



**City Council Meeting**  
July 22, 2013  
7:00 Regular Meeting

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilwoman Reed, Councilman Gilner, Councilman Truesdell, Councilman Peak and Mayor Ward were in attendance. Councilman Donnelly was absent. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Police Chief Jeffrey Brandau, Public Works Director Kent Heskett, Fire Chief David Bennett, and City Attorney Michael Kelly.

**I. Consent Agenda**

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

**II. Open Agenda**

- Nothing for open agenda.

The Mayor moved the presentation by Janet Falk on the 2013 season of the Tongie Tidal Waves to the top of the agenda.

- Ms. Falk thanked the Mayor and Council for allowing her to have Tongie Tidal Waves at the pool. The kids came from Eudora, Tonganoxie, Basehor, and Linwood. They had three meets with 500+ swimmers competing. The Tongie Tidal Waves came in third out of four teams. Range from age 5 to 18 years old. She had 108 swimmers this year.
- The Mayor and Council thanked Ms. Falk for her efforts and service to the community.

**III. Old Business**

- a) Update on Chieftain Trail
  - Mr. McCommon said Westar has been notified that we have the easements and we're just waiting to hear from them when they can move the utilities. Then we can get approval to go to bid from KDOT. We're ready to go as soon as we get that information.
- b) Update on utilities extension
  - Mr. McCommon said he is anticipating the easement descriptions on the Eastside of the road soon. JW Evans is already in conversations with those property owners to acquire that right-of-way. The City is expecting a response on the easement descriptions from KDOT on Friday. After which point, he can direct BG to provide easement descriptions for where the ROW ends and then we can begin acquisition on the west side of the road.

- e) Hwy 24-40 Improvements - Update
- The Mayor and Mr. McCommon had a chance to meet with KDOT last Thursday and the team approved the request to amend the 24-40 corridor agreement as written including a traffic signal at Stone Creek and to leave the intersection of 24-40 and Laming Road open. KDOT had some qualifications in that they required connecting sidewalks to existing sidewalks alongside 24-40 Hwy. They also said they would cover construction 100% but none of the engineering, design, acquisition and construction observation. Also, KDOT will not approve the final amendment until Council agrees to fund the City's portion of the project.
  - The Mayor said the only difference between this current scenario and what KDOT proposed previously was that they had planned to cover 90% of the engineering previously and under this new plan they will not fund engineering.
  - Councilman Peak asked what those numbers were.
  - Mr. McCommon said we would have to hire an engineer to give us those estimates. We had previous estimated for the signal at \$500k but that does not include the sidewalk installation and engineering and construction.
  - The Mayor said it's up to the Council to determine how to move forward – do they want to get an estimate from BG or do they want to go back to KDOT and try to convince them to fund it better.
  - Mr. McCommon said KDOT will formalize this response in writing. He said this project was not funded this year.
  - Mayor said that this would be a 2014 project if we wanted to move forward.
  - KDOT said they would accept an application from the City at any time.
  - Councilwoman Reed asked when we could get an engineering cost estimate.
  - Mr. McCommon said we could get it by the next Council meeting.
  - Mayor Ward said that would be helpful and Nathan should provide a comparison for the cost of this project vs. the cost of the previous option to the City.

#### **IV. New Business**

##### a) City Administrator Agenda

1. Request approval to select Vance Brothers as the contractor for City street overlay
  - Mr. McCommon said the City put out a request for bids to complete the City's chip and seal project on City streets. He said we had two companies respond and Vance Brothers had the lowest bid.
  - Kent Heskett said 90% of the streets that are being sealed are older and do not have curb and gutter. They are in decent shape but this would extend their life for five years.
  - The Mayor asked what the cost difference would be if we tried to do asphalt. Mr. Heskett said it would have been 4-5 times higher.
  - Councilman Peak asked how it would work. Mr. Heskett said it would be swept before and after. He said the City hasn't done chip and seal for probably about 20 years.
  - Councilman Peak asked how long this sealing would last.
  - Mr. Heskett said about five years.
  - Councilman Peak asked if the money has already been allocated. Mr. McCommon said yes.

