



City Council Meeting

December 2, 2013

7:00 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 and Jennifer Jones-Lacy.

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

Open Agenda

Nothing for open agenda.

I. Old Business

- a) Update on Chieftain Trail
 - Mr. McCommon said the Council needs to select a color for the bridge. Councilman Peak said green.
 - Mayor Ward said he didn't know what the industry standard was but it seems like most of the bridges are earth tones.
 - Councilwoman Reed said something lighter color which would be her preference so the kids won't burn themselves in the hot sun.
 - Lawrence Hill asked if there would be any advantages to having a brighter color for greater visibility.
 - Councilman Gilner said a brownish grayish color.
 - Mayor Ward asked what they thought of red oxide.
 - Councilman Truesdell said it would be nice to see some examples of red oxide.
 - Mr. McCommon said the bridge would be painted mid-to-late January.

- Change order for additional grading and pipe – Mr. McCommon said that King Construction discovered that KanGas had a pipe that was heavily silted in and misaligned with the ditch underneath the KanGas driveway. The plan was to extend the pipe 15 feet which would further extend the misalignment. The extra funding needed to realign the pipe for this change order is \$15,100 which is eligible for KDOT participation which would make the City's portion of change order \$3,020. We would need KDOT's concurrence to approve the change order and receive grant reimbursement.
- Mr. McCommon said they are recommending a longer pipe that the current. The pipe they are recommending is corrugated metal but for \$250 more the pipe could be concrete. Councilman Truesdell said that concrete would be better considering the negligible cost.
- Mayor Ward asked if this was something that should have been discovered during the engineering analysis of the pipe. However, it wouldn't have been discovered until after they moved some earth.

- Councilman Truesdell made a motion to approve the change order from King's Construction using a 66 inch RCP instead of PCP not to exceed \$15,350. Seconded by Councilman Peak. All Ayes, the motion carried.

b) Update on utilities extension

- Mr. McCommon said all the easements have been acquired. City forces have begun to install the water line up to the point of crossing US-24. The contractors should be boring under the driveway this week. Carver Construction will begin their section early next week. He said he's in conversations with Kansas Gas recently in terms of when they will get started on their portion. He said he should have an answer on their schedule by the next Council meeting.

c) Update on Hwy 24-40 traffic signal improvements

- Mr. McCommon said we will discuss easement acquisition in January if any is needed. He recommend appropriating funds in January to a for the grant match.

II. New Business

a) City Administrator Agenda

Action Items:

1. Approval of agreement with Design Energy Group for code inspection for elementary school
 - This agreement is for code inspection services specifically for construction of the new elementary school and requires substantial construction plans review as well as regulatory oversight. Design Energy Group has specific expertise in this area and has done this work for Basehor and is currently working with Lansing on building their school. Joe Keene, the principal, has worked with the City of Tonganoxie in the past and has proven a good partner.
 - Mr. McCommon explained that the amount on the contract has changed and Mr. Keene did some additional analysis to determine that \$110,000 is a more accurate not to exceed amount for his services. This is scheduled to be complete in the fall of 2013.
 - Councilman Peak asked if anything other than a school that someone builds would be inspected by City building inspection staff.
 - Mr. McCommon said all construction needs code inspection and the regulatory agency, i.e. the City, insures the code is followed. However, because the City has limited staff, for a project of this scale, we would hire someone who is an expert.
 - Councilman Peak clarified that Mr. Keene would be present through the completion of the project.
 - Mr. Keene explained his process. He said that he inspects to insure the approved drawings are being followed. He said the building code is a minimum standard. In addition he makes sure that the fire ratings are followed and footings are correctly done, etc.
 - The Mayor asked how often he would be on the site. Mr. Keene said this contract requires a 4 hour minimum per week. He said in the middle they will be there maybe one day per week. In the last two weeks his staff would be there all the time.
 - Councilman Truesdell said he would like to see the scope breakdown along with costs for various components of the work.
 - Mr. McCommon asked Mr. Keene who else would work on this project.
 - Mr. Keene said he has an architect and a structural engineer that work with him. The demand is driven by the contractor.

- Mr. Keene said he arrived at his estimate based on previous work and that all items are covered by the building code.
- Councilman Truesdell said he thought the school would have their own building official to inspect the property per plans and the City would inspect for City and building code compliance.
- Mr. Keene said the extra third party construction is an independent third-party view designed for improved safety of the project which is why he is doing the inspection. Also most of the time the architect and engineer are not on-site and their interests are different. The architect is more interested in the function of the building and Mr. Keene's concern is for the public safety of the building.
- Councilman Donnelly asked if Mr. Keene's general liability insurance was the same as it was for Lansing. Mr. Keene said yes and that his insurance is the same for every project he has done.
- Councilman Truesdell asked for clarification on the contract amount. Mr. McCommon said the not-to-exceed amount would be \$110,000. Councilman Truesdell asked how this was paid for and Mr. McCommon said that it's typically covered by the building permit fees. Mr. Truesdell said he wanted to see a breakdown of the charges that constitute the \$110,000 and would like to see that on all contracts. He asked how the City Administrator would provide oversight for this project.
- Mr. Keene said he could try to provide that information if that's the council's request.
- Mayor Ward asked if the fee is estimated based on square footage of the project. Mr. Keene said duration of the project is the key factor in determining a contract amount. Mayor Ward asked if he's provided cost breakdowns for other Cities.
- Mr. Keene said no because it's an estimate and it's based on time. He doesn't know how much time he will spend on electrical inspection vs. plumbing inspection, etc. He said any expense over that \$110,000 is his responsibility.

