



**City Council Meeting**  
January 20, 2015  
7:00 p.m. Regular Meeting

Mayor Jason Ward opened the meeting at 7:00 p.m. with the pledge of allegiance. Council members present were Jim Truesdell, Bill Peak, Chris Donnelly, Andy Gilner, and Kara Reed. Also in attendance were City Administrator Nathan McCommon, Assistant City Administrator Jamie Shockley, and City Attorney Michael Kelly.

**Consent Agenda**

- Mr. Peak moved to approve the consent agenda. Ms. Reed seconded. Mr. Truesdell asked about Item H – he doesn't remember talking about the water fountain in the downtown pocket park with the Council. Mr. Peak said that it's the final item for the pocket park, and the Council was informed a couple months ago that this would be installed. Mr. Truesdell inquired about maintenance costs. Mr. Peak said the tables are rubber coated and standard metal, and the estimated maintenance on the water fountain is minimal. Mr. Ward stated that he also raised his concerns with Mr. Peak and that he'd like to see the RCDC's purchases itemized going forward. All ayes on approval of the consent agenda. Motion carried.

**Open Agenda**

- Nothing at this time.

**Old Business**

- Nothing at this time.

**New Business**

**Recognition of former Fire Chief Dave Bennett**

- Mr. Ward stated that the City Council and community at large wanted to do something to recognize the tremendous commitment that Dave has made to our community and the Tonganoxie Fire Department. To Dave Bennett, Mr. Ward stated that you've taken our fire department into the future, and I can't say enough to thank you, and we have a plaque for you tonight to recognize your commitment and service to our community. All other Council members thanked Mr. Bennett for his service. Mr. Bennett thanked the Council and community for the recognition.

**Approval for Public Works to purchase three service trucks**

- Mr. McCommon reminded the City Council that when the budget was adopted back in August, the City Council agreed to replace three service trucks in Public Works that are over ten years old and are starting to have maintenance issues. The City Council agreed at this time to fund this purchase out of the Water Capital Reserve fund. Mr. Peak stated that he would appreciate knowing what the balance of the fund currently is on future agenda statements when we are requesting to make large purchases.
- Mr. Peak asked if we would be trading in the older vehicles. Mr. McCommon stated that we would not be trading in the vehicles as part of the purchase, as the City has an agreement with Sunflower auto for the disposition of automotive equipment.
- Mr. Ward mentioned that our purchasing policy does call for the Council to award the contract to local businesses, if their quote is within 1% of the lowest bid. In this case, spending in Leavenworth County as opposed to another County would cost the City \$800 more. Mr. Donnelly stated that he'd rather see the \$800 spent on something else in Tonganoxie.
- Mr. Donnelly moved to purchase three 2015 Ford F-15 Supercab 4x4 pickups from Shawnee Mission Ford (the lowest bidder) in the amount of \$25,668 per truck, for a total of \$77,004. Mr. Gilner seconded.
- Mr. Oroke of 105 S. Village expressed his concern about the total price of the bids, and asked what type of trucks the City is purchasing, and is this something the city really needs. Ms. Reed informed Mr. Oroke that this amount was allocated in the budget, which was approved back in August. She also stated that the City Council doesn't take any expense lightly and back during budget discussions, we asked many questions of staff to determine if the trucks were truly needed. Based on those discussions, the Council felt that the trucks were needed, as we have past experiences to show that keeping up on the maintenance on older vehicles costs the city more in the long run than purchasing new vehicles. Mr. Peak informed Mr. Oroke that this isn't something that the City wants – this is definitely a need for the City as our vehicles need to be in working order at all times. Mr. Oroke stated that he knows there are several public works employees who are able to fix the vehicles. Mr. Ward stated that from a policy perspective, there are a number of people on the Council who have been around long enough and understand what happens when we keep older vehicles in our fleet. What the Council found when this occurs is that the City spends more money maintaining those old vehicles than we would by continuing on our purchase plans of new vehicles. Throughout the years, it's

proved the most efficient way to maintain our vehicle fleet is to keep them on a 10-year cycle. Mr. Ward said that we are mindful if we don't spend these funds, we're going to spend more money later trying to keep up on the maintenance.

- All ayes. Motion carried.

