



## **City Council Meeting Minutes**

February 3, 2014

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 Peak and Mayor Ward were in attendance. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, and City Attorney Michael Kelly.

### **Consent Agenda**

- Councilman Peak made a motion to approve the consent agenda, seconded by Councilwoman Reed.
- Councilman Peak asked about the boots for the Police Department. All Ayes, the motion carried.

### **Open Agenda**

Nothing for open agenda

#### **I. Old Business**

- a) Update on Chieftain Trail –
  - Everything is on pause due to the weather. The big item of concern is to get the footings in place for the bridge. That's set to go in at the end of February but the weather must cooperate.
- b) Update on utilities extension
  - City crews have about 1 day left to connect the water pipe to our existing supply. Mr. McCommon spoke with the Army Reserve folks and said the sewer agreement is going up the ranks for their approval. He's expecting a sewer maintenance agreement for Council in March. They also said they would have a letter to the City by the end of the week to release the City from the surety bond.
- c) Update on Hwy 24-40 traffic signal improvements
  - Mr. McCommon provided an illustration of the sidewalks for the traffic signal project.
  - Councilman Donnelly said there was a conversation about putting a sidewalk on the other side of the street and if that was taken out. Mr. McCommon said that KDOT does not expect the City to install an additional sidewalk and if they Council wanted to it would be solely at the City's expense.
  - Councilman Truesdell asked about the warning signal and Mr. McCommon said it's going to be similar to the warning light in Basehor for the signals on Hwy 24.
  - Mr. McCommon said the next step is to get the grant of easement documents together and approach the property owner on the south side to get that grant of easement.
  - Mr. McCommon said the property owner on the south-side agreed to have a much narrower entrance to prevent traffic that might be entering and exiting the property to interfere with traffic cuing due to the signal. It's possible that we would need some temporary construction easement on the south side for staging.
- d) Discussion of the services of Water District #6 and #9

- Mr. McCommon said they have a meeting on Feb. 17<sup>th</sup> to further discuss how they want to dissolve the water district. The attorney for District 6 is going to preparing a secondary source agreement to take back to the Council for approval.

## II. New Business

### a) City Administrator Agenda

#### Action Items:

1. Request to reclassify Utility Billing Clerk position to Administrative Assistant and recruit from the existing eligibility list
  - Mr. McCommon said we began recruitment for the Administrative Assistant position and during that time one person resigned the Utility Billing Clerk position. We would like permission to fill reclassify the Utility Clerk position to an Administrative Assistant position and use the existing eligibility list to fill the two positions.
  - Councilman Peak made a motion to reclassify and recruit from the existing eligibility list the Utility Billing Clerk position to an Administrative Assistant position, seconded by Truesdell. All Ayes, motion carried.

#### Discussion and Presentation Items:

1. Review of Kansas Open Meetings Act (KOMA)
  - Ms. Jones-Lacy provided an overview of KOMA.
2. Summary of 2014 state legislative bills
  - Mr. McCommon said that a number of city administrators and elected officials are meeting in Topeka to discuss pending legislation Wednesday, February 5th.
  - Mr. McCommon said he plans to meet with two of Tonganoxie's elected officials and Rep. O'Brian expressed concern regarding traffic concerns near the new school. She said she hopes to ask KDOT to give special consideration for improvements.
  - Mr. McCommon provided a summary of legislative issues that impact cities including the property tax exemption for fixtures in commercial property, which would have a tremendous impact on cities and counties on Ad-Val taxes. He also discussed the move to eliminate the mortgage registration fee which funds the register of deeds office. Councilman Donnelly said that's a tax that doesn't fund the register of deeds it goes directly into the general fund and is only taxed to taxable entities in the state of Kansas on real estate mortgages and not everyone pays it. Councilman Donnelly said the Supreme Court ruled it was a tax and not a fee. When you pay a filing fee that fee goes to fund the register of deeds office.
  - Councilman Peak said there is a bill trying to make all local elections partisan.
  - Mayor Ward asked if there were any annexation rules that have jumped out that he's aware of as it's been a hot topic in the past. Mr. McCommon said he wasn't aware of any but he would check into it.
  - Mayor Ward said the trend has been limiting annexation. It's always something for Council to watch.
  - Councilwoman Reed asked how much the motor vehicle tax exemption would affect Tonganoxie. Mr. McCommon said he will email that information to Councilwoman Reed.
3. 2013 Year-End Budget explanation

- Mr. McCommon said he added some notes as to why there were differences between the actual revenues and expenditures from projected. He said the General Fund had a planned deficit at the end of 2013 due to Council providing employee raises and some other items and it actually ended higher than the beginning fund balance in 2013.
- Mr. McCommon provided a rundown of each fund and the differences.

b) City Attorney Agenda

1. Councilman Peak made a motion, to enter into executive session to discuss pending litigation for five minutes, seconded by Councilman Gilner. All Ayes, the motion carried.
  - Councilwoman Reed made a motion to return from executive session with a note that no action was taken, seconded by Councilman Gilner. All Ayes, the motion carried.
2. Discussion of nuisance code revision – Mr. Kelly said he will have a first draft of the ordinance for revision by the next meeting.
  - Councilman Peak made a motion to enter into executive session for ten minutes to discuss confidential matters of financial affairs or trade secrets of a third party for 10 minutes, seconded by Councilman Gilner. All Ayes, the motion carried.
  - A motion to return from executive session with a note that no action was taken was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.
  - Councilman Peak made a motion to return to executive session for a period of 10 minutes, seconded by Councilman Gilner. All Ayes the motion carried.
  - Councilman Gilner made a motion to return from executive session, seconded by Councilwoman Reed. All Ayes, the motion carried.