- Councilman Gilner made a motion to accept Vance Brothers for the project, seconded by Councilman Peak. All Ayes, the motion carried.

## 2. Request approval to submit a grant to replace the Church Street Bridge

- Mr. McCommon said this is a request to submit a grant for Church Street Bridge since its sufficiency level is below 50%. This is a request for the City to pursue the grant and to sign off on submitting the grant.
- Councilman Peak asked if the funding year would be 2015.
- Mr. McCommon said the project would likely not finish construction until 2016.
- Councilman Peak asked what the current weight limit is on that bridge, Councilman Truesdell said 9 tons.
- Councilman Truesdell asked how wide the bridge would be and if this bridge would fit within City standards.
- Mr. McCommon said it would include one six-foot wide sidewalk.
- Mr. Bixby said the Pleasant Street Bridge had a sidewalk on both sides when it was approved.
- Mayor Ward asked how long it would be before you had to have sidewalks on both sides of Church St.
- Councilman Truesdell said if we're getting a grant, we need to make it wide enough to accommodate these future needs for a sidewalk on both sides.
- Councilman Gilner asked when they replaced the bridge if they would level it out or just overlay.
- Mayor Ward said the decision before council was whether or not we pursue the grant and if we're comfortable allocating matching funds.
- Councilwoman Reed asked if we would anticipate the funds coming in 2015 Budget. Mr. McCommon said it's possible that some of the funds come from 2014 Budget but the majority of construction would be in 2015.
- Councilman Truesdell asked what the urgency was for the project.
- Mr. McCommon said it just recently became available for federal funding. KDOT will consider this request in line with all other requests and rank them based on need. According to the engineers, this would likely fall two-thirds up the list.
- Mr. McCommon asked if the Council wanted the City to pursue two sidewalks as part of this grant.
- Mayor asked what the standard was on Church Street.
- Mr. Heskett said he thought it was two sidewalks. The Mayor said whatever the standard is that's what we need to request.
- Councilman Peak made a motion to pursue the grant consistent with City standards, seconded by Councilman Reed All Ayes, motion carried.

## 3. Monthly Financial Report

- Mr. McCommon said overall we're tracking within budget. Utility revenue is coming in a little lower than projected, despite the 3% increase. However, our expenses are coming in within that budget. He

told the Council to be aware of additional water purchases the City will make over the next couple months due to the drought.

- We have incurred additional expense on police vehicles due to major mechanical failures.
- Councilman Peak asked what was going on with the vehicles.
- Chief Brandau said brakes and electrical issues.

4. Request additional appropriations for Fire and Police Equipment Funds

- Mr. McCommon said this is a request for additional budget authority. Last year, the City appropriated \$12,506 and due to additional negotiations, the City did not pay its 2012 payment. In addition the 2013 payment went up about \$3,000 so this is a request to cover the 2012 expense along with the additional \$3,000 not budgeted this year.
- The PD equipment fund covers the cost of additional equipment needed for the match with Digiticket.
- Councilman Peak asked if it was noted that the City did not pay its 2012 appropriation. Mr. McCommon said he didn't think so. Councilman Peak asked if the Council could be notified in the future when budgeted items are not expensed.
- Mr. McCommon said yes and asked for a motion to appropriate the spending authority for these funds.
- A motion was made by Councilwoman Reed, seconded by Councilman Truesdell.
- Councilman Peak asked if all of this was coming from the reserve funds.
- Mr. McCommon said the difference is what we did not anticipate in 2013, the difference between the \$15,000 and the \$12,500.
- All Ayes, the motion carried.

b) City Attorney Agenda

Mr. Kelly explained the three charter ordinances, explaining the exemptions of the three charter ordinances. These will take 60 days before they become effective.

