



City Council Meeting Minutes
September 16, 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, Chief Jeff Brandau, Chief Dave Bennett, City Engineer Brian Kingsley and City Attorney Michael Kelly.

I. Consent Agenda

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

II. Open Agenda

No items for Open Agenda.

III. Old Business

- a) Update on utilities extension
 - Mr. McCommon is meeting with Mr. Kingsley tomorrow to get the prices for the materials they need to order to begin sewer installation.
- b) Update on Hwy 24-40 improvements
 - Mr. McCommon reported that he just received a call that the City received an Access Management grant. Once we have written confirmation of that award KDOT will want the City to enter into an agreement for design and then the City will need to enter into a grant contract to secure a design professional.

IV. New Business

- a) Proclamation naming September 17th – 23rd Constitution Week – Judy Ward
 - Mayor Ward read the proclamation for the Daughters of the American Revolution
 - Ms. Judy Ward provided a statement on behalf of the Daughters in honor of Constitution Week.
- b) Agreement with Leavenworth County for expanding a culvert on Washington
 - Councilwoman Reed suggested that the City get moving on installing a sidewalk on Washington Street. She said she wanted to get BG working on a plan or full proposal depending on Council approval and the engineer's recommendation.

- Mr. McCommon provided a summary of the changes to the MOU including that the agreement state that the four-foot width of the sidewalk be adequate to accommodate a sidewalk. In addition, the original agreement stated that the City would take over maintenance of Washington Street. He said that was previously in conflict with the existing roadway maintenance agreement which defined how maintenance would be done in town. He confirmed that the County engineer along with the County agreed to let the existing roadway maintenance agreement to prevail.
- The Mayor asked if expenses over \$100,000 would be the responsibility of the City and Mr. McCommon stated that was taken off the table.
- City Attorney Kelly stated that the MOU is not a binding agreement for the City.
- John Morgan, 22690 McClouth Road, voiced his support of the installation of a sidewalk on Washington. He said that this sidewalk may alleviate some of the traffic on Washington and the Planning Commission thinks this is extremely important project. He said it's a part of the stated mission for connected trails. He thinks this may alleviate traffic on Washington Street.
- Councilman Truesdell made a motion that the City approve the MOU and that the Mayor sign it, seconded by Councilwoman Reed.
- Councilman Donnelly said he wasn't sure why we were signing the MOU if it doesn't do anything since it's not a binding agreement.
- Councilman Truesdell said this is what the County wants and it's a good first step toward cooperation.
- Councilman Peak pointed out a typo that should be fixed prior to the Mayor's signature.
- The Mayor asked when the project would get started, Mr. McCommon said that the County would start working this fall.
- All Ayes, the motion carried.
- Councilman Truesdell said he wanted to discuss doing a preliminary design for the sidewalk. He didn't know if we could sole-source it to BG and that's what he would prefer so we can get the process moving.
- Councilwoman Reed said we hoped to move forward with a sidewalk on Washington.
- Councilman Truesdell said the City would likely sole-source the design to BG and wanted to know what we should do.
- The Mayor said that since BG is our City Engineer there's no reason we can't sole source the bid to them.

c) Request approval of winning bid for sheet rock installation in the fire station

- The City has been able to achieve several efficiencies by doing the work for the fire station in-house. Due to vacancies in public works, two of the three labor positions have been taken off the table and Chief Bennett has been doing much of the work himself. Due to the lack of available labor, we looked to outsource the installation of sheetrock and Wallboard Specialties was the low bidder. Mr. McCommon provided an agreement with the contractor for the Mayor's signature which includes standard contract requirements along with the specifications for the project.

- Councilman Donnelly asked about the amount of sheet rock, Bennett said about 9,000 square feet. Councilman Donnelly asked the square feet of living space and Chief Bennett said about 18,000.
 - Councilman Donnelly made a motion that we approve the contract with Wallboard specialties for \$6,968, seconded by Councilman Peak, All Ayes, the motion carried.
- d) Request approval of winning bid for variable frequency drive and auto dialer for sewer lift stations
- Council gave approval to purchase an auto-dialer in a previous council meeting. The approved bidder JCI ended up increasing the price by charging for the device they had provided to the City previously without charge. Staff looked around and found another low bidder from Alexander Pump and Service who provides similar product and monitoring and was about \$600 cheaper. The other company said they would provide the products but would not provide the monitoring service which would have to be sub-contracted out making it more expensive.
 - Mr. McCommon said we needed a monitoring system which tells staff when problems exist.
 - Councilman Peak asked if Mr. McCommon looked into the company.
 - Mr. McCommon said that Lloyd Wisdom did.
 - Councilman Peak asked if there was a warranty.
 - Mr. McCommon said there is he's not sure what it is but this agreement would remove the monitoring and equipment from JCI and use another company for both the equipment and monitoring.
 - Councilman Peak made a motion to purchase two auto-dialers and monitoring service from Alexander Pump and Service not to exceed \$4,574. Seconded by Donnelly, all Ayes, the motion carried.

