

Special Council Meeting
June 28, 2019 7:30AM

Mayor Scott Schultz called the special meeting to order at 7:30 am. The object of the meeting was to discuss the streets project. Present were Council Members Kale Dankenbring, Amanda Milne, Roger Jensen, and Dara Carmichael. Also present were City Superintendent JR Landenberger, City Attorney Mike Day and City Clerk Lila Whitmore.

Visitor: Grace Larkin

JR shared maps showing the streets that have been identified as the highest priority and will likely meet the LMI requirements for the CDBG grant, which is that they must benefit the entire community in some way. JR explained additional reasons behind picking these particular streets which are to keep them in a closer area for constructability, and to address the high priority issues, primarily drainage. The total estimated cost is \$2,300,000. He shared a document showing the probable construction costs for each proposed street. The streets were then divided into two options for the Council to consider. Each option had similar cost breakdowns and each is within the scope of the \$1,200,000 budget for phase 1. The City burden would be \$600,000 with the other \$600,000 being CDBG grant funds. The document also broke out the costs for curb and gutter which would be the responsibility of property owners under current City Code. JR shared details for each of the streets in both of the proposed options. The City still needs to apply to the State for approval of the streets to ensure they meet the grant criteria. JR and Lila are working with Justine Beloit with NWKP&DC to get this done as quickly as possible. They will ask for her opinion on which option may be more favorable for the grant application. *At 7:43 Council member Larry Finley arrived.* Another issue to consider is trees that are in the City right of way along some of the proposed streets. These trees are very large and the roots are destructive to the streets. The streets cannot be repaired without first removing the trees.

Attorney Day then presented additional details regarding the special election and resolutions that will need to be passed. Clerk Whitmore has had discussions with Justine and with the County Clerk and have identified October 8 as the date for a special election. Mike will create a resolution to be reviewed and approved at the July 8 City Council meeting to authorize the special election to institute a 1% city wide sales tax for the purpose of utilizing the proceeds thereof for infrastructure improvements, including streets. This will be a single polling place election, which is a quicker and less expensive process than a mail ballot vote.

K.S.A. 15-731 allows the city to issue bonds for street improvements. Charter Ordinance 2018-2 allows the City to be able to, by resolution, advise the populace that we are going to issue the bonds, not to exceed \$1,200,000, for the purpose of infrastructure improvements, including streets. There is a 30 day protest period after publication whereby if 10% of the qualified electors protest the bond issue it would then be forced to a vote.

The next question is publishing a resolution to identify what is to be included in phase 1 and what we anticipate the total cost to be along with how it is going to be apportioned. K.S.A. 12-601 gives the City the authority to do the improvements and to decide how the improvements will be paid for, including assessing any, all, or none of the cost to the property owners. The resolution would need to be published twice, and

there is a 20 day protest period following the second publication in which 50% of the affected property owners per block can file a protest which again would force it to a vote.

Once the Council determines the scope of the project Mike will prepare the resolutions for the July 8 Council meeting.

There was considerable discussion regarding the responsibility of payment for the curb and gutter. Currently, City Code states that it is the responsibility of the abutting property owner at the owner's expense. The cost can be assessed to property taxes.

After much discussion, a motion was made by Amanda and seconded by Roger to leave the curb and gutter assessment to the property owner the same as it has been. Kale – no, Amanda – yes, Roger – yes, Dara – no, Larry – no. Motion failed.

Attorney Day pointed out that a decision needs to be made in order to move forward. There was further discussion after which a motion was made by Amanda and seconded by Roger to leave the ordinance as is with the curb and gutter being the homeowner's responsibility. Kale – no, Amanda – yes, Roger – yes, Dara – yes, Larry – no. Motion passed.

The Council again reviewed and discussed the options for streets with JR pointing out pros and cons of each. The Council agreed that Option A would be preferred, but the final determination of streets will be made with input from Justine and dependent upon which streets are approved by the State.

A motion was made by Amanda and seconded by Kale to adjourn the meeting. Motion passed.

City Clerk