1. *Second Read*, Charter Ordinance No. 23 – Exempting the City from certain provisions of K.S.A. 14-201 requiring the City Treasurer to be elected
  - A motion was made by Councilwoman Reed, seconded by Councilman Gilner. All Ayes, the motion carried.
2. *Second Read*, Charter Ordinance No. 24 – Exempting the City from certain provisions of K.S.A. 14-560 requiring a vote of the electors to issue bonds for longer than ten years
  - Councilman Truesdell asked if the bond debt was strictly street resurfacing debt.
  - Mayor Ward said this statute should extend to any and all debt.
  - Councilman Truesdell said we have so many projects so he's thinking maybe we should allow people to vote on this so he's taking his vote away from Charter Ordinance 24. He doesn't want to take away the ability to vote.

- Mr. Kelly said all of these exemptions are strictly voluntary. He said by not exempting the City from this provision of Chapter 14 would require the City to have and pay for a special election to issue bond debt.
  - Mr. Kelly said the Council either needs to pass or not pass these ordinances tonight.
  - Councilman Truesdell said he wanted to table Charter Ord. 24 for further discussion.
  - A motion was made by Councilwoman Reed to adopt Charter Ordinance 24, seconded by Councilman Gilner.
  - Mayor Ward said he's certainly supportive of the community weighing in on important issues. However, most of our bond issues are longer than 10 years. We want to be as quick as we can to pay the debt off sooner but I look at this as two separate issues. I believe we should exempt ourselves from this item and just try to get feedback from the community in advance and include them that way.
  - Mr. Kelly said if we get into a situation where we don't pass this and the Council decides later that it needs to issue debt it will take 60 days before it becomes effective. The Council could then find itself in a bind.
  - Councilwoman Reed said she's concerned about the cost of a special election.
  - Councilman Truesdell said both were good points and he has mixed feelings about this issue.
  - Mr. McCommon said he looked up the provision and said that then it was specific to roadway projects where there had been railway.
  - Mayor Ward said that provision sounded like it was really narrowly tailored.
  - Councilman Truesdell thought that it wouldn't even affect Tonganoxie. He thought we needed more information. Mr. McCommon said the provisions may be somewhat dated. Councilman Truesdell said he would agree to the ordinance since that provision doesn't really affect the City.
  - All Ayes, the motion carried.
3. *Second Read*, Charter Ordinance No. 25 – Exempting the City from certain provisions of K.S.A. 14-101c and 14-103 requiring the City to divide into Wards
- Councilman Peak made a motion to approve, seconded by Councilman Truesdell.
  - Mayor Ward said at some point wards could be a possibility and it goes to full representation of the community and this is an option in the future. Councilman Gilner said he agreed.
  - All Ayes, the motion carried.
4. *First Read*, Ordinance No. 1367 – Setting the regular time of Council Meetings and establishing a replacement meeting day in the event of a holiday
- Mr. Kelly provided the summary and stated that Council would vote on it at the next meeting.

Mr. Kelly said John Cash Lennon passed away last Friday.

Mayor Ward called for a five minute recess.

c) Discuss FY 2014 Budget

- Councilman Truesdell said he didn't really have any comments as did Councilwoman Reed, Councilman Peak and Gilner
- Mayor said that we left off by suggesting a 3.722 mil increase along with a 9.5% increase in the water/sewer rates.
- Mayor Ward said an increase in the utility bill would be his preference over a straight increase in the property taxes. This would allow all users to share the cost of City services. It's less of an impact than there would be for a straight mil levy increase.
- Mr. Bixby asked for clarification on what the City was considering. Mayor said it's a 9.5% increase on water/sewer.
- The City must submit to the Mirror on Monday for publication on Wednesday for the summary page of the state form. The City will then have a public budget session; we'll then submit it to the County Clerk.
- Lawrence Hill asked what the total mil levy would be the total bottom line budget and how that would impact the average resident.
- Mr. McCommon said it's an original budget \$5,710,737 + \$247,590 and a total mil rate of 41.5478 mils for the City specific. Nathan said the total effective rate would go from 134.685 to 146.335 mils. Nathan said on \$150k home, the increase is \$5.37/mo or \$64.44.
- Bixby asked if the 8 mil increase for the school would include all the bonding and Nathan said they intend the increase to cover the bonds with this funding.
- Councilman Truesdell made a motion that staff put together a budget based on a mil levy increase of 3.722 and a water/sewer rate increase of 9.5%, seconded by Gilner. All Ayes, the motion carried.

