



**City Council Meeting**  
May 19, 2014  
7:00 p.m. Regular Meeting

Mayor Pro Tem Jim Truesdell opened the meeting at 7 p.m. with the pledge of allegiance. Councilwoman Reed, Councilman Gilner, Councilman Peak and Councilman Truesdell were in attendance. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, Chief Jeffrey Brandau and City Attorney Michael Kelly.

**Consent Agenda**

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

**Open Agenda**

Denise Bixby, 704 East Street – She said she wanted Council to strongly consider the recycling program for the City and that she supported it.

Steve Stein, 602 Yoke Street – Said the way the City is handling and interpreting the nuisance ordinance has not been followed. He said he brought several issues to staff's attention including the judge and City attorney. He's been told that he does not understand the law. He said there were issues which he doesn't deny. He said he was led to do certain things per the City's request. He doesn't disagree with keeping the town nice. He has three teenage kids that have cars and there is a lot of activity on his cars. He had several vehicles that had tarps. He asked how he could resolve the issue. The Police Department and City nuisance officer at the time said that if they can't see it then it can't be fined for it. He said he put these items in his backyard using a makeshift fence. Once the City started enforcing nuisances, he got a list of 10 items that were contradictory to previous notices he received from the City. The Police Department came down the next week and wrote him a ticket even though he wrote a letter to them in response to the violations. He was told by the Police Department that they never opened the letter he wrote and they still wrote him a ticket. He said he couldn't make improvements overnight. He said he was supposed to show up to court, Mr. Kelly offered him a plea bargain and gave him until the end of the week to sign it but Mr. Kelly never sent the plea bargain to City Hall. He said he tried for several days to sign a plea bargain but the City Prosecutor never provided one. That was last August. He said at the last court the prosecutor said Mr. Stein neglected to pay an old fine. He said Mr. Kelly dropped the ball and didn't provide the plea bargain as promised. He said he was found guilty at the end of the hearing. He said if he was in violation of 30 items, all of those should have been listed with the original ticket and violation. He said he agrees the place was in bad shape and it was just a lot of stuff. The judge told him he was going to be charged \$100/day per violation. He said he comes to court every month and is belittled. He said the ordinance has been changed two times since Sept. 26<sup>th</sup>. He walked through the violation procedure.

Councilman Truesdell asked if Mr. Stein has all of this documented.

Mr. McCommon asked Mr. Stein what he would like for the Council to do for him.

Mr. Stein said he wants the City to follow its laws. He was upset by the humiliation in Court and the belittlement of the judge. When told to shut up he is denying his right to a fair trial.

Mr. Truesdell said he would like to see specifically where he feels the City is not following it's policy and if he feels he's not being treated consistently.

Mr. Kelly said this is not true and that this is not the proper forum to discuss this issue. He said he has to go to court again on Wednesday and he thinks that need to be continued.

Mr. Stein said there's a prejudice against him from the City Prosecutor.

Mr. Truesdell told him to meet with the City Administrator.

Mr. Stein said he would like to hear from the City Attorney.

Mr. Kelly said he's not in the position to comment on this and the case has already been decided.

### **Old Business**

a) Update on Chieftain Trail

- Mr. McCommon said the project is nearly done and we'll be ready for the ribbon cutting on May 30<sup>th</sup>. There are weld plates on either side of the bridge to close a gap and that there's a little bit of grading. Staff will try to get the Magnatech Park parking lot repaved prior to the event.

b) Update on utilities extension – no updates

c) Update on Hwy 24-40 traffic signal improvements

- KDOT sent bid specs back to the City engineer to make a couple minor adjustments.

d) Update on Washington Street sidewalk

- The work should begin next week.

e) Discussion on use of space for former police station property

- Staff plans to spread grass seed on the lot once the wind dies down. Mr. Peak said he's going to schedule a meeting starting next week and they want to discuss what they can do over there and work with Dr. Stevens to put something on the side of his building. Mr. McCommon said the sidewalk work that was done is thanks in large part to a gentleman hired in Public Works who has some concrete expertise. Without him, we would have had to hire someone to do the work.

f) Update on Gallagher Park Property

- Mr. McCommon said the group is continuing to meet and has a concept put together. The task force is going to pursue funding and report to the Council later.

g) Discussion on recycling program

- Mr. McCommon said the main question is this a good thing for Tonganoxie and should we pursue it. Mr. Peak said he thinks it's a good thing for the City as did Mr. Truesdell. He said he has heard a lot of positive about it. Ms. Reed said she's not sure about a survey and that we'll just have a split among those who want to recycle and those who do not. She said she's only heard positive things.
- Council decided they would have a public hearing at the next Council meeting and that Ms. Jones-Lacy would post information on facebook and the City website to gauge feedback.
- Ms. Reed said she wanted to be sure that we don't talk about the issue too long. She would like to see action.