2. Discussion of building permit fees *for school construction*

- Mr. McCommon said that the City is a small town with a small budget and small force and when they need expertise they have to contract that service out. Typically permit fees cover the cost of staff for building inspectors. In order to pay for Mr. Keene's services, Tonganoxie does not have the budget in place for such an expense and it's typically part of the building permit fee.
- The Mayor asked if the City would incur these fees if this school was not being built and the answer is no. If the City were to waive any portion of these fees, the City did not budget this even though the school will be a fantastic addition to the community.
- Councilman Peak asked why this question was even being raised.
- Mr. McCommon said it was a request of the school architect. He said the City of Lansing did not waive any of the fees to construct its school.
- Councilman Peak said this is a non-issue, the City does not have the money for this and he doesn't know how we would pay for this otherwise outside of the fees.
- Mr. McCommon said the total expected fees would be around \$115,000.
- Councilwoman Reed made a motion to approve the agreement with Mr. Keene not to exceed \$110,000. Seconded by Councilman Peak.
- Mr. Keene said he was the building official for Warrensburg, MO for several months and he never waived the fees for other governmental jurisdictions. They looked at last year's cost of building code, approval and administration and divide that into the total cost of actual construction and that provides the total cost per \$1,000 for construction. They then added 10% each year to cover increased costs.

- Mr. Keene said they do a quantity tick off for all of the items and provide a spreadsheet to show that each light fixture is \$1 and each outlet is \$0.75.
 - Mr. McCommon said he plans to put together an MOU with the school district to ensure payment of the external expenses to say we would bill that back to the school on a case-by-case basis in the event of a re-inspection.
 - Mr. McCommon said Lansing is willing to enter into a short-term agreement for up-to six months to cover building inspection while the City figures out a way to pay for a full-time inspector.
 - Councilman Peak asked who would handle the nuisance inspection. Mr. McCommon said that could be handled by the police. Councilman Peak said since there's a new ordinance coming before council then he's concerned.
 - Councilman Peak asked if we would pay the same amount we paid Basehor. Mr. McCommon said yes.
 - Councilman Truesdell asked if the City was guaranteed that the school would pay this \$110,000 for Mr. Keene, Mr. McCommon said yes.
3. Evaluation Policy amendment
- i. Mr. McCommon said that when the evaluation policy was approved by the Council recently, the transitional year in 2014 created an inequity for some employees which he wanted to eliminate. The proposed change would allow those hired prior to January 2013 to maintain the evaluations at the end of the year and continue to receive their merit increase during the first pay period in January. Anyone promoted or hired after January 1st, 2013 would be reviewed on their anniversary date, which is the date they started in their current position.
 - ii. Councilman Peak made a motion to approve the evaluation policy amendment, seconded by Councilwoman Reed. All Ayes, the motion carried.

Informational and Discussion Items:

3. Gallagher Property Work Session
- Ms. Jones-Lacy asked for clarification on how the Council wanted to structure the task force. She said staff would facilitate the first meeting and then allow the task force leadership to take over. She asked if the Council wanted to limit the number of people on the task force and if so how many and how they wanted to be selected. In addition she asked if they had a time frame for a recommendation.
 - The Council and Mayor decided on 5-7 people for the task force and that they should be selected by volunteering.
 - The Mayor said it would be helpful to have a couple of community meetings open to the public to try to solicit as many opinions as possible.
 - They also said they wanted to see a presentation to council prior to the growing season, sometime in March 2013.
4. Closed session to discuss confidential matters of non-elected personnel
- Councilman Gilner made a motion to enter into closed session for a period of 10 minutes, seconded by Councilman Peak.
 - A motion to return from executive session was made by Councilman Gilner with a note that no action was taken, seconded by Councilman Peak.
 - A motion to return to executive session for five minutes was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.
 - A motion to return from executive session was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

5. *Letter from concerned citizen re: law enforcement.* Mr. McCommon shared a letter from an anonymous author expressing concern for their law enforcement. Councilman Peak said he didn't think the City took action on unsigned letters. The Mayor said it's something for the City to consider or think about. Ms. Reed asked if staff had any concerns with the Police Department regarding this letter. Mr. McCommon said no.
6. Wholesale water district: negotiate revision or dissolve
 - District 6 wants no change in termination text, but Michael Kelly advises modifying the termination language.
 - The board will meet again on December 19
 - District 9 asked if District 6 would engage in a revision of the existing agreement. They are considering dissolution if the jurisdictions don't agree to the terms.
 - Councilman Gilner thought there would be no harm in having a conversation about it.
 - Mr. McCommon said there was a termination signature required by the attorney general and Mr. Kelly doesn't want that in the agreement.
 - Councilman Peak said we should wait until Mr. Kelly returns but there's no harm in discussing the issue.
 - The consensus is that the Council is willing to listen. Kent Heskett is the City's representative on the board and Mr. McCommon said he would share with him the Council's willingness to discuss.

b) Mayor Agenda

- Mayor Ward Thanked Councilman Truesdell for running the last meeting.
- He also thanked everyone's participation in the Mayor's Christmas Tree lighting. He thanked Councilman Peak for putting up fliers and noted that the Fire Department did a great job.

c) City Council Agenda

1. Update on fireproof storage in city hall – Bill Peak
 - Councilman Peak said he hopes to get some estimates back soon and is looking at price and capacity.

Councilman Peak made a motion to adjourn, seconded by Councilman Gilner. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy
Assistant City Administrator