e) City Administrator Agenda

1. Invitation to Elementary School Ground Breaking
 - Mr. McCommon extended an invitation to Council and the public on October 14th at 6 p.m. for a ceremonial groundbreaking.

Mr. McCommon said we didn't provide a financial report in this meeting due to time constraints. He said that we can email the report out to Council later this week and we can discuss it at the next meeting and address any questions.

2. Request to downgrade the pay range of a Police Investigator from Range 10 to Range 8.
 - Mr. McCommon said the Police Investigator position was at the same pay scale as a Sergeant which doesn't make sense as it's superior to that position. He asked that the Council reduce the pay scale from a range 10 to a range 8 to put it more in line with what's appropriate.
 - Councilman Donnelly made a motion to reclassify the Police Investigator pay scale from a Range 10 to Range 8, seconded by Councilman Gilner. All Ayes, the motion carried.

3. Request to create a Police Trainee position
 - Mr. McCommon said that we get two groups of candidates – ones who are already prepared and certified as police officers and another who are not certified. In the latter case, they would have to go through the academy and the City pays for the training and their time but they are not actually on patrol duties. We ask that the Council approve a Police Trainee position at a lower pay scale and then after they graduate from the academy they would move to the pay scale of a standard police officer.
 - Councilman Peak asked how long the trainee would be on probation. Mr. McCommon said they would be on probation while in the academy and once they were put into the new position, they would have an additional six month probation period.
 - Mayor Ward asked if other Cities do this.
 - Chief Brandau said it's not universal but it's a big expense and risk to the City to hire someone who isn't certified if they don't work out. This reduces the risk and incentivizes the trainee to get through their training.
 - A motion to approve the creation of the Police Trainee position was made by Councilman Truesdell, second by Councilman Peak. All Ayes, the motion carried.
4. Old fire truck
 - Chief Bennett said the old fire truck is used every year for hose testing. The test is really hard on the trucks and he wanted to keep the old truck around for that purpose. It's nice to have for the hose testing but not a complete necessity.
 - Mayor Ward said for a minor expense it allows the City to use it for hose testing.
 - Councilman Donnelly asked how much we could get for it on the market. Dave said about \$1500, it would basically be used for scrap.
 - Councilman Peak said he would be in favor of keeping it after hearing Chief Bennett's explanation.
5. Closed session to discuss matters of non-elected personnel
 - Mr. McCommon asked to move into executive session for a period of 15 minutes. Motion by Gilner, seconded by Peak. All Ayes, motion carried.
 - A motion was made by Councilman Gilner to return from closed session with a note that no action was taken, seconded by Councilwoman Reed. All Ayes, the motion carried.
6. Request to fill Maintenance Worker I, Maintenance Worker II, and Police Investigator positions
 - Mr. McCommon explained the request to hire a Maintenance Worker I at Range 4 step A, Maintenance Worker II at Range 5 step A and a Police Investigator at Range 8 step C.
 - A motion was made by Councilman Peak to approve the request to fill seconded by Councilwoman Reed. All Ayes, Motion carried.
7. Request to fill a Maintenance Worker I position from the existing eligibility list

- A Motion was made by Councilman Peak to fill from the existing eligibility list, seconded by Councilman Truesdell. All Ayes, the motion carried.

Update on Chieftain Trail

1. Request approval to enter into an agreement with contractor for Construction of Chieftain Trail

Mr. McCommon said the bid closed Friday after the Council packet went out and Brian Kingsley will discuss the results.

