



Council Meeting Minutes
January 28, 2013
7:00 Regular Meeting

The Mayor opened the meeting at 7 p.m. with the pledge of allegiance. Councilpersons Gilner, Reed, Peak, Truesdell and Mayor Ward were present. Also present were City Administrator Nathan McCommon, City Administrator Mike Kelly and Assistant City Administrator Jennifer Jones-Lacy. Councilman Donnelly was absent.

Councilman Peak made a motion to approve the consent agenda, seconded by Gilner. All Ayes, the motion carried.

Open Agenda

Bill Spain of 624 E. Seventh Street. Said his street is in disrepair and has been for years.

- The mayor said he wants to send Kent Heskett to Mr. Span's street to take a look at it. He wants to check out the holes as they currently stand and where it relates to the other projects compared to the repairs that have not been done in past years.

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
 - o No Updates
- b) Update on Chieftain Trail
 - o No updates
- d) Update on city property sale: 636 E. 3rd and 301 S. Main
 - Mr. McCommon said City staff is ready to demo the white house. The gray house final buyer just backed out on Friday so it's open to the Council to determine what they want to do with this property.
 - There were two interested parties that looked at the house.
 - Councilman Peak suggested placing an advertisement in the Lawrence Journal World and having a larger sign for the property. He said he knew the moving costs would be around \$25,000.
 - Mr. McCommon said the 40 informational fliers were all taken.
 - Mayor Ward asked if there was a consensus on more advertising. Councilman Truesdell said he was in support.
 - Councilwoman Reed said she doesn't see a problem with advertising again, Councilman Gilner said running the ad in the Journal World and if we get hits then great, if not that's it and
 - The consensus was to run the ad for no longer than one month.
- a) Update on municipal bond sale
 - The proceed transactions will occur on January 29th.

- f) Update on U.S. 24-40 Highway improvements
- Mr. McCommon gave an overview of the proposed changes by KDOT along with the potential grant opportunities with the state, 100% for construction and some potential off-set for engineering.
 - The mayor explained this issue had been discussed in the past. It was first discussed in 2011 when there was an opportunity for grant funding. The reason it's being addressed again is because of the opportunity for grant funding in 2014. Each time it's been addressed there was a reason it wasn't enacted.
 - Councilman Truesdell said the cost for the median wasn't outlined in the map diagram available on the powerpoint, Councilman Truesdell said that should be on there.
 - Jim Pickett with KDOT explained there would be an expense for the median, which would be between \$100,000 and \$350,000.
 - KDOT is really supportive of the signal being at Laming Road because it's the higher volume intersection and it ties into the county road and would be more convenient. It would make it a much more complete project. Jim Pickett said KDOT is willing to cover 90% of the engineering cost.
 - Steve Kelly, 12608 W. 129th Overland Park Kansas, said he owns the gas station development at the corner of 24-40 Hwy and Stone Creek. Due to the traffic increase, the business has gone down. He thinks the speed limit should be reduced and there needs to be a stop light. He thinks Laming is a fine place to have the light and he would rather have two lights, one at Laming and one at Stone Creek. He said the Council should look at other issues rather than just the funding that KDOT will provide. He said anytime you make it less accessible, your business will suffer. The businesses on the east end will not come to his business because it's not convenient. He's been doing business in Tonganoxie for 10 years.
 - The mayor said the grant process would be a competitive process and that any project we submit would be eligible for a grant.
 - Mr. Kelly asked if KDOT would be willing to put in two stop lights.
 - Jason Hoskinson with BG Consultants said the yellow line would be a connection between Laming Road
 - Justin Kelly 21211 W. 123rd Street in Olathe, he owns the Dominos at the convenience store. He expressed concerns for drivers pulling out on Stone Creek onto 24-40. He's very concerned with any restrictions of access to Stone Creek and that would hurt any potential for new businesses for the City.
 - Mrs. Rhodes 1530 State Avenue, she said she doesn't think there needs to be a grassy median. She said the most dangerous intersections in 2005 was Laming Road, 4th Street and Main Street and that hasn't changed. She said County Rd. 5 is stacked up quite a bit and a traffic light would really help her get out on the highway.
 - Becky Miller, 803 N. Chestnut, asked about the time frame for this project. Jason Hoskinson with BG Consultants said this is the informational gathering phase and the project would start in 2014, it would take three-six construction months to complete.
 - Ms. Miller wanted to know the price of the flashing signs that state "stop light ahead, be prepared to stop". She also asked Mr. Pickett about the difference in traffic volume between Laming and Stone Creek Roads.
 - Mr. Pickett responded that peak volumes for Laming during the morning rush hour is 1,017 vehicles and peak volume for Stone Creek is 910. During the evening rush hour, Laming has a volume of 1,242 and Stone Creek has 1,225. Mr. Pickett said more accidents are at Stone Creek, the crash rate for 10 million entering vehicles 1.59 and Laming is 1.29 and North Star Drive is 1.23.
 - Ms. Miller said the volume is very comparable and she wanted to know why KDOT chose Laming over Stone Creek. Mr. Pickett said the reason is the connectivity to County Road 5
 - Ms. Miller said she wanted to see a stop light at both Stone Creek, Laming and would like to do away with the median.

