



## City Council Meeting

April 7, 2014

7:00 Regular Meeting

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

### Consent Agenda

A motion to approve the consent agenda was made by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

### Open Agenda

- Councilman Peak asked who specifically ordered there not to be a green stripe.
- Mayor Ward said while there wasn't a specific order not to paint the stripe, we have told the public not to use permanent paint. We have laws in place that say it's illegal to deface public property. Mayor Ward said our expectation is that when we have events, we need to include items like that in the special event application. If someone is going to do something that is going to bring laws into question, we need to know about it in advance. We need to do what we can to carry on the historical events in town, but we also need to clearly delineate our laws.
- Bill Peak said this is something we should discuss before hand with the people who paint the stripe. The people who approached him said City officials are out of touch with traditions. We need to push communication if we can get this resolved before next year.
- Councilwoman Reed said communication could certainly improve but she got some feedback similar to what Bill received and then others asked why this became such a big deal.
- Mayor Ward said he wasn't just talking about this event but anything like that needs to be on the special event application.

### Old Business

#### a) Update on Chieftain Trail

- Mr. McCommon said it's looking promising for them to complete the trail soon. The bridge is tentatively going to be set on April 22<sup>nd</sup>. It looks very promising that we could be ready in May. The closer we get to that ending date, staff will talk to King's construction so we can schedule a ribbon cutting.
- Councilman Peak asked if the bridge could withstand the weight of an ambulance. Mr. McCommon said he didn't know.

#### b) Update on utilities extension

- Kansas Gas was working on their pressure test on the line.
- Bill Peak asked if we were going to have to pay the extra money on blasting through the rock, Mr. McCommon said the contractor for KS Gas made an error on the other end of where they were digging and agreed not to bill that back to the City. The \$17,000 figure they gave before would be discounted. He said he doesn't have final figures.

#### c) Update on Hwy 24-40 traffic signal improvements

- Mr. McCommon said we're still waiting on KDOT to approve design.

- d) Approve back-up water supply agreement with Water District #6
- Mr. McCommon said we filled in the water consumption blanks from the previous meeting.
  - Councilman Peak said he doesn't see anything about the maximum length of time we would provide this service and we don't have any allowances to explain what happens if our BPU line is down.
  - Mr. McCommon said the City would reserve the right to refuse water to outside customers.
  - Councilman Truesdell pointed out that there were two item 11s.
  - Mayor Ward asked if there a situation where if we don't have the capacity, if we would be able to say that we can provide water to our citizens first.
  - Mr. McCommon said he would like to have an opt out option in the agreement prior to signature ensuring that we can ensure our customers are served first.
  - Mr. McCommon said he would follow up with Kent and bring it back next time.
- e) Update on Washington Street sidewalk
- Mr. McCommon said they didn't receive any feedback from the residents where the sidewalk would be put in and that it sounds like they are in favor of the sidewalk installation.
- f) Update on old Police Department demolition
- We're delayed temporarily due to KDHE needing to approve the dump site of the materials. The approval from KDHE could take up to 10 days.
  - Councilman Peak asked if asbestos was found. Mr. McCommon said no and there were two inspections done. He asked if we did an asbestos inspection and where we would dump the materials. Mr. McCommon said KDHE called us due to an alert regarding the demolition. Mr. McCommon said KDHE asked where we would dump materials and if there was an asbestos inspection done. KDHE's inspector came out and reviewed the roof which was previously not reviewed in other reports.

### **New Business**

- a) Request by Keyta Kelly to waive permit fees for Kirby McRill Walk
- Keyta Kelly provided an explanation of the history of Kirby McRill and to celebrate Tonganoxie, its quirky characters and the new trail. She explained the route. She said it's 3.2 miles. She said that you have to walk, there's no running and you have to participate in some obstacles. She asked the City to be a sponsor and waive the fees for the use of City services.
  - Councilman Peak said he likes the idea and a good way to promote the trail. He asked if she has gotten a good response.
  - She said that they are getting a good response and expect to fill most of the available spots, of which there are 160.
  - Councilwoman Reed asked if they have a relationship with Heartland Habitat. Mrs. Kelly said yes and that the proceeds from the walk will go to the nonprofit and the money will stay in Tonganoxie.
  - Mayor Ward said this type of event falls in line with other events the City sponsors. He said this sounds great. He wanted to ensure the City was being fair in waiving fees and asked about the precedent.
  - Ms. Jones-Lacy said it's up to the project organizer to request sponsorship from the City and those who have requested such a sponsorship have been granted so far this year.
  - Councilman Donnelly made the motion to co-sponsor the Kirby McRill Walk, seconded by Councilman Peak. All Ayes, the motion carried.
- b) Agreement with Anthony Schuberger regarding police canine care and training
- Mr. McCommon said this agreement is with an employee who the Chief recommends train and work with the new canine unit. The agreement asks the employee to commit to four years of employment with the City and if he were to leave prior to that that he be required to repay some of the training cost.

