



City Council Meeting
July 7, 2014
7:00 p.m. Regular Meeting

Council President Jim Truesdell opened the meeting at 7 p.m. with the pledge of allegiance. Council members present were Kara Reed, Andy Gilner, Jim Truesdell and Bill Peak. Mayor Jason Ward and Councilman Chris Donnelly were absent. Also in attendance were city staff Nathan McCommon, Patty Hagg, Dave Bennett and City Attorney Michael Kelly.

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

Open Agenda

Nothing for open agenda

Old Business

- a) Public input on and discussion of space of former police station property
 - Mr. McCommon said there was unanimous feedback that some type of Urban Park should be planned for the area. Bill Peak stated the RCDC met and discussed installing benches and stepping stones. One item that was discussed was a possible mural duplicating an old Tonganoxie postcard. Councilwoman Reed asked if picnic tables were still an item for discussion and installation. Bill stated funds will be from RCDC budget and donations.

- b) Public input on and discussion of recycling program: mandatory vs. voluntary
 - Mr. McCommon said the Council wanted this item to be a standing item on the agenda to allow opportunities for residents to provide input on curbside recycling. He stated at this time and perhaps because of holiday, public input has been very light. He also stated he added a letter to the council packet extending the contract for disposal service with Honeycreek. He stated this is a separate agreement that can be voted on tonight.
 - Bill Peak stated he thought the council was going to vote on this program on 7/7/14. Gilner also thought they needed a vote to allow enough time for Honeycreek to be ready by 10/2014. McCommon stated Honeycreek needed a 3 month lead time to order containers, plan routes, and hire drivers.
 - Reed asked if legal issues had been resolved. Michael Kelly stated he had a meeting with Jennifer Jones-Lacy and Randy Weldon. There is a 21 day Public Notice period for recycling that must be fulfilled to allow vendors to submit their proposal also. He also stated the Honeycreek 2 year contact for household disposal must be signed 4 months before the of current contact expiration date.
 - Councilman Truesdell said two issues were before the council tonight. One item is the renewal of the existing contract for 2 years and another for a mandatory or voluntary recycling program. Councilman Peak made a motion to renew the existing contract for household refuse pickup with Honeycreek for 2 years for household. Councilwoman Reed seconded the motion. All Ayes, 4-0, motion passed.
 - Councilman Gilner asked if we went with voluntary recycling, could we go to mandatory at a later date. Mr. McCommon stated we would be able to change at any time. Councilwoman Reed asked if we went with a voluntary program would residents have to sign up at a certain time or would residents be able to opt in at any time throughout the year. Mr. McCommon stated he thought that once we started the program a resident could opt in at any time. A resident would need to contact City Hall to sign up if the program was voluntary. Information will be available on the City website and Honeycreek website.

Andy Gilner made a motion to have a mandatory recycling program. Truesdell seconded the motion. Discussion: Peak stated he hated to make the program mandatory when this type of program is something people choose to do for the good of the environment. He would rather see the program start as a voluntary program and then grow. Mr. McCommon stated there is no contract yet. The first decision would be to decide what type of service will be offered and then contract negotiation will follow.

- Truesdell asked for a vote. Gilner & Truesdell voted aye, Peak and Reed voted nay.
- Tie Vote 2-2
- Truesdell stated they now have the option of a motion for a voluntary program or table the item to a later date.
- Peak made a motion to have a voluntary recycling program. Reed seconded the motion.
- All ayes, 4-0, motion passed.

A Public Notice for competing businesses to offer their recycling program. The notice will be published in the Tonganoxie Mirror on July 9, 2014. The Hearing will be scheduled for the August 4, 2014 Council Meeting.

c) Update on Hwy 24-40 traffic signal improvements

- Jason Hoskinson, BG Consultants, City Engineers, presented a letter dated 7/2/14 summarizing his update. He stated there was a bid letting on June 30th. Bids were received from three companies with bids ranging from 414,365.35 to \$523,255.58. Wildcat Concrete was the low bidder with a bid of \$414,365.35. He stated the original estimate for the project in 2013 was \$300,000.00. However, KDOT requested additional work included in the median which increased the cost of the project and there is a higher volume of work in Kansas in 2014 which causes fewer bidders and results are higher bid prices. Mr. Hoskinson also presented email correspondence from KDOT stating they would be willing to increase their portion to \$400,000.00 because of the additional work they requested. Mr. Hoskinson offered two recommendations to the Council
 - 1.) Award the construction contract in the amount of \$414, 365.35 to Wildcat Concrete Services contingent upon KDOT concurrence.
 - 2.) Reject all bids and consider re-bidding the project at a later date.
 - Jason stated if the contract was awarded to Wildcat Concrete, they expect to start in August and should be done in 60 days (late October)
 - Bill Peak made a motion to award the contract to Wildcat Concrete Services contingent upon KDOT concurrence.
 - Andy Gilner seconded the motion. All Ayes, 4-0, motion passed.
- Mr. McCommon stated that with the increase in the new revenue from KDOT the council will need to amend appropriation for construction in the Capital Projects Funds from \$300,000.00 to \$400,000.00.
 - Bill Peak made a motion to amend capital budget fund by \$100,000.00.
 - Andy Gilner seconded the motion. All ayes, 4-0, motion passed.

d) Update on Washington Street sidewalk

- Nathan provided a slide show of the progress on the sidewalk. Kara Reed stated she really appreciates the hard work the city crews have been doing.