- Mr. Pickett said KDOT didn't want to do that because the corridor management plan calls for spacing between the signals.
- Mayor said we're responsible for the safety and commercial viability of the City. Our interest is somewhat different than KDOT and we're here to take all of these factors into consideration.
- Mary Crouse 18446 146th Street, Bonner Springs. Owns the liquor store by the Fast Tracks. She said lowering the speed limit has helped. She's opposed to anything that blocks people having access to the Stone Creek and 24-40. Not only is it a problem for the business but she argues it causes problems for police and fire response. She said the Council needs to look more at what benefits the City not just KDOT and traffic flow.
- Greg Orshlen rents office space at 405 State Avenue, Biomedical Devices. He said Bill Graben wasn't able to be here tonight who owns the building. He said he enters the Stone Creek daily and supports the Laming Road signal and would also support a signal at Stone Creek.
- Councilman Truesdell asked if KDOT would entertain the grant for the improvements if the City installed an additional traffic signal at Stone Creek as it would be in conflict with the 24-40 corridor study. Pickett said KDOT would discourage it but would consider the application.
- Mr. Hoskinson said when doing a corridor study they look at spacing so between lights to maintain traffic flow. He said this is a quarter mile spacing and it's going to be difficult to get traffic progression between two signals at this location. He said you want to shoot for a mile, at minimum a half-mile between lights.
- Mr. Hoskinson said when weighing the option between what to do at the two intersections, the crash rates at Stone Creek there were 13 crashes and 9 of them were left turn movements off side street so this plan would restrict the ability to make a left turn onto Laming.
- The proposed plan would construct a reverse frontage road that would take traffic from the neighborhood at South Park and funneling it to Laming Road. It would take one construction season to build this road.
- Mr. Kelly said that he doesn't understand why the multiple traffic lights is problematic when you see this in Lawrence and other areas. He asked if KDOT looks at the impact on local businesses. Mr. Pickett said we do worry about that but the restriction is not heavy. Kelly said people do what's convenient and this will reduce convenience for some coming from the south neighborhoods.
- Ms. Miller said increasing traffic on Laming Road will require a shoulder and lane expansion. Mr. Hoskinson said there is a plan to expand Laming Road. This project is part of a bigger picture and this just a piece of that puzzle.
- Councilwoman Reed asked about the median and what that will look like.
- Mr. Hoskinson offered to draw a picture on the white board explaining the project. This project creates a three-quarter access right in, right out, left in, left out. Hoskinson said there's an increase in rear-end accidents when you add traffic lights so that doesn't mean it's going to be safer.
- Councilwoman Reed asked if we considered two stop lights, would that make the City's application less attractive for funding. Mr. Pickett said yes.
- The Mayor asked Mr. Pickett if the City were to put a light in at Laming, would the risk at Stone Creek be significantly reduced. Mr. Pickett said it would have a marginal affect but not nearly the benefit of having the grass median.
- Councilman Gilner asked if there would be a benefit to drop the speed down more. Mr. Pickett said it's been studied and they aren't going to study that again for a while.
- Denise Bixby asked why it's okay to put the frontage road on the south park side, instead of on the north side using Woodfield Dr.
- Mr. Pickett said the corridor management plan is set up so you don't even have to use 24-40 to get from a neighborhood to other places in town. He said there's a lot of merit in having the reverse frontage roads on both sides.

- The mayor said he didn't intend for the Council to take action tonight but to just get public feedback. He said all issues have merit and that these are two very dangerous intersections in town.
- Mayor called a five minute recess at 8:10.

I. New Business

- a) Resolution No. 01-13-04 requesting a finding of the Board of County Commissioners for annexation of certain unincorporated property
 - McCommon said Dean Oroke wanted to annex his property located adjacent to the Industrial Park into the City limits of Tonganoxie.
 - Councilman Peak made the motion to approve the request, seconded by Councilwoman Reed. Discussion.
 - All ayes, the motion carried.
- b) Request approval to purchase firearms for police officers
 - Mr. McCommon, said staff did an internal analysis of police handguns and the police chief expressed concern about accuracy and reliability. He wanted to make firearms standard for the department and he said this allowed officers to pay for their firearms through payroll deductions.
 - Councilman Gilner made a motion to approve the request, seconded by Councilwoman Reed.
 - Councilman Peak asked about the procedure for getting rid of old firearms.
 - Michael Kelly said they were sold.
 - Mr. McCommon said they have a few old firearms through military surplus. Councilwoman Reed asked if one extra gun was enough. Mr. McCommon said the Chief assured it was.
 - All ayes, motion carried.
- c) Request approval to re-appropriate unspent funds from FY 2012
 - Mr. McCommon said we needed to increase the appropriations for unspent funds from capital improvements in 2013 for a total of \$279,000 of additional appropriations in 2013. He reviewed all of the items requesting additional appropriations. He explained that \$20,000 would be needed for Right-of-Way for Chieftain rather than \$18,000.
 - Councilman Peak made a motion to approve, seconded by Councilman Truesdell. All Ayes, the motion carried.
- d) Request approval to purchase street signs and related materials from National Sign Company for the third and final phase of the street sign replacement program
 - Nathan said the winter is the best time to install signs and this is already budgeted.
 - Motioned by Councilwoman Reed, seconded by Councilman Peak. All Ayes. Motion carried.
- e) Request approval to proceed with bids for engineering design for the extension of utility improvements to the Tonganoxie Business Park
 - This is for the utility extensions south to the industrial park, McCommon wanted to know how staff should move forward in selecting an engineer. He said BG Consultants have provided preliminary design. The procurement policy does provide options for sole-source.
 - Councilman Truesdell said he wouldn't recommend getting bids and he thinks using BG makes sense.

- Councilman Peak said he would like to see an RFQ in the future. He asked if another designer could use BGs drawings and Councilman Truesdell said they are our property.
 - The Mayor said he would be supportive of using BG for this project since they have been heavily involved.
 - Councilman Gilner said he would like to see engineering bids in the future but using BG for this purpose makes sense.
 - Mayor directed staff to reach out to BG for design.
- f) Request approval to select a vendor for right-of-way acquisition for the extension of utility improvements to the Tonganoxie Business Park
- The need to do this follows engineering design. He said they called a few companies and found Evans Real Estate to be the ROW negotiator.
 - Gilner made the motion to contract Evans for easement negotiations, seconded by Reed. All Ayes, the motion carried.

a) City Administrator Agenda

1. Closed session to discuss confidential matters of non-elected personnel
 - For 10 minutes. Motioned by Gilner seconded by Peak. All ayes at 8:37.
 - Motioned by Peak, seconded by Reed.
 - Councilman Peak made a motion to move the utility billing clerk from 3b to 3f on the pay scale, seconded by Gilner, all Ayes. Motion carried.
2. Update on the Downtown Revolving Loan Program
 - Ms. Jones-Lacy provided an overview of the Downtown Revolving Loan program including its history and current loan statuses. She explained to the Council that it was up to them to determine if they would like to continue the program and if so, how to restructure it. She explained that several loans had gone into default over the 13 years the program has been in place.
 - Mr. Michael Kelly said he would take direction on council regarding legal action to take against the loan recipients who have not honored their debts.
 - The Council asked for recommendations on structuring the program in the future.
3. Discussion of City of the Second Class: Size of the governing body
 - Council must have no less than four and no more than 12 people on its governing body.
 - Councilman Gilner said he doesn't think we should make the city council any larger considering lack of interest in running for council.
 - Councilman Peak and Councilman Gilner said they don't agree with Wards because of the lack of interest in running for council office.
 - The consensus was to maintain five members.

b) 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
2. *Second Reading*, Request consideration of Ordinance No. 1355 – An Ordinance authorizing police to perform commercial vehicle inspections

- Allows the Tonganoxie Police Department to make stops for inspections per the commercial motor vehicle code. Right now he can't issue a citation if he sees a violation he would have to contact the highway patrol.
 - Mr. Kelly said we have a list of municipal fines that would be approved upon approval of this ordinance.
 - Mayor said he would like to see the formatting and spelling errors changed.
 - Motion made by Councilman Gilner seconded by Councilman Peak. All ayes, motion carried.
3. Request approval of Ordinance No. 1356 – An ordinance to provide more effective enforcement for addressing inoperable vehicles
 - Held off the agenda.
 4. Request repeal of Ordinance No. 1306 regarding water rates
 - Councilman Gilner made a motion to approve ordinance no. 1356 to increase the water rates. Seconded by Councilman Truesdell.
 - All Ayes the motion carried
- c) Mayor Agenda
- Mayor thanked everyone who refiled for candidacy.
- d) Council President Agenda
- e) City Council Agenda
- Councilman Peak asked that the Police Department remove the letters on the old police station. He said we need a sign that says “Tonganoxie Police Department”. Mr. McCommon said the reason we haven't done it is the cost. He would like to do something that's good looking and cost effective.
 - Councilman Peak said in the name of public safety, people need to be able locate the police department. Councilman Peak asked if we can ask staff to return estimates on a sign.
1. Retail Commercial Development Committee Report – Bill Peak
 - i. Approval of Ordinance No. 1350 - Amending Ordinance No. 1342 Retail Attraction and Retention Incentive Program, repealing Section 2A sales tax rebate incentives
 2. Infrastructure Committee Report – Jim Truesdell
 3. Industrial Park Committee Report – Chris Donnelly
 4. Update on fireproof storage in city hall – Bill Peak

A motion to dismiss was made by Councilman Gilner, seconded by Councilwoman Reed, all Ayes, the motion carried. The meeting adjourned at 9:24 p.m.