval of appropriation to KDHE in the amount of \$167,671.21 for semi- annual loan payments associated with KDHE #1, #2 & #3 improvements to the Wastewater treatment plant

Motion by Truesdell to approve the consent agenda items a. through f. Second by Gilner. All Ayes. Aye 5. Motion carried.

Open Agenda: Denise Bixby, 704 East Street, said she does not think making 3rd Street a one-way street is a good idea. She said she does not live in that area but travels the street occasionally. She does not understand why the City would inconvenience the homeowners in such a manner. She continued, in five years or so the school will not be there anyway and then the City will have made permanent changes that are no longer necessary. On a second note, she said the water park has grown into a lovely area; whoever designed it did a very good job. She said she hears these comments everyday and wanted to pass on the compliments to the council.

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 consider a compromise to making 3rd Street from Shawnee to Main one way going east. Chief Brandau said the Tonganoxie USD 464 made a recommendation to make 3rd Street from Shawnee to Main a one-way street going east. This

recommendation was to alleviate traffic flow problems that occur when children are either being dropped off or picked up for school. This was presented at the last meeting and received considerable dissention from the surrounding neighbors. Following the Council meeting, a meeting was held with Tammy George, the Principal of the Grade School, Phil Jeannin, a resident living at 3rd and Green, City Administrator Mike Yanez, Sgt Steve Hawkins and Chief Brandau to discuss the concerns that were brought forth by the citizens. The group decided that making no parking on school days from 7 am to 4 pm on Shawnee would be a benefit for moving traffic south bound on Shawnee. The group further recommended making 3rd street from Shawnee to Bury a one-way Street going East on school days from 7:30am to 8:30am and from 3pm to 4 pm. He said, while this is not a perfect solution and has potential enforcement problems, it would be a start. Brandau said he spoke with a consultant who said the compromise recommendation would be confusing. The consultant recommended making Shawnee Street back into a two-way street with right turns only allowed at the intersections. Brandau said the Standard Traffic Ordinance authorizes the Police Chief to make 90-day experimental regulations for signs. If it works then the council can proceed with the permanent placement of the signs. He requested direction from the council. Tammy George, 21810 Green Road, Leavenworth, and Tonganoxie Grade School Principal, said in her 17 years at the school there have been two incidents where children have been struck by a vehicle. There was not serious or life threatening injuries but could have been. She said she wrote the letter to the Police Chief with the recommendation of the one-way street in hopes of improving safety for the children in the area. She said she was hoping by putting this request out we would have more heads together to try to come up with a creative solution to a difficult problem. Bryce Ferris, 302 E 3rd Street said the recommendation of no parking on 3rd Street bothers him. He recommended no more picking up children in the street; make a yellow line for loading and unloading only. Susan Freemyer, 312 E 3rd Street said she has seen a few near misses since she has lived there but that was reduced with the installation of the sidewalk. She appreciates the speed bumps to slow the traffic and thinks it helped. Brian Galyean, 303 E 3rd Street said he would not mind no parking on Shawnee during school hours only so people can park at night or weekends. He thinks if the neighbors have to give up parking, the school should have to give up part of its playground to add parking for teachers as a compromise. Samantha Wilson, 315 E 3rd Street said no parking on Shawnee during school hours would be great. She thinks the parents should take initiative and park a little down from the school and walk the children up the street. Wayne Jennings, 218 S Bury said he is against one way on 3rd Street anytime, but agrees with making Shawnee no parking during school hours only. Martin Ramirez, 225 S Green said that she agrees with Jennings and opposes one way on 3rd Street anytime. Brian Galyean suggested adding a stripe down the side of the road for a walking lane so the kids can walk down and cross Shawnee in a cross walk at 3rd Street. Laurence Hill, 513 E 13th Street said he picks up his grandkids and it is tough getting through the area. **Motion** by Bixby to direct no parking signs be placed on Shawnee Street that disallow parking during school hours or 7 AM to 4 PM on school days only for this school year and to evaluate and readdress next year and to authorize the Police Chief to determine street striping requirements. Second by Gilner. All Ayes Aye 5. Motion carried.

Next on the agenda under old business was the FY 2012 budget discussion and to authorize publication of the budget hearing to be held at 7:00 PM on August 22, 2011. City Administrator Mike Yanez said the budget is presented with expenditures as recommended at the work session. However, after the budget work session it was discovered there were two errors with the numbers provided. The beginning balance was misstated and the valuation used was 2011