- Mr. Kingsley handed out the bid tabs and a memo for Chieftain Trail and that the project is funded 80% by KDOT. Mr. Kingsley said that BG runs estimates at various times during the process. He said they keep a 3 – year list. He said the low bid was \$1.1 million from King’s Construction. He said we’re seeing a trend upward now that the economy is improving but the bids came in right where expected. The plans seemed to be clear to the contractors as they were all close together.
- King’s construction is the low bidder if the base bid is accepted. The base includes a concrete bid which is what Mr. Kingsley said he would recommend for the City’s purposes. Mr. Kingsley walked through some slides with pictures of different bridges. The base bridge includes a parabolic/arch style bridge with a concrete base. Alternate number two would match the existing styling of the bridges in Tonganoxie which is considered a “pony” style.
- He explained Alternate no. 3 which includes three significant changes to the plan which explains whether we cross Laming Road and whether we reconstruct at the beginning of the project to accommodate ADA requirements.
- Add Alternate no. 4 would omit the driveways and storm sewer at the Depetre Property. This would redirect storm sewer to the existing curb inlet.
- Mr. Kingsley said the Council needs to decide on a bidder based on what they want they want to include as part of the construction.
- He went over the budget – he said the project is more expensive than it was in 2009 but bid it out on the tail end of the price benefits from economic downturn.
- Mr. Kingsley said the original Budget included a contingency. The length of the bridge increased so the contingency in that original estimate was likely eaten up by the bridge. We had to move the low water crossing which extended the bridge increasing the price a few thousand dollars. The original bridge was about \$100,000.
- Mr. Kingsley suggested that the Council walk through the alternates and vote on what they want to pursue as part of the project.
- Mr. McCommon said when Council adopted its 2013 Budget it dedicated \$270,000 to this project which includes easement acquisition and staking. There’s a balance of \$255,000 to accommodate the City’s match which is to say that at the base rate there’s about an \$11,500 buffer for the City to cover the City’s match.
- Councilman Truesdell asked if Mr. Kingsley preferred the concrete over the wood and if the wood was more expensive. Mr. Kingsley said he

preferred the concrete base. All Councilpersons agreed to decline add alternate no. 1.

- Add alternative no. 2 would save the City \$8,000 but is less aesthetically pleasing according to most of the Council. Mr. Kingsley said that would be \$8,000 to the project and \$1,600 savings to the City.
- Councilman Donnelly said that you're getting into the eyes of the beholder and while he's not particularly partial to that bridge, the total of \$10,000 is significant.
- Councilman Gilner asked if the lower cost bridge was the same as that in VFW Park. Mr. Kingsley said it's the same as the one in Chieftain Park.
- Councilman Truesdell said that he is strongly in favor of the parabolic bridge as did Councilman Peak.
- All those in favor of the parabolic – Aye for Councilmen Truesdell and Peak, No for Councilman Donnelly, Aye for Councilwoman Reed, the Council decided to pass on Add alternate no. 2.
- Add alternate no. 3 ends the project at Woodfield Drive and does not build the crosswalk and handicapped ramps on the other side of Laming and a Crosswalk on Laming. Everyone agreed to forgo this add alternate.
- Add alternate no. 4 would omit driveways and storm sewer at Depetre property. If this isn't done the storm pipe goes away as does not connect the storm sewer to existing curb inlet.
- Councilman Peak asked if heavy equipment could use that section of the trail, Mr. Kingsley said he wasn't sure.
- The Mayor said it would be his suggestion to build that section out as much as possible. Brian said that section on Depetre's property is already built for 8 inches.
- Councilman Gilner asked about the number of driveways.
- Mr. Kingsley said one right now. He wants to take a look at how much a thicker standard would be compared to the base bid. Add alternate no. four would remove the storm inlet and drain.
- Councilman Truesdell asked when we would know if KDOT would honor these add alternates.
- Mr. Kingsley said KDOT already approved the plan so he assumes that they would approve the add alternates as well.
- Councilman Donnelly voted for the add alternate, everyone else voted against it.
- Add alternate no. 5 would omit reconstruction of the existing trail and would tie into the existing grade of the trail. The add alternate would increase the slope and not be ADA compliant because we would be tying into the existing trail. Crossing a road at an angle is not as safe as crossing it perpendicular so he recommended the base bid for this item.
- Councilman Donnelly voted for the add alternate, everyone else voted against it.
- Councilwoman Reed asked if this would still come under Budget, Mr. McCommon said it would have a narrow margin of about \$11,000.
- Mr. Bixby asked what the savings would be from add alternate no. 5 and Brian said \$19,124 and the City's portion would be 20% of that.
- Mayor Ward said that considering we didn't have any add alternates that we're still at a base bid of \$1.1 million for the project.

