



City Council Meeting Minutes

August 12, 2013

7:00 p.m. Regular Meeting

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

I. Consent Agenda

Councilman Gilner made a motion to approve the Consent agenda, seconded by Councilman Peak, all ayes, the motion carried.

Open Agenda

- John Dowd, 1605 Washington Street – Read a prepared statement regarding the shooting range near the water treatment plant. He believes that only City officials use this range. He would like to see it moved elsewhere. He said there were several people shooting at night and the noise is very disruptive. His family does not like to be on the porch due to the shooting and the fact that it's so loud.
- Mayor Ward said we do have ordinances on noise so there shouldn't be any shots fired after 11 p.m. The Mayor said he would like to give staff an opportunity to respond as to why the range was moved there, what the rules are, etc.

II. Old Business

a) 2014 Public Budget Hearing

1. Ordinance No. 1370 – Adopting the 2014 Budget and financing a portion of City Services through a property tax mil levy increase of 3.722 mils
 - The Mayor asked if the public would like to speak on next year's Budget to please come forward and state their name and address. There were no comments.
 - A gentleman from the audience asked why the Budget doubled. The Mayor clarified to ask if he wanted to know why there was an increase in the mil levy. The Mayor said the majority is due to staffing increases and that over the last five years the City has been dealing with dwindling income and increased costs. Each year the departments have worked with less and less money. We are providing our departments with the personnel they need to fulfill their duties.
 - The Mayor asked for comments from the Council.

- Councilman Truesdell made a motion to approve Ord. 1370, seconded by Councilman Peak. Councilmembers Reed, Gilner, Peak and Truesdell voted Aye, Councilman Donnelly voted Nay. The motion carried.
- b) Update on Chieftain Trail
- Mr. McCommon said he anticipates KDOT's approval this week and then we'll have the bid ready which will take approximately 30 days.
- c) Update on utilities extension
- On August 16th KDOT will have the 100% drawings and then they can move forward with the right of way legal descriptions for the widening of US 24-40 and then the City can complete its easement descriptions for gas and utility extensions on the west side of the road. Mr. McCommon said he asked BG to go ahead and complete those easement descriptions. We're well into the process of easement acquisition on the west side of the highway which Mr. J.W. Evans is assisting with.
- d) Hwy 24-40 Improvements - Update
- Mr. McCommon said in the last meeting Council asked for a preliminary cost of the engineering and design work needed for the 24-40 improvements. BG estimates \$370,000 and \$25,000 would be the new sidewalk. Of this total, the City's cost would be about \$75,000. This does not include utility relocation or easement acquisition.
 - Councilman Donnelly said this estimate is about \$100,000 less than previous estimates and if this included the entire cost. Mr. McCommon said yes.
 - The Mayor said the question before the Council is do we want to ask KDOT to fund at the same level they committed to with the previous project or are you happy to move forward based on this revised total.
 - Councilman Truesdell said we need to move forward on this and not drag it out.
 - Mr. McCommon said the funding to be able to do that would have to come from the Capital Projects Fund. Some savings can be achieved from Chieftain but we won't know what that total is until after we complete the bid. We do have more than \$200,000 in carry over cash but that's one time cash.
 - Councilwoman Reed said she has some issues around investing money in sidewalks along 24-40 when she hasn't seen evidence that there is a pedestrian issue in that location. She has a lot of frustration and is not comfortable funding sidewalks in this location when there are so many other needs.
 - Councilman Truesdell asked if KDOT would fund the sidewalks and Mr. McCommon said the City has to pick up 20%.
 - Councilman Truesdell made a motion to direct staff to proceed with the grant, seconded by Councilman Peak.
 - Four ayes from Councilmembers Reed, Gilner, Peak and Truesdell, Councilman Donnelly abstained, the motion carried.

III. New Business

- a) Presentation by Leavenworth County Trails Committee – Cecilia Harry

- Cecilia Harry from the Leavenworth County Development Corporation provided a map to the Council put together from the Trails committee that highlights all of the trails in the County. She said the map only shows trails presently available to the public. The group will reprint the map every two years and will be continuously updated online through the new website. She said the trails committee invites new members at all times. She said the committee and the Port Authority believes if we invest in our trails system that will keep more people in the County and it's been proven over and over again that it increases property values in a community.
- The Mayor said he completely agrees.
- Ms. Harry said that one of the reasons her and her husband chose to move to Tonganoxie was because of the progressive attitude towards trails.

b) Request approval to enter into an agreement with Vance Brothers for street resurfacing

- After a public process, the Council approved entering into a contract with Vance Brothers.
- Councilman Peak asked what the cost would be to asphalt the streets and Mr. Heskett said it would be a significant cost increase. He said this would last about 5 years.
- Councilman Peak asked if any of the streets had been resurfaced and Mr. Heskett said they did that with Delaware Drive.
- Councilman Gilner asked who would scrape the gravel off the street during the chip and seal process. Mr. Heskett said his men would do it to save money.
- A motion to approve the contract with Vance Brothers was made by Councilman Donnelly, seconded by Councilman Peak.
- The Mayor asked if the City Attorney had reviewed the contract.
- Councilman Peak said he would like to see the City attorney sign the contract beforehand in the future and he said he thought that was the policy.
- Councilman Donnelly said I don't know that the attorney signs prior to approval by Council.
- Councilman Peak said he thought his signature would indicate that Mr. Kelly has reviewed it.
- Mr. Kelly said he approves as to form. The Mayor said having Mr. Kelly sign it beforehand but it's really a matter of semantics. Even if we see the signature we should still ask the question.
- All Ayes, the motion carried.

c) Request approval to enter into an agreement with Digiticket for electronic ticketing services

- Mr. McCommon said the agreement with Digiticket is before the Council and that the City received a grant to purchase this software. The agreement covers acquisition and maintenance costs.
- Mr. McCommon said he needed to add the agreement with Enterpol which is an additional agreement that needs to be approved tonight. This was also considered as part of the budget request for this software. Enterpol is the interface between Digiticket and the court software.

