

**City of Tonganoxie**  
**Special City Council Meeting Minutes**  
**10/17/11**

The Governing Body of the City of Tonganoxie met in a special meeting on October 17, 2011 at 7:00 PM for the purpose of discussing 3 items:

- a) Discuss FY 2014 KDOT Corridor Management Construction Project Program Application
- b) Discuss financing options for industrial park infrastructure
  - 1) Executive session – confidential data relating to financial affairs or trade secrets of third parties.
- c) City Administrator Search

The meeting was called to order at 7:00 PM. Roll call was taken with the following members and staff present: Mayor: Jason Ward, Council Members: Dennis Bixby, Andy Gilner, Chris Donnelly, Bill Peak and Jim Truesdell. Mike Yanez, City Administrator; Kathy Bard, Asst. City Administrator/City Clerk, and Michael Kelly, City Attorney. A quorum was present and the Mayor requested everyone to join him with the Pledge of Allegiance.

Open Agenda: Even though it was a special meeting, the Mayor allowed for open agenda for those present to discuss items that were not on the agenda with the knowledge that the council could not act on them due to the nature and law associated with a special meeting.

Gordon Cummings, 1425 E 4<sup>th</sup> Street, said he was speaking representing his neighbors: Tim Taylor, Paula Crook and Duane Nible. He said at the home located at 220 Village St there are thousands and thousands of dead roaches as well as live ones still running. He does not think the perimeter of the property was treated before they went in and started moving things. He thinks the landlords need to be held accountable for surrounding properties and thinks the council needs to pass an Ordinance to make that happen. Paula Crook, 1403 E 4<sup>th</sup> Street, said the enforcement of the clean up should have a time limit on it. The landlords are only cleaning up on weekends when they should be hitting it hard to minimize the invasion of bugs to surrounding properties. Jason asked that an update on the abatement to the property be available at the next meeting.

Ernest and Wanda Bogardt were next and told the council they are continuing to work on demolishing the condemned structure and thought they would need a few more weeks.

First on the agenda for the special meeting was the FY 2014 KDOT Corridor Management Construction Project Program Application. City Administrator Mike Yanez went over the US 24/40 Corridor Management Plan and explained the application round was competitive with other corridors across Kansas. If the City of Tonganoxie was awarded a project, they would receive up to \$2,000,000.00 towards the construction of a corridor management eligible project. Other associated project costs such as preliminary engineering, right of way acquisition, utility relocations, permitting costs

and construction engineering are not eligible for reimbursement and must be paid for by the project sponsor. In the Corridor Management Plan the City identified the US 24/40 and Main project as it's number one priority. That project has successfully been completed. The number two project is geometric improvements at a new US 24/40 and 14<sup>th</sup> Street intersection. That project was previously considered by the City for application submittal and rejected by the City Council due to the absence of a new 14<sup>th</sup> Street which would potentially downgrade the project's consideration when evaluated by KDOT. The number three priority is the installation of a traffic control light at Laming Road and US 24/40, an extension of Laming Road south of the highway and construction of a new reverse frontage road from South Park Drive to the new section of Laming Road. The benefits of the project would be to create full highway access to traffic currently using South Park Drive and Stone Creek Drive to access the highway. This uncontrolled access presents traffic hazards and safety conditions that should be improved. Another benefit is the creation of highway retail parcels that would be served by the new section of the Front Street frontage road. BG Consultants estimate it can provide the necessary engineering detail and line item project cost estimations under the City's on-call contract in an amount not to exceed \$2,500.00. Mayor Ward allowed for public input on the matter at this time. Jack Willis, 410 Smiley Road, said he owns the south side of 24/40 and South Park and he would prefer the traffic light at this intersection. Susan Freemyer, 312 E 2<sup>nd</sup> Street, and Executive Director of the Chamber of Commerce said she does not agree with closing the intersection to right in right out turns only. She said the City does not have the money to be spending on this project in 2014. We receive a substantial portion of our revenue from retail sales tax and closing that intersection would kill the business at the intersection of Stone Creek and 24/40. She suggested KDOT reduce the speed limit to 45 MPH at mile marker 409 or 206<sup>th</sup> Street (CR #25) and remain at 45 MPH to the current 40 MPH zone at mile marker 408. She said the speed is inappropriate and the City should try simple steps to save money and lives. Dorothy Rose, 1520 E 24/40 Highway said slowing down traffic will not help getting across the highway. She agrees a traffic control light needs to be installed at Laming Road & 24/40. The City needs to take the application into consideration to take advantage of using federal funds to build the infrastructure in the City. Steve Kelly, 12608 W 129<sup>th</sup> Street, Overland Park said he has a substantial investment in the City of Tonganoxie with the development of Highland Ridge Business Park and the development of the corner strip mall. He said the proposal for the application bothers him. He feels the signaled intersection would make more sense at Stonecreek. He said if the project was approved and went forward it would kill the business at his convenience store if patrons were not allowed to turn left at the intersection. He suggested the City look at safety as well as the economic factors of the businesses. Mary Krouse, 18446 174<sup>th</sup> said she agrees Stone Creek intersection is dangerous. By the time people get to Laming they have already slowed down. They will drive right past the businesses in the morning if they cannot turn left. She is concerned that Laming Road may not be the proper place when all the houses are at Stone Creek and South Park. Patrick Kelly, 21211 W 123<sup>rd</sup>, Olathe said he is the owner and manager of the Dominos Pizza. He said consider lowering the speed at 206<sup>th</sup> as he sees the accidents and knows it is a dangerous intersection. He said if you slow the traffic down it will help a lot and he agrees an intersection light is needed at either location but would prefer Stone Creek because if the morning traffic cannot turn left it will kill the businesses.