- Councilman Peak made a motion to approve King's Construction as the low bidder not to exceed \$1,1604.50 and make that contingent upon concurrence from KDOT and authorize construction, seconded by Councilman Truesdell.
- Councilman Donnelly said at some point we need to stop spending money and that all of these projects add up and if you look at mill levy changes we have to face and mill levy changes up the road I think we need to take that into consideration.
- Councilman Peak said he thinks its imperative that we do this project right and it's still under budget.
- Four Ayes and one Nay from Councilman Donnelly.
- Mr. Kingsley said that KDOT should concur quickly and then King's construction has 5-10 days to get the bonds and they said they want to get started on this project this fall and build the bridge in January. This bridge is a prefabricated bridge that would be hauled to the site.

Agreement with Leavenworth County on Washington Street MOU (Continued)

- Mr. Kingsley said that if we can get through our procurement requirements by requesting three quotes under Kent's supervision, from qualified contractors that would be better for a project of this scope. Mr. Kingsley said they could do this for \$1,500. BG could provide a design for the project but he didn't think it was really necessary.
- Commissioner Bixby said that the County has decided that there's a way to do this without acquiring any additional easement. The easement might volunteer but if the County doesn't extend the pipeline then the County can avoid acquiring easement. The money that would be saved by that would help the County from exceeding its \$100,000 limit. He said that isn't something he could just waive; it would have to be a vote of the Commission.
- He said the County has to replace the guardrails on County Road 6 because they are rotting away. He also said that the County won't be doing maintenance on County Road 6 either after the completion of this project.
- Councilman Truesdell asked Mr. Bixby the next step and he said to sign the agreement.
- Mr. Kingsley said you have the traditional path or you can do the design build path. If the Council can get comfortable with the Design Build path then it will save the City a lot of money. He said he's a little concerned about not extending the culvert.
- Mr. Kingsley said that there have been questions on the transparency with not doing a full-bid but that the City has saved a lot of money by having City crews as the prime contractor and sub-contracting with other firms for certain items.
- Councilman Truesdell asked why the County wouldn't extend that culvert.
- Mr. Bixby said that the County engineer thinks it's okay and that they can avoid easement acquisition that way.
- Councilwoman Reed asked if the culvert wasn't extended where the sidewalk would go.
- Mr. Bixby said the County would extend the roadbed but not the culvert.
- Councilman Truesdell asked if BG would provide an estimate for \$1,500, Mr. Kingsley said that he can't get the City through the process for \$1,500.

- Mayor Ward said the Council needs to decide if they want to do a design-bid-build or a design-build.
- Councilman Truesdell made a motion for BG Consultant to provide a cost estimate on the sidewalk not to exceed \$1,500, seconded by Councilman Peak.
- Councilman Donnelly asked Mr. McCommon to provide info on how this project would be paid for and Mr. McCommon said none of this was considered as part of the 2013 Budget.
- All Ayes, the motion carried.

f) City Attorney Agenda

- Mr. Kelly said that the Council will need to make a decision continuing to ban firearms
- He said if the Council has any legal issues they wish him to raise with the Kansas League of Municipalities to send him an email.

g) Council President Agenda

- Councilman Truesdell said that John Morgan wants the Planning Commission to meet with Council maybe once/quarter to discuss infrastructure needs and prioritization.
- The Mayor said this would have to be more of a visioning exercise since the Council has the final approval on that.
- The Mayor said that Councilman Truesdell and Mr. Morgan can work on some possible dates.

h) City Council Agenda

1. Suggestion boxes for citizens and employees
 - Councilman Peak said he thinks there should be a suggestion box in City Hall and every City department. We should also have something on the City website.
 - Councilwoman Reed said why a box instead of an employee going to their supervisor. Since we don't give credence to anonymous complaints why would we do a box?
 - Councilman Peak said he thinks it could be helpful for the employees.
 - The Mayor asked Nathan to work with staff on the suggestion box.
 - Councilman Gilner thanked City staff for doing a nice job on the demolition of the old house.

V. Adjourn

A motion was made by Councilman Gilner seconded by Councilwoman Reed, all Ayes, the motion carried.