- Councilman Peak asked if Digiticket scanned license plates. Chief Brandau said no.
 - Councilman Peak made a motion that the City approve the remaining cost of the Digiticket not to exceed \$23,602.04 including the Enterpol interface, seconded by Councilwoman Reed. All Ayes, the motion carried.
- d) Closed session to discuss confidential matters relating to the acquisition of real property for 10 minutes.
- A motion was made by Councilman Peak, seconded by Councilwoman Reed to enter into executive session. All Ayes, the motion carried.
 - A motion to return from executive session and note that no action was taken was made by Councilman Peak, seconded by Councilman Gilner.
 - A motion was made by Councilman Truesdell to enter into executive session discuss matters of nonelected personnel for a period of 10 minutes. Seconded by Councilwoman Reed.
 - All Ayes, the motion carried.
 - A motion was made by Councilman Gilner to return from executive session, seconded by Councilwoman Reed. All Ayes, the motion carried.

e) City Administrator Agenda

1. Request approval to recruit for a Police Officer, Maintenance Worker I and a Maintenance Worker II
 - Mr. McCommon said in Public Works, staff would like to offer the position for promotion and advertise internally for one week.
 - He also asked that the Council approve a recruitment list that the Police Department could hire from for six months.
 - He said these positions are fully funded for the year.
 - Councilman Peak asked if there are internal promotions available for the police department.
 - Mr. McCommon said possibly.
 - A motion by Councilman Donnelly to approve the recruitment, seconded by Councilman Peak. All Ayes, the motion carried.
 - Councilwoman Reed asked if these positions had been vacant for a while. She asked if this was something that we could put into a policy so that the Council does not have to approve it every time, since the Council has to approve all recruitments.
 - Mr. McCommon said the City could adopt a recruitment policy that would allow the City administrator to make those decisions following the policy.
 - Councilman Gilner said that this would fall under a City Manager form of government.
 - The Mayor said we could give the City Administrator the authority to do that now without moving to a City Manager. The Council could give the administrator that authority if they want. Historically the Council has wanted to approve these decisions. He said his personal opinion is that the City give the administrator that authority to fill those positions.
 - Councilwoman Reed asked if the position is advertised, if council has to fill it.
 - The Mayor said yes, Council could just approve filling the position.

- The Mayor said that one request of the Council to the City Administrator was for him to increase the amount of policies and procedures in place so we could consistently follow them from an HR perspective. This is just one more example of where he thinks the City is a little weak and could benefit.
- Councilman Peak asked if we can keep applications on file so if there's an opening in the same class within 6 months where the administrator could use those applicants from the previous recruitments.
- Mr. McCommon said that was a possibility and that's what he requested for the Police Department position since there are expected to be additional openings soon.
- The Mayor asked if the City Administrator would like to provide a recruitment policy for the Council.
- McCommon said that is what he would like to provide a policy to the Council that they could approve and feel comfortable in moving forward with any recruitment.

2. 2013 Budget Amendment for the Sewer Operating Fund

- Mr. McCommon said that he accidentally omitted salaries from the sewer fund in the amount of \$71,577 in the 2013 Budget form. This is a request to resubmit to the state to so we have the Budget authority.
- Motion was made by Councilman Donnelly, seconded by Councilman Peak.
- Councilman Peak said he appreciated Mr. McCommon stating he made a mistake on paper via the Agenda Statement.
- All Ayes, the motion carried.
- Mr. McCommon said the amendment requires publication in the paper which we did along with the 2014 Budget notification.

3. Closed session to discuss confidential matters or trade secrets of a third party for a period of 10 minutes.

- Councilman Peak made a motion to enter into closed session, seconded by Councilman Truesdell. All Ayes, the motion carried.
- Councilman Peak made a motion to return from closed session and noted that no action was taken, seconded by Councilwoman Reed. All Ayes, the motion carried.

f) City Attorney Agenda

1. *Second 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 said this ordinance changes the date of the Council meeting to the first and third Monday of the month and automatically shifts it to the following Tuesday if it falls on a holiday.
- Mr. Kelly said the first effective date of this ordinance will move it to Tuesday, Sept. 3rd.
- Motion by Truesdell, seconded by Peak. All Ayes, motion carried.

2. *First Read*, Ordinance No. 1371 – Regulating traffic within the City limits and amending a section related to commercial motor carriers
 - This ordinance is a first read and adopts the most recent standard traffic regulations.

g) City Council Agenda

- Councilwoman Reed said that someone else approached her regarding the property on Yoeke. Mr. Kelly said that two properties with recurring nuisance violations will be in Court in August.

IV. Adjourn

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

Respectfully Submitted,

Jennifer Jones-Lacy
Assistant City Administrator