Next the council discussed whether or not they wanted to submit an application for the project. Councilmember Truesdell said he is not convinced we need to do the project at all, but if we do we should stay within the guidelines of the adopted Corridor Management Plan. Councilmember Peak said lower the speed limit at 206<sup>th</sup>. He continued saying we can push KDOT to lower the speed limit now because the money won't even be available for three years. Peak continued saying lowering the speed limit could save KDOT \$1,140,000. He said he needs information on how it will be financed and where that money will come from. He wants pros and cons from the public too. Councilmember Donnelly said he has a conflict of interest with the Stone Creek intersection so he will not be voting on the project. He said KDOT can place temporary lights up as he has seen it done elsewhere. He continued saying if safety was the real issue it can be resolved less expensively for now and when we are prepared to do Laming Road intersection we should do it. Councilmember Gilner said he is using his perspective as a Driver's Education instructor. He said it is a dangerous intersection on either side and lowering the speed limit will resolve the safety issue now. Councilmember Bixby said he is torn on the issue. He lost a daughter at a dangerous intersection on 24/40 and the people here have put their faith in the government to do the right thing and with the swipe of a pen we can kill the substantial investment they have. He would like to see a lower speed limit and additional traffic enforcement to slow people down. He assured those business owners present he would not vote to put them out of business. Tom Putthoff, 2050 Jackson Drive, said a stoplight somewhere would be great but expensive - slow down the speed. He suggested calling our State Representative to see if they can help pressure KDOT. The council agreed to request KDOT lower the speeds and evaluate the impact.

**Motion** by Donnelly to enter into executive session at 8:15 pm to discuss confidential data relating to financial affairs or trade secrets of third parties to include City Administrator, Mike Yanez, Steve Jack, Executive Director, LCDC and City Attorney Mike Kelly, for 10 minutes to return at 8:25 p.m. Second by Peak. All Ayes. Aye 5. Motion carried. **Motion** by Gilner to exit executive session at 8:25 PM. No items were discussed other than that mentioned and no votes were taken. Second by Donnelly. All Ayes. Aye 5. Motion carried.

**Motion** by Gilner to re-enter into executive session at 8:25 pm to discuss confidential data relating to financial affairs or trade secrets of third parties to include City Administrator, Mike Yanez, Steve Jack, Executive Director, LCDC and City Attorney Mike Kelly, for 10 minutes to return at 8:35 p.m. Second by Truesdell. All Ayes. Aye 5. Motion carried. **Motion** by Bixby to exit executive session and reconvene with the scheduled meeting at 8:35 PM. No items were discussed other than that mentioned and no votes were taken. Second by Gilner. All Ayes. Aye 5. Motion carried.

Break for 5 minutes. Meeting reconvened at 8:40 PM.

Next on the agenda was to discuss financing options for industrial park infrastructure. Donnelly went over a proforma that was prepared to show the various sources of revenue that could be derived. An assessment on the water and sewer users, increase

franchise fees, levy an additional .25% sales tax were among some of the options for the council to consider as well as the expenses they would be facing to finance the infrastructure and to convert the land debt to a permanent long term debt. Council directed the Mayor and Councilmember Donnelly and City Administrator Yanez to go talk to the Leavenworth County Port Authority to request assistance in the venture.

Next on the agenda was to discuss the City Administrator search. Councilmember Peak said he is not in favor of hiring a professional firm to administer the search. He felt the Mayor and council could do this. Donnelly disagreed saying we need the search to come from a professional approach. Gilner and Truesdell agreed with the professional approach, while Councilmember Bixby agreed more with Councilmember Peak. He said if we were five months down the road and could not find a suitable replacement I could see going to a professional firm. The council decided they needed to sit down and discuss it. **Motion** by Gilner to schedule a work session to discuss the City Administrator position on October 24, at 5:30 PM. Second by Peak. All Ayes. Aye 5. Motion carried.

With no further business to discuss, there was a **motion** by Gilner to adjourn. Second by Donnelly. Motion carried. All Ayes. Aye 4. Meeting adjourned at 9:25 PM.

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