



**City Council Meeting Minutes  
12/10/2012**

The Mayor opened the meeting at 7 p.m. with the pledge of allegiance. Councilmen Gilner, Donnelly, and Truesdell and Mayor Ward were present. Also present were City Administrator Nathan McCommon, City Administrator Mike Kelly, Assistant City Administrator Jennifer Jones-Lacy, and Police Chief Jeff Brandau. Councilmen Bixby and Peak were absent from the meeting.

Councilman Donnelly made a motion to approve the meeting minutes and consent agenda, seconded by Councilman Gilner. All Ayes, the motion carried.

**Open Agenda**

No items for open agenda.

**Old Business**

- a) Update on PWWSD#6 review of submitted termination language in order to enter an operating agreement with Public Wholesale Water Supply District #6 and #9 and authorizing a minimum purchase of \$3,300 per year from the Water Operating Fund
  - No updates
- b) Update on Chieftain Trail
  - No updates
- c) Review debt refinancing options to include certain state revolving loans and the industrial park
  - Mr. McCommon gave a summary of the agenda statement summarizing previous discussions on the refinancing issue. He explained the various scenarios on refinancing the debt. Mayor Ward reminded the Council that they requested to see this comparison and that the Council needs to make a decision on the direction of refinancing.
  - Councilman Donnelly asked the interest payment on the taxable bond issue. Brian Kidney with Springsted Financial responded that it's over 3%. That compares to the non-taxable at 1.9%. Councilman Truesdell asked if they needed to make a decision tonight. Mr. Kidney responded that it would be best to have the sale ASAP because the calendar was set based on a 60 day protest period. The earliest they can sell the bonds are January 14<sup>th</sup>. In order to meet that goal, they would need to make a decision tonight; otherwise it will push that sale back two weeks. Mayor Ward suggested that we move forward since the absent members had the opportunity to review the material and that they had spoken positively about refinancing the industrial park. Mayor Ward asked the Council if they wanted to move forward with the bond sale and if they wanted to include the industrial park in the refinancing package.
  - Councilman Donnelly said the City needed to take advantage of the low interest rate and we need to include the industrial park in the sale.

- Mr. Kidney said he has seen some bond volatility due to the fiscal cliff, with about two weeks. The market cannot predict what will occur. If the market freezes for whatever reason, and it's not a good time to sell the bonds, Springsted would delay that sale. If we find that everything is okay we'll move forward as scheduled.
  - Councilman Donnelly made a motion to approve Resolution no. 12-12-01 to approve the sale of taxable GO bonds Series 2013A and GO Bonds Series 2013B, seconded by Gilner. Councilman Donnelly asked that the council stay informed on the process of the bond sale. All Ayes the motion carried.
  - Mr. McCommon said the Council chose the first option for the refinancing.
  - Mr. Kidney spoke about the calendar, on December 26<sup>th</sup> Council will have an authorizing ordinance and resolution to approve, and Gilmore and Bell will have a procedural resolution for the council to approve where you will formally adopt what you are already supposed to be doing now after a bond sale. On December 21<sup>st</sup> the official bond statement will be posted and January 23<sup>rd</sup> is the ratings call with S&P – this will be the first ratings call since the downgrade from A1 to A2. January 14<sup>th</sup> is the bond sale. The City Administrator and Mr. Kidney would be involved in that call
- d) Update on research results regarding breed-specific dog ban ordinance
- Mr. McCommon explained Mr. Hammer's email and asked for direction from Council on whether or not to keep it on the agenda. Councilman Donnelly recommended that we leave the ordinance as is and move on. Mr. Truesdell agreed. Mayor said we could remove it from future agendas. If we have new information in the future we can bring it back but we have enough information now.
- e) Update on city property sale: 636 E. 3<sup>rd</sup> and 301 S. Main
- There was an article in the Mirror along with an advertisement and signs on the properties. However, there were no offers on the houses. Staff has received an inquiry on the houses but nothing formal has been brought forward. McCommon asked what the Council would like to do with the properties. Mayor-to the extent that staff is continuing to have conversations we should leave the item on the agenda. We need to continue to consider disposition of the houses. Donnelly, it was my understanding that the goal is to demolish the house. What is our end goal with these houses? Mr. McCommon said he wants to give the potential buyer an opportunity to formulate his offer.