final assessed valuation instead of the current estimated valuation, which was lower than in 2011. The totality of the two errors changed the projected carry over to 2013 to slightly over \$80,000. The accounting policies state the carryover should be 15% and that is the amount that the bond rating agencies are expecting to maintain the City's credit rating. Yanez passed out a list of possible reductions in the general fund expenditures that included not replacing those employees that are leaving due to attrition but rather wait until July of 2012 to replace them and eliminate the maintenance money in the street department. Mayor Ward said he learned of the errors last week and was very disappointed because the council has been working hard to beef up the carry over funds. He continued stating that everyone went into this budget with the mindset of saving money within the departments. He said he hopes the council will have a good conversation about possible savings. Councilmember Peak requested additional detail on the two errors. The council continued discussion with the department heads to determine the positions that were going to be open if they could be delayed in filling to save money. All department heads said it would be tough for the department but could manage for a while. Councilmember Donnelly said the assessed valuation is trending downward. We either have to increase revenues or decrease expenses or cut services or raise taxes. He continued asking the rest of the council, do we bump the mill levy or cut more services? He said the council needs to make that decision to take the burden off the employees. He said we have to let the citizens know that we will have to cut services with no tax increase. Councilmember Bixby said the council should consider annexation as a means of raising revenue. The houses on the outskirts of town receive all the benefits of living in the City but do not have City taxes like the rest of us. Councilmember Peak said capital projects should be put into perspective. Just because you pay one off does not mean you run right out and issue new debt. Amanda Altenhofen, Treasurer of the Library Board, was present to answer questions about the Library requests. Donnelly said he does not know what it takes to run the Library and it is not his intention to slash it, but he said he has a serious problem with raising the Library mill year after year. Altenhofen said the Library is currently without a director so the budget was prepared with little guidance. The Board really does not know what the Library's needs are so was not in a position to start cutting the budget. **Motion** by Truesdell to authorize the publication of the 2012 budget summary and to schedule a public hearing for the purpose of hearing and answering objections of taxpayers to the proposed use of all funds and the amount of ad valorem tax proposed to be levied. Said public hearing will be held at the regular August 22, 2011 meeting of the City Council. Second by Peak. 4 Ayes. 1 Nay (Donnelly). Motion carried.

Next on the agenda was to discuss Chapter 8 Health and Welfare (Nuisance) and consider adopting an Ordinance amending the City Code. City Attorney Mike Kelly presented the updated chapter for the city code. The council tabled the item to allow them time to go over what had been presented.

New Business: The first item on the agenda under new business was to consider a property donation proposal. Yanez said the City has received an unsolicited proposal from Melanie Starcher, who is the property owner of a parcel of land located adjacent to and immediately Southwest of the old creamery building on East 1st Street, and the area directly adjacent to Magnatech Park. In summation, she proposes to donate a 1.2-acre parcel to the City. The property appears to have little value to anyone other than the City or the recreation commission as it is adjacent to the park and entirely in the flood plain. Public Works could demolish and remove the dilapidated building as time allowed. Some equipment may have to be rented for

the demolition but the building is wood and would be easy to demolish and remove. The crew could also handle clearing the brush and overgrowth. This parcel will make a nice area for an extension of Magnatech Park on the west side of the creek and a trailhead for the Chieftain Trail could be developed with timbers and a picnic table or benches that would complement the park and be of use with the trail. **Motion** by Peak to direct the City Attorney to work out the details on the land transfer with the owner. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Next on the agenda was the Public Wholesale Water District #6 (PWWD#6), third Amended Operating Agreement proposal. The Board of the PWWD#6 is evaluating a proposal to revise the commitments of the three parties that would maintain the Bonner Springs water line and prevent the district from dissolving. Such action would cause abandonment of the Bonner Springs water line. The members entered into the formation of the PAWED #6 in 1984 for the purposes of financing a water line from Bonner Springs to the area to provide water to the members and to establish prices and policies governing the use of the water line and distribution of the water. Over the last two years, things have changed significantly. RWD #9 no longer relies on the water line as their well field meets their needs. RWD #6 no longer relies on the line as it acquires water from some wells and supplements their water needs through Suburban Water Co. The City no longer relies on the water line as it now purchases its water through the new BPU waterline. However, all members would like to maintain this line for a backup water supply for emergency purposes. RWD#9 has submitted a proposal for a Third Operating Agreement and has asked the others to discuss the proposal with their boards for future acceptance, amendment or rejection at a future PWWD#6 meeting. At this time the minimum quantity is being negotiated with Bonner Springs water. The previous minimum was 20 million gallons a year. The new proposal would increase the City's board members to two. Previously the City only had one vote. The agreement also holds us to purchasing 1/3 the minimum quantity, currently the City has no minimum. The council agreed to continue negotiations with PWWD#6 for the agreement and requested more details on the matter.

Next on the agenda was Chief Brandau. He has been offered a donation from the Kansas Bureau of Investigations (KBI) of one 4 wheel drive pickup truck and would like a motion to accept donation of property. **Motion** by Bixby to authorize the acquisition of the vehicle from the KBI for use at the Police Department. Second by Donnelly. All Ayes. Aye 5. Motion carried.

Motion by Peak to enter into executive session at 8:58 pm to discuss a matter that pertains to non-elected personnel to include the City Attorney, Mike Kelly for 5 minutes to return at 9:03 p.m. Second by Bixby. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session and reconvene with the regularly scheduled meeting at 9:03 PM. No items were discussed other than that mentioned and no votes were taken. Second by Peak. All Ayes. Aye 5. Motion carried.

Motion by Truesdell to enter into executive session at 9:03 pm to discuss a matter that pertains to non-elected personnel to include the City Attorney Mike Kelly for 10 minutes to return at 9:13 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 9:15 PM. No items were discussed other than that mentioned and no votes were taken. Second by Truesdell. All Ayes. Aye 5. Motion carried.

Motion by Gilner to enter into executive session at 9:15 pm to discuss a matter that pertains to non-elected personnel to include the City Administrator, Mike Yanez, for 20 minutes to return at 9:35 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 9:40 PM. No items were discussed other than that mentioned and no votes were taken. Second by Bixby. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Bixby. Motion carried. All Ayes. Aye 5. Meeting adjourned at 9:45 PM.

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