c) Council President Agenda

- Councilman Truesdell said he brought a proposed motion for the sidewalk on Washington. He said the main reason for the Infrastructure Committee was to coordinate with USD 464 and get this sidewalk built. Councilman Truesdell said that this was the City's top infrastructure project as it's the only one we can fund and there's a safety need. The cost is approximately \$56,950. However, that includes \$20,000 for labor which we will have City crews do the work. Councilman Truesdell said easement would cost no more than \$1,000. He said we need to get the staking done and surveying so we know how much easement we need.
- Mr. McCommon said when the Council was discussing prioritization of infrastructure projects that there wasn't an available funding source for new projects. There is negligible continuing revenue to fund this project. The only available source would be fund balance. The traditional source is the Capital Projects fund and the fund balance would be spent down. This would not allow any emergency repairs that need to occur.
- The General Fund cash has been used to allow a cash reserve for the City and the financial policy is to restore the fund balance and protect the City's credit rating. To use the General Fund capital reserve for this purpose would be to put that financial policy at risk. There was \$100,000 in unbudgeted revenue from the agreement with Dean Oroke and that was previously committed by the Council to use as a reserve for the utility extension. Mr. McCommon said he would recommend waiting until the project is complete to see if there were some savings that would free this cash up.

- Councilman Peak asked if there was a way to piece meal funding the sidewalk from various sources. He asked about using the \$25,000 from the cell tower agreement. He asked Councilman Truesdell if he was using various sources in his proposal.
- Councilman Truesdell said he was thinking that we could use the \$100,000 from Dean Oroke payment if it wasn't used for the utility extension. That would be the best source to fund the project, they could also potentially use the \$25,000 from the cell tower agreement with American Tower.
- Mayor Ward asked if we were planning to build this to match the current sidewalks in place. He also said the \$100,000 we received from the Oroke property purchase, it was his understanding that that funding would be used to further invest in the extension of the utilities, or to recoup the losses from the water/sewer funds which we used for the utility extension. Mayor Ward said he certainly supports the sidewalk but this is something we need to discuss in consideration of the budget so we're not appropriating outside of the budget discussions. He said he thinks we can manage this project since its small enough but we shouldn't get in this discussion and appropriate mid-year.
- Councilman Peak said he asked for this five years ago and thinks it needs to happen. The Budget process is horrid and we don't discuss details or have enough meetings. He said he would like to spend a lot more time on forecasting in the future.
- Councilman Gilner said the top priority was 14<sup>th</sup> street not the sidewalk on Washington. He understands that sidewalk is less expensive but he understood that we have bridge repairs coming up. He said adding a sidewalk is very important for safety but he thinks the road is much safer now that it was. He doesn't think we should use this funding from the Oroke property for this sidewalk.
- Councilwoman Reed said she's not clear on where the funding would come from for this project. She said she's not comfortable with this because she doesn't understand where this money is coming from. She said she needs additional clarification.
- Councilman Truesdell said we could use the \$25,000 from the cell tower agreement and get the balance from the Oroke property sale.
- Councilman Gilner asked how high the fence would be, Truesdell said 6 foot.
- The Mayor asked if they had enough information to move forward with a motion.
- Councilman Gilner said this is a good project but there are many projects. He said we will constantly have project cost increases all the time. It's important to have a reserve to fulfill a need and you can bleed through that and there is no cushion available. He asked if this project was a big enough priority to appropriate funds now. We're actually cannibalizing a project before we're even finished. This has nothing to do with the Washington Project and everything to do with how we spend our money. Is this the highest of priorities? He said he's not comfortable spending funds on this when we don't know where the money would come from.
- Mr. McCommon said this would likely be a reallocation of funding for street maintenance rather than using capital reserve.
- Councilwoman Reed asked if this sidewalk is a priority for this council.
- Councilman Peak said this is a priority for him.
- Councilwoman Reed asked if this is a project that would take priority if the Council receives extra funding.
- Mayor Ward said now that we have moved the soil to put a sidewalk in, is there going to a time when that's not helpful. Are there things that will degrade that base that will prevent us from being able to put the sidewalk in? The timing seems to be right to install a sidewalk now but we need stop this appropriation outside of budget.
- Councilman Donnelly said we have to be in a position next year to state what we're not going to do for Budget.
- Councilman Gilner said he's in favor of putting the sidewalk in but we should plan it for next year and next year's budget.

- Councilman Truesdell said he doesn't know that the budget next year will be better.
- Councilman Truesdell made a motion that council appropriate a budget not to exceed \$38,000 for the sidewalk and that City staff recommend how to fund it, seconded by Reed. Councilwoman Reed said she would look into crowd sourcing to help fund the project.
- Aye Truesdell, no Donnelly, no Gilner, aye Reed, aye Peak. The motion carried.

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

Respectfully Submitted,

Jennifer Jones-Lacy

Assistant City Administrator