#### **Discussion on building permits discount program**

- Mr. McCommon stated that staff did research relating to discounted building permits, and the result of that research is provided to the Council in an agenda statement. He highlighted that staff looked at a number of cities in the area, and a few of them have incorporated a discount program into their building permit process. He highlighted Baldwin City and Eudora, and also discussed Tonganoxie's building permit history as well as surrounding cities. He stated that those that had discount programs didn't necessarily have more building permits than those that did have discount programs. Mr. McCommon said that as far as minimum number of permits go to receive a discount, it is all over the map, but the Council should establish some type of minimum. Mr. Peak said that he didn't see anything on here that demonstrates that a discount program would increase the number of building permits being purchased. Mr. McCommon stated that there is no city that's doing exactly what we're describing – buying permits in bulk.
- Mr. Ward said that he raised this idea with Council and staff because he was approached by a developer that asked if we had anything like this and if the city would consider it. Ms. Reed said that we need it to stimulate economic development and the data doesn't show that it has stimulated economic development in the communities that have these programs.
- Mr. Ward stated that if we were to launch a discount program, the discount would need to be after the work was performed. Ms. Reed stated that she would be interested in a bulk option, such as if a person were purchasing 10 or more permits for new residential housing.
- Mr. Peak asked if there were any other cities that had anything, and Mr. McCommon stated that staff can certainly do more research.
- Mr. Ward stated that this is something we've looked at for a number of years and we need to continue to discuss it and vet the issue, and this isn't something on which we need to take quick action. He added that to the extent you have a recommendation, Council and public, share them with Nathan.

#### **Discussion on excessive animal noise**

- Mr. McCommon stated that in the prior Council meeting at the beginning of January, there was testimony in reference to an ordinance that was included in the Council packet regarding excessive noise pertaining to animals. Council asked staff to look at the language. There was a part of that description that the Council may not have been aware of – the ordinance actually requires the complainant to put the complaint in writing and the complaint can be anonymous. The 911 dispatcher cannot make a decision about calls when they come in.
- Mr. Peaks asked if someone calls 911, are we always going to investigate everything. Chief Brandau said that we absolutely going to check on the situation every time.
- Ms. Reed stated that the animal noise ordinance is relatively vague, and we don't discuss length of time or anything like that in the ordinance. She asked Chief Brandau if this needed to be changed. Chief Brandau said that the courts used a reasonable man judgment to determine if a reasonable person would be disturbed by what's going on. He added that there were two barking dog ordinances handed out last year, and over 100 complaints were made. He stated that we have to investigate every complaint.
- Mr. Donnelly asked Chief Brandau if he's comfortable with the ordinance the way it is, and Chief Brandau said that he is.
- Mr. Ward asked if he interpreted the ordinance correctly to mean that any time a citation is given, the neighbor that issued the complaint will be subpoenaed to court. If the person calls in anonymously, how do you enforce this section? Chief Brandau stated that if the complaint is filed anonymously, the person won't be given a citation.

#### **Discussion on business license renewal late fees**

- Mr. McCommon stated that as a result of public testimony in prior meetings, the Council wanted to return to discussing the fee for the business license renewal and determine if the deadline should be extended through the end of February. Beginning in February, the fee is set to go up to \$100 (according to the ordinance).
- Mr. Peak said that this would be a good thing to extend this through the end of February.
- Ms. Reed asked if we would have to pass another ordinance. Mr. Kelly stated that we could suspend the section of the ordinance until the end of February.
- Mr. Peak moved to suspend the late fee section of the business license ordinance until the end of February. Ms. Reed seconded. Diane Fronthauer (219 E. 24/40) stated that she thinks the Council is missing the big picture. There is confusion about the whole ordinance – and extending the late fees for 30 days doesn't answer those questions.
- Mr. McCommon stated that the ordinance itself doesn't compel providing insurance.
- All ayes. Motion Carries.
- Mr. Oroke asked if someone makes \$4,000 or more, do they have to get a business license? Mr. McCommon stated that the ordinance is the exact same way it was before except for anything that has to do with money, it went from \$0 to \$50 and the escalating fee section was added in, as well as the exemption section.
- Mr. Ward stated that the application needs to mirror the ordinance, and anything that we're requiring in the application needs to mirror the ordinance.

- Todd Lux of 101 E. 1<sup>st</sup> Street asked what concern is it of the city's whether or not someone has insurance. Mr. Ward stated that there is a concern if your operation could injure a citizen, and this ordinance is meant to be a protective ordinance for both our citizens and our businesses.
- Mr. Ward stated that he would like Mr. Kelly to sit down with Mr. McCommon and examine how the application lines up with the ordinance and identify our risk.

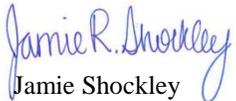
### **City Administrator Agenda**

#### **December/Year-End Financial Report**

- Mr. McCommon informed the Council that staff had great financial news. At the close of 2014, the City's budget benefited mostly from the revenues. A few significant one-time revenues came in, especially the sales tax in the general fund, which came in at about \$50,000 more than we projected. Franchise fees and property tax also exceeded budget estimates. Expenditures came in \$220,000 under budget in the General Fund. Council may recall that due to the frugal management of the budget, the police chief was able to buy one police vehicle, and overtime was lower this year than it has been in the past. Utility funds came in as we were reporting the last 6 months, and water sales were less than anticipated by about 6%. Sewer and sanitation estimates were almost exactly what we projected.
- The treasurer's report is a mirror image of the monthly financial report, which will be published in the Tonganoxie Mirror.

Mr. Gilner moved to adjourn. Ms. Reed seconded. All ayes. Meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Jamie Shockley  
Assistant City Administrator