### **New Business**

- a) Appointment of City Planning Commissioners - Mr. McCommon said the term is beginning a new cycle.
- Mr. Peak made a motion to appoint Steve Gumm to the Commission, seconded by Ms. Reed. All Ayes, the motion carried.
  - Councilman Peak made a motion to appoint John Morgan to the Planning Commission, seconded by Councilwoman Reed. All Ayes, the motion carried.
  - Councilman Peak made a motion to appoint Grant Watson to the Planning Commission, seconded Councilwoman Reed. All Ayes, the motion carried.
- b) Approval to purchase meter for water plant per Department of Water Resources report
- Mr. McCommon said the City had a random inspection by KDNR Dept. of Water Resources. of our water plant and they said we need a new meter to measure the water that comes out the plant and compare that to the water we bill customers in the town. Mr. McCommon said he would like to purchase the water meter as required by KDNR and he would like to go with Danco Systems for \$2,557.80
  - Mr. Truesdell asked why there was such a vast difference between Danco and the next lowest bidder.
  - Mr. McCommon said the only difference is the brand and companies. The functionality is the same.
  - Councilman Peak asked what the warranty was. Nathan said he'll provide that information. The warranty length is not different between the various devices.
  - Councilman Gilner asked who installed, Nathan said we do.
  - Councilman Peak made a motion to approve the purchase not to exceed \$2,557.80 from Danco Systems. Seconded by Councilwoman Reed. All Ayes, the motion carried.
- c) City Administrator Agenda
1. Executive session to discuss confidential matters of non-elected personnel
    - A Motion was made by Councilman Gilner, seconded by Councilman Peak for 10 minutes. All Ayes, the motion carried.
    - A Motion to return was made by Councilman Peak, seconded by Councilman Gilner. All Ayes, the motion carried.
  2. Request approval to fill a Police Officer Trainee position at Range 3, Step A
    - Councilwoman Reed made a motion to approve, seconded by Councilman Peak. All Ayes, the motion carried.
  3. Request approval to fill a Seasonal Maintenance Worker position at Range 1, Step A
    - Councilman Peak made a motion to approve, seconded by Councilman Gilner, all Ayes, the motion carried.
  4. Agreement with Sunflower Auto Plaza to sell city vehicles
    - Mr. McCommon said that approval to sell City vehicles has been made by Council motion he couldn't find an agreement anyway. Historically the City used Purple Wave and Carmax. We put an ad in the paper asking for vendors to sell city vehicles and we got one response from Sunflower Auto Plaza that will not be exclusive. He said the vendor still needs to clarify some issues with insurance before entering into a contract with the City. Mr. McCommon said he would bring it back to the Council at the next meeting.
  5. Request approval to purchase cash receipts module for City Hall

- Mr. McCommon said this would be a great enhancement for productivity and getting that time back would offer some cost savings. This process will help smooth things out and with the systems in place will help.
- Mr. Peak asked how the process works.
- Ms. Jones-Lacy provided an explanation of how the product works and how it's useful.
- Mr. Peak asked how we can justify the expense. What's the time savings?
- Ms. Jones-Lacy said she estimated that the front office staff will save approximately 24 hours per month in entering cash receipts into the system and balancing the cash drawer.
- Councilwoman Reed made a motion to approve, seconded by Councilman Gliner. All Ayes, the motion carried.

#### 6. April Financial Report

- Mr. McCommon summarized the report. He said sales and liquor tax revenue appears to be doing better than it was last year. He's not sure why that is but he's glad to see it.
- Municipal court revenue is very unpredictable.
- He said that we are tracking close to Budget and the two items we're continuing to monitor is PW and Police overtime. He said with the approval of the two positions means those departments are fully staffed.
- Mr. McCommon said he anticipates the Washington Street sidewalk project will fall well below budgeted amount. He said King's construction fees have been coming in on budget.
- He said he followed up with the county clerk regarding the ad val tax collections since he was concerned that the collections were not coming at the full value the county expected to pay. Those properties are in the penalty and interest period.

#### d) City Attorney Agenda

- Mr. Kelly said he still hasn't heard about the dissolution of water district 6 yet.

#### e) Council President Agenda

- Councilman Peak said he was glad to see Nathan got the benches for the trail.
- Councilman Gilner asked if there was a reason we don't record our municipal court meetings.
- Mr. Kelly said municipal court is not a court of record. If we were to record we would have to hire a court reporter and a district court judge would have to read through a transcript. Instead they just try it all over.

#### f) City Council Agenda

##### 1. Standing Committees

- a) Retail Commercial Development Committee, Bill Peak, Chair – said they were meeting next week to discuss what they can do with the former PD property.
  - b) Infrastructure Committee, Jim Truesdell, Chair
  - c) Industrial Park Committee, Chris Donnelly, Chair
- Mr. McCommon said that all jurisdictions received feedback from their governing bodies regarding the county-wide sales tax renewal campaign with the exception of the County and they asked that we hold off. Mr. Truesdell said he wanted a schedule for the when the City could make a request of the County to collaborate on future capital projects. Mr. Truesdell said he would like to see the sales tax renewal under the infrastructure committee for each meeting going forward.

- Mr. Peak said he wanted to thank the Fire Department for their work with Mrs. Jarrett and battling the house fire.
- Mr. Gilner said the Tonganoxie High School baseball team is heading to state.

Councilman Gilner made a motion to adjourn, seconded Councilwoman Reed. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy

Assistant City Administrator