- Councilman Peak asked if he leaves if the same dog can be retrained or if we have to get a new dog. City Attorney Kelly said the dog remains the property of the City and the dog would have to go through the process with a new handler.
  - Councilman Peak asked if the officer goes out on disability for six months, does that make the dog inoperable?
  - Mayor Ward said that's a question for the Chief.
  - Councilman Gilner made a motion to accept this agreement with the minor edits of the numbering. Seconded by Councilwoman Reed. All Ayes, the motion carried.
- c) Review capital improvement priorities and local support committee for renewing the Capital Improvement Sales Tax
- Mr. McCommon said the Council raised the idea of bringing up past successes of County-wide sales tax and committing going forward to the themes committed in the previous work session in January. He also wanted to clarify that there are some external groups of citizens who stated that they would like to publically support this tax – E.A.S.T. Group, the Chamber and the Pastoral Alliance.
  - Mr. Kelly said the Council cannot advocate a tax one way or another but can only educate the public. He said it's a fine line you have to walk as a council member. If you are expressing yourself, you have to state clearly that it's your personal opinion not speaking as a council person.
  - Councilman Truesdell said he was previously on a committee to support this. He said we should leave the promotional piece to the non-elected officials and that the Council needs to identify projects to target this tax.
  - Mayor Ward said he agrees that we need to identify some areas to focus on. This is something the Council can discuss at a work session if that's what they want to do.
  - Councilman Truesdell said they built the interchange for County Road 1, if we can get the other Cities and County on board that the I-70 interchange would benefit the entire County that would be his preference.
  - Councilman Donnelly said we need to prioritize internally, he said he understood Mr. Truesdell's perspective but didn't know how much energy we should expend on getting the County to extend our allotment as that seems like an unlikely scenario. It's better to spend time getting the thing passed. Councilman Truesdell said he thinks we need a work session. He asked if there's a group organized county-wide to get this thing passed.
  - Councilman Donnelly said the original promotion did not specify projects which gave the nay sayers some fuel to gripe and we need to determine if we want to state a specific project because then we are beholden to that project.
  - Councilman Truesdell suggested 6 p.m. on April 14<sup>th</sup>. Councilman Truesdell made a motion for a work session on Monday, April 14<sup>th</sup> at 6 p.m. seconded by Donnelly, all ayes, the motion carried.

d) City Administrator Agenda

1. Request approval for a payment for the Housing Rebate Incentive Program in the amount of \$3,000.00
  - Councilman Peak made a motion to approve, seconded by Councilman Truesdell. Councilman Donnelly abstained. All others voted Aye. The motion carried.
2. Request approval for a payment to Trans-Kan honoring development agreement for Highland Park Business Center in the amount of \$3,452.45
  - Mr. McCommon said this was an agreement from a prior Council in 2001 and he wanted to make sure the Council had the chance to see the agreement. The agreement previously stated that the agreement had some mitigation requirements in the agreement and if those weren't done then Trans Kan would be entitled to a reimbursement which is why this is before the Council tonight.

- Councilwoman Reed asked if Mr. Kelly had a chance to review the agreement and make sure that we do owe the payment to Mr. Steve Kelly. Mr. Mike Kelly said we are liable for the payment and he has reviewed it.
  - Councilman Peak made the motion to approve, seconded by Donnelly. All Ayes, the motion carried.
  - Councilman Peak said this is a good lesson to not get into agreements like this. Mr. Peak said we didn't know anything about this and that maybe we should review other agreements to ensure this doesn't happen again.
3. Request approvals of winning quotes of fencing and concrete suppliers for the Washington Street sidewalk
- Mr. McCommon said the fencing company J.P. Welch came in the lowest. They are also offering nine foot poles and the other fencing company was offering eight foot poles which is less support for the fence. He said Kincaid ready mix provided the lowest quote. He said the Geiger Ready Mix was really close and that they are within the County limits. The quote was within 3% and so the Council has the option to go with Geiger if they so choose.
  - Councilman Peak said he's not a big fan of gross bids that do not provide details. He said he supports using Geiger since they are local.
  - Councilman Truesdell made a motion to approve J.P. Welch for fencing and Geiger Ready Mix for the concrete, seconded by Councilman Peak.
  - Four Ayes, One Nay from Councilman Gilner, the motion carried.
4. Discuss future vacation of the current elementary school building
- Mr. McCommon said the School Board is discussing the reuse of the elementary school building and they wanted to know if the City would like to be a part of those conversations.
  - Councilwoman Reed said she would like to be a part of that conversation.
  - Councilman Peak said before discussing moving there that we should do an analysis of the building to see if it's structurally sound.
  - Mayor Ward asked if his next move is to notify the school district, which Mr. McCommon affirmed that it was.
- e) City Attorney Agenda
- Mr. Kelly said that the auction of the Bichelmeyer's Steak House building will be next Wednesday.
  - Councilman Gilner asked about the City's responsibility on alleyways as far as maintain those and if they had an answer on that.
  - Mr. Kelly said he doesn't have an answer on that yet.

Discuss facility maintenance checklists – Bill Peak

- Councilman Peak asked about the maintenance check list. He said he would go over the check list and get back with Mr. McCommon. He said that's what he was looking for.

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

Respectfully Submitted,

Jennifer Jones-Lacy  
Assistant City Administrator