## I. New Business

- a) Discussion of infrastructure grant opportunities
- Mr. McCommon explained how a previous engineering study reviewed the traffic on Washington St. and that is included in the packet. The engineering study suggested there should be a reduced speed zone in front of the middle school only, not Gensis Christian Academy. The Transportation Enhancement (TE) grants are available to fund a solution for Washington Street. It requires a 20% match. Mr. McCommon said he's not sure Tonganoxie is quite ready financially for this debt. The financial resources are dedicated to Chieftain Trail currently which will dedicate \$270,000 in 2013. Once that's complete, another infrastructure project may become priority.
  - Mr. Brian Kingsley, engineer with BG Consultants, provided a handout regarding the TE program for Tonganoxie. He provided an explanation of the program – On Washington Street from Church Street to East Street there needs to be a way to safely get pedestrians across the street. Mr. Kingsley explained his firm's success in winning KDOT TE grants. KDOT has three grant areas – scenic and environmental,

historic and pedestrian trails. Chieftain Trail would fall into the latter. The City would be responsible for 100% of the design, right-of-way and utility relocation. The City would be reimbursed up to 80% of the construction cost. KDOT decided to offer 2014, 2015 and 2016 funds at once. KDOT has \$15 million in funds they will be allocating and there will likely be 25 or more projects. KDOT wants projects that will move on an aggressive schedule and break ground by spring 2014. They want to see projects that don't require easements and that are shovel ready. He said he didn't want to talk the Council out of applying for this grant but it's a tight time frame. This is likely the last time funding will be structured this way.

- A trail that would qualify for the TE program would be a 10-foot wide trail with a 2-foot wide clear zone on each side. Mr. Kingsley recommended the Council evaluate whether or not this type of facility would fit into the environment on Washington Street.
  - Councilman Truesdell said County staff would volunteer to reinforce the sewer on Washington to accommodate more embankments and the County would grade the embankment for free. This would allow us to build a five-foot sidewalk on the new embankment but that shouldn't be very expensive.
  - Mr. Kingsley said it would be helpful to have a sidewalk with a chain link fence to protect pedestrians and cyclists from falling off the embankment.
  - Councilman Truesdell said he would like to see the County move on grading the sidewalk upon being provided the grading limits, if the City can find the money for the design. There would be a cost for us for design, a chain-link fence.
  - Mr. Kingsley asked the Council to set their goals for the project, whether it's to move pedestrians from one side of town the other or something else. If we're moving from one side of town to the other, perhaps a side street would be the most economic option. I struggle to see this as a trail. If you were to do a KDOT TE trail, your match is going to be more than a sidewalk.
  - Councilman Donnelly asked what the budget would be the TE grant.
  - Mr. Kingsley \$400-\$500,000 would build a 10-foot trail. A sidewalk would definitely be less expensive, particularly if the County would donate the grading.
  - Mayor Ward said the great majority of citizens are concerned about traffic on Washington Street. If there's a way for us to resolve the issue, we may be able to use Safe Routes to School through the State. The application deadline is farther in the year. We need to take a careful look at our recreational opportunities available in town. I don't think we want to push a trail into that space just because we need something on that street. One option is to do the construction in phases which would help us to break the burden up in smaller portions.
  - Mr. Kingsley said if you want to move forward, you should think about projects like 14<sup>th</sup> Street. There are multiple funding opportunities. Any capital improvements you have, please give the engineer some lead time so we can help the City be more cost-efficient with the projects.
  - Generally the match is cash. I'm going to assume you'll want the county to grade for at least a 5-foot sidewalk.
  - Councilman Truesdell made a motion that the Council approve that BG Consultants provide a design to include a 5-6 ft. standard sidewalk for a cross-section on Washington Street not to exceed \$1,000.
  - The motion was seconded by Donnelly. All Ayes, the motion carried.
1. Update on signage for school zone on Washington Street
    - Mr. McCommon showed the map with the school zone signage and the proposed crosswalks. It moves the warning signs. Mr. McCommon said there is no urgency but staff would like to at least put out a temporary crosswalk.
    - Mayor Ward asked if we received input from the School as to where they want the crosswalk located.

- The issue was tabled until the next Council meeting on December 26th.

Councilman Donnelly asked Mr. Kingsley to put together a rough cost-estimate on what it would take to get the sidewalk complete on Washington. Mr. Kingsley said he could include that in his report.