New Business

a) Request to reimburse sewer charges at 707 River St

Nathan McCommon stated Mr. David Dunham was present to ask the city to reimburse or credit his sewer fees in the amount of \$637.90. He stated Mr. Dunham has not been able to use the city sewer system since he moved into his home in 2012.

Mr. Dunham was present he stated he has had his sewer line fixed, but the problem originated when Mr. Ketchum built a new residential home behind his property and bulldozed out his sewer line and then built a retaining wall against his sewer line. Mr. Peak asked for legal clarification. Mr. Kelley stated it was on private property and City Ordinance states that the City is not responsible for services on private property.

Mr. Dunham stated that he thought the city should be responsible because a city inspection should have been done when the new house tapped into the sewer main. He also stated he was told the retaining wall was built without a permit. Nathan stated the inspections for the property on Yoeke St., as far as he could tell, was done and documentation is in the file. He stated the water and sewer taps for the house on Yoeke St. were paid when the building permit was issued. He also stated the city crews were able to find sewer line and Mr. Dunham was allowed to tap into the line without paying the sewer tap charge. Kara Reed asked if new construction inspections were made and fees paid for then how could the city be liable for the sewer on the private property. Mr. McCommon asked the City Attorney if this is a civil suit between Mr. Dunham and the contractor who built the home on Yoeke St. Mr. Dunham replied he could not file a civil suit because the contractor had passed away. Mr. Dunham stated he still feels the City is liable because the inspections were not done properly and that is what allowed his sewer line to be bulldozed and the retaining wall built.

- Kara Reed made a motion to deny the sewer reimbursement request for Mr. Dunham.
- Jim Truesdell seconded the motion. All ayes, 4-0, motion passed.

b) Ordinance 1375- Special Use Permit for an In-home Daycare Renewal submitted by Marlee DeGraff. Kathy Kem, City Planning Consultant, presented a Staff report and slide show. She discussed licensed daycare requirements. The state license allows for up to 10 children. She stated the home is located in an R-SF zoning area.

Bill Peak made a motion to approve the daycare. Andy Gilner seconded the motion. All ayes, 4-0, Motion passed.

c) Ordinance 1376- Special Use Permit for an In-home Daycare Renewal submitted by Nicole Holland.

Bill Peak made a motion to approve Ordinance 1376 for the daycare. Andy Gilner seconded the motion. All ayes, 4-0, Motion passed.

d) Ordinance 1377- Special Use Permit for an In-home Daycare Renewal submitted by Katie Ussery.

Bill Peak made a motion to approve the daycare. Andy Gilner seconded the motion. All ayes, 4-0, Motion passed.

e) Andy Gilner made a motion for an executive session to discuss matters of non-elected personnel for a period of 10 minutes to include the City Attorney, Governing Body, City Administrator and the Fire Chief. Bill Peak seconded the motion. All ayes

Bill Peak made a motion to return from executive session. No Action was taken. Seconded by Kara Reed. All ayes

f) Request approval to fill three firefighter positions at Range 6, Step A

Kara Reed made a motion to fill three firefighter positions at Range 6 Step A. Andy Gilner seconded the motion. All ayes, 4-0, motion passed.

g) City Administrator Agenda

- Update on ad valorem tax collection

Mr. McCommon stated he has recently heard from the county clerk that one of the large real estate properties that owed back taxes has paid. He stated we are back to even again at this time.

- Discuss inter-local road maintenance agreement
 - Mr. McCommon stated at this time there is no revision to the contract for consideration by this Council. The contract will remain as is for a period of 5 years.
- Discuss budget calendar
 - Mr. McCommon said the Council needs to come to a decision on its budget by July 28th. He asked when the Council wants to have its budget work sessions. Bill Peak made a motion to have a Budget Work Session on July 10th at 6 p.m., seconded by Andy Gilner. All Ayes, 4-0, motion carried.

- Bill Peak made a motion to have a Special Meeting for Budget Purposes on July 14th at 6 p.m., seconded by Andy Gilner. All Ayes, 4-0, motion carried.

- h) City Attorney Agenda
 - Mr. Kelly said he has met with Gary Hanson Attorney for Water District 6 & 9. They have worked out the details and will be submitting a draft at the next scheduled meeting.

- i) City Council Agenda
 - Bill Peak gave an update on the Gallagher taskforce. He said they are working on a Sunflower grant for a Trail Head Informational Sign. They are trying to get matching fund grants and may need to use public works department to help with the labor.
 - Discussion on Forms of Government
This item was tabled to the next meeting.

- j) Standing Committees
 - a. Retail Commercial Development Committee, Bill Peak, Chair
 - i. Nothing Further at this time

 - b. Infrastructure Committee, Jim Truesdell, Chair
 - i. Nothing at this time

 - c. Industrial Park Committee
 - i. Nathan stated the Industrial Park was shown to a group last week and will be shown again in 3 weeks.

Bill Peak made a motion to adjourn at 8:35 p.m., seconded by Gilner. All Ayes, the motion carried.

Respectfully Submitted,

Patty Hagg