d) Mayor Agenda

- Mayor said it has come to his attention that the City of Leavenworth is considering eliminating LCDC from its Budget. Steve Jack made a presentation at the last meeting. He said he wants to encourage anyone who has the opportunity to reach out to those in the City of Leavenworth and why we support LCDC and the Port Authority. Any reduction in funding has an impact on the entire County including Tonganoxie.
- Mayor Ward said that LCDC and the Port Authority were also left out of the County Budget and he recognized Commissioner Bixby and expressed his support for LCDC and that it's vital to the City's growth. He said he hopes that Commissioner Bixby will champion LCDC for Tonganoxie.
- Mr. Bixby said the County is currently considering its Budget options and it's come to their attention that the Port Authority is sitting on \$500,000 of cash reserves and LCDC is sitting on nearly \$400,000 and that's a lot of money just to be sitting on the shelf. He said the County can't tell its departments to fund its needs out of reserves. Southern Leavenworth County has grown in the last 20 years and Leavenworth has declined. He said the County has a lot of needs. Whenever there's an issue up north it's not unusual for the ambulance stationed in Tonganoxie to have to respond up north.

- Mr. Bixby said many funding agreements have expired this year and we're not funding several programs this year at all. It doesn't make sense to fund an organization that has a high level of reserves. The County is making tough decisions.
- He said that the Council and the citizens are just going to have to trust him that he's making the best decision for the County.
- Mr. Kelly asked what the County's plan was to replace LCDC if it folded.
- Mr. Bixby said LCDC has reserves to be okay for one year. He said that the Port Authority wrote a check directly to LCDC from the funds given to it by the County. He doesn't understand why they didn't just ask the County to fund LCDC.
- Mr. Kelly said if you fail to fund LCDC this year, the employees may be looking for jobs.
- Mr. Bixby said our EMTs have such low wages that we're losing them to Kansas City. This is a vital function.
- Mayor Ward said the Council decided not to take money from its reserves to fund one-time fixes. This Council has continuously made the commitment to invest in economic development. He said Mr. Bixby has sat on the Council several times when Tonganoxie has been overlooked for funding due to the fact that we cannot provide the incentives others can. He said removing the funding for a year limits LCDC in providing incentives to other companies to relocate here. He said by making this choice, he is harming those tax payers that he is committing to protect by taking away the ability to draw new businesses, increase the tax base and increase property values. It's his opinion that those moneys need to rest with those organizations as they are the experts who know how to best use that funding.
- Mr. Bixby said any business he's ever seen attempt to come to Tonganoxie or Leavenworth County has been done with a request for 10 years of property tax abatements. He said he has been to LCDC meetings and seen the same projects come up every time. However, actual progress appears limited.
- He said he doesn't think LCDC needs the money when they have funding in reserves to cover the year. That's according to the County CPA, County Manager, etc.
- Mayor Ward said that ultimately it's up to the three commissioners to make a decision but he hopes the County will step up when we need economic development to fulfill the roles of those staff.
- Councilman Truesdell asked what LCDC/Port Authority's response was to the County cutting their funding.
- Bixby said the main reason for the needing that funding is that "this is the way we've always done it".

Councilman Gilner thanked staff for all of the work they have put into the Budget and that they did a good job in explaining everything to the Council.

A motion to adjourn was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy