



City Council Meeting Minutes

August 26, 2013

7:00 p.m. Regular Meeting

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilwoman Reed, Councilman Donnelly, Councilman Truesdell, Councilman Peak and Mayor Ward were in attendance. Councilman Gilner arrived at 7:15 p.m. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Jeffrey Brandau, Lloyd Wisdom and City Attorney Michael Kelly.

Consent Agenda

- A motion was made by Councilman Donnelly, seconded by Councilman Peak. All Ayes, the motion carried.
- Ms. Jones-Lacy noted a change in the minutes from the packet on Thursday based on noting votes and abstentions.
- All Ayes, the motion carried.

Open Agenda

- Sherry Tice 1020 S. Delaware. She is very concerned about the home at 504 Washington. She wanted to know if it was a used car lot, auto repair shop or what and if that was allowed. She detailed that she saw a lot of junk on the property recently. She said the home is very degrading to the community. She wanted to know if the vehicles were licensed and if they are operational. She would like some feedback.
- Mayor Ward said that address has been discussed before Council a number of times and Council is aware that it's a problem. He said we typically determine if our ordinances are adequate in addressing the issue, if those ordinances are followed, and what we need to do to improve to make people adhere.
- Mr. Kelly said that in the past nuisances had to go to the City Council which created a long drawn out process and we're trying to get all of these cases before the municipal court. Law enforcement has been out to the property a number of times including yesterday. Mr. Kelly said that City staff and law enforcement are paying very close attention to this issue and are working to get it resolved.
- Mayor Ward said he understands wanting to have immediate action but sometimes due process doesn't allow that. Mr. Kelly said that after the last court date we decided we needed to refine the ordinance and we're going to try to do that.
- Councilman Peak said he has complained about this house for five years. He said that this guy's property should not have a negative impact on his property values. Councilman Peak said we need to get a revised draft of the ordinance ASAP. He said he's heard too much of the fact that this will be resolved down the road.
- Merrill Tice 1020 S. Delaware. – He asked if this is a violation of the zoning code due to this guy operating a business out of his house where it's zoned single family residential.

- Councilwoman Reed asked if the gentleman has ever been cited for running a business out of that address. Mr. Kelly said that that has never been alleged or brought up in court.
- Mr. Peak that the gentleman is working on cars all of the time.
- Mr. Kelly said he can legally work on his own vehicles and not be in violation of the zoning code.
- Mr. Tice thought that he was selling the vehicles. Mr. Kelly said if that were the case then that would be considered a business which is not allowed.
- Mr. Kelly said the ordinance needs to be refined and we need to find a way to find them guilty.

I. Old Business

a) Update on Chieftain Trail

- Westar has completed their relocation of utility poles on the parcels south of US 24 Hwy along Tonganoxie Road. This RFP for a contractor for that project is in the Lawrence Journal World, the Tonganoxie Mirror, Leavenworth Times and a site dedicated to construction bids. The bid is set to close on Sept. 13th.
- Councilman Peak asked if we have ever put a picture of the future trail in the paper. The Mayor said we haven't recently. Councilman Peak said he would like to put in the paper since he gets questions on it all of the time. The Mayor suggested putting it on our website and directing people there.

b) Update on utilities extension

- KDOT expects to have ROW description to BG consulting and BG should have it completed by Sept. 16th which will allow the City to get the grants of easement for the westside of the highway. We potentially have all of the grants of easement on the eastside of the highway for the sewer.

c) Update on Hwy 24-40 improvements

- The Council will see an agreement at the next meeting, a three-way agreement between KDOT, BG and the City for construction oversight for the Chieftain Trail.
- KDOT provided the City Administrator with a grant application which he submitted to KDOT. The people who review the grant applications are the same ones who sat in on our meetings so we expect approval to be swift.
- Councilman Peak asked if price quote is still intact.
- Mr. McCommon said yes unless there's a need to change the roadway configuration.

d) Update on status of the house located at 636 E. 3rd Street

- Scheduled for demo the week of Sept. 9th. There are two folks who asked for doors and will pay for them but will pick them up that day for security reasons.

II. New Business

a) Agreement with Leavenworth County for expanding a culvert on Washington

- The County has submitted an MOU for a build-out of the culvert on Washington Street. They are asking for some assistance from the City including temporary construction easement, ROW and any expense over \$100,000. City staff needs to meet with County engineers to find out what that

cost would be. The City Administrator said he was providing it to Council for their review.