2. Agreement with Alexander Open Systems for website design and hosting

- Mr. McCommon recommended for website redevelopment. The draft agreement includes the term, which is one-year with two options to renew; the cost – which is \$11,300.
- Councilman Donnelly, made a motion to execute the contract with AOS, seconded by Councilman Gilner. No discussion. All Ayes, the motion carried.

b) Executive session to discuss confidential matters related to non-elected personnel

- Council entered into executive session for 10 minutes at 8:23 p.m. Councilman Gilner made a motion to return from executive session at 8:33 p.m. seconded by Councilman Donnelly. All Ayes, the motion carried.

c) Consideration to fill the vacant police officer position

- Councilman Donnelly, made a motion to approve, seconded by Gilner. All Ayes, motion carried.

d) Request approval to purchase a new police patrol vehicle in FY 2013

- Mr. McCommon stated that this purchase was a budgeted item and that it would arrive late February or March. Councilman Gilner asked how long we keep a police vehicle. Chief Brandau said about three to four years.
- Councilman Donnelly made the motion to approve seconded by Mr. Truesdell. All Ayes, motion carried.

e) City Administrator Agenda

1. Discussion of City of the Second Class: Manner and time to gather public input

- Mr. McCommon, in prior council meeting, Council had asked for recommendations on how to gather public input. Public input is really only necessary if the Council wants to consider a change in the form of government. Otherwise the change would be administrative in nature.
- Mr. Kelly said there is no legal requirement to seek public input.
- Mr. McCommon said staff from the Kansas League of Municipalities offered to help facilitate public forums.
- Councilman Donnelly said a change in the form of government should be forward looking and therefore public input would be necessary.
- Councilman Gilner said he would like to delay the issue until after the April elections.
- Mayor Ward said it would be difficult for us to get all of our ducks in a row and have a new form of government put together for the April election. Since we do have an opportunity to change the form of government, we should seek public input in multiple ways. Mayor Ward asked the City Administrator to put together an informational memo with some survey questions as a way to gather public input.

2. Third quarter budget projection

- Mr. McCommon said there is no need for a budget amendment. All of the fund balances are positive. The beginning fund balances for several funds have been

adjusted based on the 2011 audit. The General Fund balance is actually higher than was reported back in July. As far as the commitment from the water and sewer capital fund for the extension of the utilities to the industrial park site, which is expected to be funded in part from the water and sewer operating funds, that commitment can be fully met. Since the City did not spend any of the budgeted funds for Chieftain Trail in 2012, we will likely need to do a budget amendment in 2013 to reissue that appropriation.

- Councilman Donnelly asked if we load the budget all at once or do it month by month.
- Mr. McCommon said it depends on the item. Generally it's beginning and end but it depends on the item.
- No other questions from Council. Mayor, look forward to an expanded conversation on the budget at the next council meeting.

3. Request for reconsideration from Mr. Albert to cover expenses for water line repair
  - Mr. Albert wanted to be sure the Council had an opportunity to see the plumber's email regarding his water line repair.
  - Mayor Ward said the plumber's email said that the City's crews may have caught the line while fixing the sewer. Mr. McCommon said city crews are well trained and I'm confident that that did not happen.
  - Mr. Kelly said he would write a letter to Mr. Albert based on the Council's actions.
  - The Council took no official action.

f) City Attorney Agenda

1. *Second Reading, an ordinance* repealing certain sections of Article 3, Fireworks, of Chapter 7 of the Code of Ordinances and replacing same for the purpose of defining the authority to ban the sale and use of fireworks in the city limits and providing public notice of such ban
  - This issue was tabled.

g) Mayor Agenda

- Mayor Ward thanked everyone for their help with the Mayor's Christmas Tree Lighting event.

h) City Council Agenda

1. Infrastructure Committee Report – Jim Truesdell  
We're putting together a plan for the 14<sup>th</sup> Street project. LCDC is looking for proponents for renewal of the County sales tax and the other item is they will want recommendations for potential projects.
2. Retail Commercial Development Committee Report – Bill Peak
  - i. Ordinance No. 1350 - Amending Ordinance No. 1342 Retail Attraction and Retention Incentive Program, repealing Section 2A rebate incentives
    - Mr. McCommon explained that the grant section would be eliminated from the ordinance. The issue was tabled until the next meeting.

A motion was made by Councilman Gilner to adjourn, seconded by Councilman Donnelly. The meeting adjourned at 9:03 p.m.

Respectfully Submitted,

Jennifer Jones-Lacy, Asst. City Administrator