- Councilman Peak asked if this was a full sidewalk – Mr. McCommon said 1,200 linear feet and five ft. wide. From Church St. to where the current sidewalk ends.
- Councilman Truesdell said he discussed this at the infrastructure committee last week and we have a lot of information that we need to address so he thinks this was a little premature to put into the packet right now. He said we need to get a package together and provide to Council.
- Councilman Truesdell said he wanted to know all of the costs the City would bear including easement acquisition.
- Mr. McCommon said there has been a shift in the County’s position and they are now asking for more assistance from the City. Does staff need to redirect the County or do they want to discuss it in its current form?
- Councilman Truesdell said he wanted the infrastructure committee to hash it out first and come back to the City.
- Councilwoman Reed wanted to know what the County would do without the City’s involvement. What would be their extent of repairing the culvert if we do not enter into this agreement?
- The Mayor said he agreed that the Infrastructure Committee should hash this out. Another concern is that the agreement asks the City to take on the future maintenance of the road. We also need to figure out how much engineering money we want to spend. We need to determine the options, costs and select from there. The Mayor said we need to move on this with eyes wide open.
- Councilman Peak asked when we could get this information and asked if they could get it as soon as possible.

b) Request approval to purchase sewer pump and auto-dialer for the Willis Park lift station

- Lloyd Wisdom provided an explanation for why we needed additional auto-dialer and capacitors that need to be replaced. He said there is a house that regularly gets the basement flooded with the sewer.
- Lloyd explained why he selected the auto-dialer and pump that he did and the benefits of these parts.
- Mr. Wisdom recommended that we go with Alexander Pump and Service for the phase converter, and he recommends the Omnidialer (JCI) for the auto-dialer.
- Councilman Donnelly asked what power we get from Westar, Lloyd said 220 volts and it’s very expensive to increase the power.
- Councilman Donnelly made a motion to approve the purchase not to exceed \$8710, seconded by Councilman Peak. All Ayes, the motion carried.
- Councilman Donnelly asked the price to increase the voltage to that pump and Lloyd said he wasn’t sure but knows that it’s incredibly high.

c) Request to purchase de-icing salt for the winter season

- Mr. McCommon said Leavenworth County has the best bid on salt that would get us through the year.
- Motion by Donnelly and seconded by Gilner. All Ayes, the motion carried.

d) City Administrator Agenda

1. Update on Tonganoxie shooting range
 - Mr. McCommon provided an update of the complaint from the resident who lives near the shooting range. He met with the resident last week and said that the gentleman really enjoys living in Tonganoxie but the shots frighten his dog, wife and grandchild. Mr. McCommon said that during the times in question there was nobody using the range. Mr. McCommon encouraged him to reach out to the PD next time he hears shots in the evening.
 - Chief Brandau said it's helpful to have a range in Tonganoxie. The range was fairly better than shooting at a river bank. He said the range has been under construction all summer and that a contractor volunteered to replace all of the millings and asphalt the range. There are no lights at the range at night so there is no shooting. He said we allow various police departments to use the range when they need to get recertified. The Police Chief said he didn't think anyone was using it at night and that the gentleman was likely hearing shots from elsewhere.
 - Councilman Donnelly asked if there was a camera in that location and the Mayor asked if there was some kind of log book.
 - The Chief said there are cameras at the public works building and that's it. He does not have a log book but could start doing that.
 - Councilman Peak said he thought that was a good idea and that it was we could check out the key.

2. July financial report
 - Mr. McCommon said that we are tracking very closely to what was anticipated in the budget and that we expected to spend less and take in less revenue which is turning out to be the case. We're watching overtime due to a lot of personnel changes and injuries.
 - In September the City has a lot debt payments so the revenue and expenditures will balance out.

3. Selection of two voting delegates for the Kansas League of Municipalities
 - Ms. Jones-Lacy explained the request by the League to designate two voting delegates and two alternates to help make decisions on League affairs. Their annual conference is in October where there will be an opportunity to vote. The cost of the conference is \$200 for the full conference and between \$130 and \$140 per day.
 - The Mayor asked who would be interested in attending and who the City's delegates would be.
 - Councilman Peak said he would be interested in attending the League as would Kara Reed.
 - The Mayor asked if the Council could make its decision later.
 - Ms. Jones-Lacy said that was fine since we had a council meeting next week.

e) City Attorney Agenda

1. *Second Read*, Ordinance No. 1371 – Regulating traffic within the City limits and amending a section related to commercial motor carriers

- Mr. Kelly explained that this ordinance adopts the 2013 uniform traffic violations and brings this up to date with existing standards.
- Councilman Donnelly made a motion to approve, seconded by Councilwoman Reed.
- Councilman Peak asked if the officer trained as a large truck inspector was leaving.
- Mr. Kelly said he will still be part time and another officer is already trained. There may be a third officer trained.
- All Ayes, motion carried.

f) Mayor Agenda

1. Nomination of Lisa Patterson to the Tonganoxie Library Board

- A motion was made by Councilman Peak, seconded by Councilman Truesdell. All Ayes, the motion carried.

g) City Council Agenda

- Councilman Gilner said he got an anonymous nuisance complaint and he drove down that road and noticed that it does need some attention. They were mentioning that Shawnee Street was pretty rough looking.
- Councilman Peak said he agrees with the statement but doesn't agree with giving credence to an anonymous letter. Councilman Gilner said he agreed.

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

- Councilman Truesdell said the committee met last week and discussed the sidewalk issue as well as discussing infrastructure for the new school. The two main projects are East and 14th Street. We are going to try to develop those two projects to get the school what they need.

Closed session to discuss confidential matters relating to the acquisition of real property

- A motion was made by Councilman Gilner and seconded by Reed to go into closed session for a period of 10 minutes. All Ayes, motion carried.
- A motion to return from closed session with the note that no action was taken was made by Councilman Gilner, seconded by Councilwoman Reed.
- A Motion to adjourn was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy,
Assistant City Administrator