

City of Peabody
Minutes of the
City Council Meeting
July 26, 2010

Office of the City Clerk
July 26, 2010

CALL TO ORDER: The regular meeting was called to order by Council President, Steve Rose at 7:00 p.m. in the council chambers of City Hall located at 300 N. Walnut, Peabody, Kansas. The following council persons were present: Steve Rose, Tom Schmidt, Pam Lamborn, Janice Woodruff, and David Scott. Mayor Larsen was absent. A quorum was established.

STAFF: Mac D. Manning, City Administrator/Clerk; Bruce Burke, Police Chief; Darren Pickens, Public Works Superintendent, and Beth Peters, Pool Manager.

VISITORS: Susan Marshall and Jim Rippe.

I. MINUTES:

The council reviewed the minutes of the regular meeting from July 12, 2010. Lamborn requested that the last sentence of the second paragraph under the Standing Committees for Lights report be deleted.

MOTION by Schmidt to approve the minutes, as corrected, of the regular meeting from July 12, 2010. Motion seconded by Woodruff. Motion carried 5-0.

The council reviewed the minutes of the special meeting held July 13, 2010. Schmidt stated that Woodruff should be added as attending the special meeting.

MOTION by Schmidt to approve the minutes, as corrected, of the special meeting from July 13, 2010. Motion seconded by Scott. Motion carried 5-0.

The council reviewed the minutes of the special meeting held July 19, 2010. Schmidt stated that Woodruff should be added as attending the special meeting.

MOTION by Woodruff to approve the minutes, as corrected, of the special meeting from July 19, 2010. Motion seconded by Schmidt. Motion carried 4-0-1. Scott abstained, as he was absent from the July 19, 2010 meeting.

II. APPROPRIATIONS: The council reviewed check journal No. 2010 07B Payables in the amount of \$ 23,413.61. Woodruff questioned why we were still paying for the PAL light at 901 N. Olive? Manning stated that he had requested this light be removed. He will check on the status. Woodruff asked about check # 025460 to Postal Presort, Inc. Manning explained that this was for mailings and a deposit for mailing. The council directed Manning to report on the deposit at the August 9, 2010 council meeting.

MOTION by Schmidt to approve check journal No. 2010 07B as presented in the amount of \$ 23,413.61. Motion seconded by Woodruff. Motion carried 5-0.

III. PUBLIC COMMENT:

Jim Rippe, member of the Peabody Planning Commission addressed the council concerning the vacancies on the commission. He stated that he had asked Mayor Larsen about six months ago to fill two vacancies on the commission. He stated that he has two other members of the commission that may be going off the commission. He stated that they needed four members for a quorum and that at the last meeting they lacked a quorum.

IV. APPROVAL OF AGENDA:

MOTION by Schmidt to approve the agenda as presented. Motion seconded by Woodruff. Motion carried 5-0.

V. AGENDA ITEMS:

1. Request to have campers in the park for softball tournament August 13th, 14th & 15th.

Kendall Winters stated that his men's softball league was having a tournament the weekend of August 13th, 14th, and 15th, 2010 at the park. He requested the council grant permission to permit camping in the park the nights of August 13th and 14th. He stated that his team would see that the park was cleaned up and ready for use on Monday. He then asked if the council would permit beer to be consumed in the park during the tournament. Schmidt stated that since there was a prohibition against alcoholic beverages in the park by ordinance, the council could not authorize this without changing the existing ordinance.

MOTION made by Schmidt to authorize camping in the park during the softball tournament on August 13th and 14th, 2010. Provided the teams agreed to clean up the park after their tournament. Motion seconded by Woodruff. Motion carried 5-0.

2. Request for loan for KPERS service buy back.

Mac Manning, City Administrator presented a request from Chief Bruce Burke for a loan to purchase past KPERS service time. Manning explained that in 2000 when Burke first was employed the city, he should have been classified as a transfer instead of a new employee for KPERS purposes. Stephanie Ax had gone through payroll records from 2000 and 2001 and developed a report for KPERS in order to figure Burke's employment history and past service. KPERS had just given the city the amount that the city was liable for and the amount Burke needed to pay to buy this service time. Manning stated that the liability was \$646.07 for the city and \$942.17 for Burke. Burke is requesting the council to authorize a loan of \$942.17 which would be paid back in \$40.00 payments each pay period.

MOTION made by Schmidt to authorize a loan in the amount of \$942.17 for Burke to purchase his past service credit from KPERS. Further, the loan is to be repaid with payroll deduction of \$40.00 per pay period. Motion seconded by Lamborn. Motion carried 5-0.

3. Report on impact of sewer increase.

Mac Manning, City Administrator, presented a spreadsheet to council which showed how the revenue had increased from \$2,000 to \$2,500 per month since the sewer rate increase had been put into affect in July 2009. He estimated that this brought in about an additional \$25,000 each year. This should be enough to cover the bond and interest payments for the bonds issued in December 2009.

4. An Ordinance Amending Section 11-905 of the Code of The City of Peabody, Kansas, Pertaining to Charges for Residential and Industrial Contributors; and Repealing Ordinance 889 Section 11-905 as Amended.

Mac Manning, City Administrator, presented to the council, draft ordinance 04-2010, an ordinance authorizing the increase of the minimum charge for sewer service from \$25.00 to \$27.50 per month. Schmidt stated the previous report by the administrator showed that we had enough funds to cover the debt service on the sewer bonds, we should wait and review the sewer revenues in January 2011. It was the unanimous opinion of the council not to consider ordinance No. 04-2010 at this time.

5. Authorization to set date for 2011 Budget Hearing.

Mac Manning, City Administrator, presented the draft of the 2011 budget for consideration by the council. He stated that the council and staff had spent many hours during the past several months working on the 2011 budget. He stated revenue sources were flat and the assessed valuation of the city had gone down approximately \$58,000. This had necessitated some very severe cuts in department budgets and the postponement of major capital purchases. He stated the tax levy for the purposed budget was approximately 0.50 mills less than the 2009 levy. Last years final levy amount was 72.860 and this year's proposed levy amount is 72.386.

Lamborn asked if the administrator had balanced the water fund with revenues vs. expenditures. Manning stated that is was out of balance by \$2,000. He stated that he would adjust the water fund to make it balance before he published the budget hearing notice.

MOTION made by Schmidt to set the 2011 budget hearing date for August 9, 2010 , at 7:00 pm in the council room of the City Hall, located at 300 N. Walnut. Further to authorize the notice of budget hearing to be published in official city newspaper. Motion seconded by Scott. Motion carried 5-0.

6. Consideration of Requiring Use of Compensatory Time for Scheduled Overtime.

Mac Manning, City Administrator, presented a draft of a proposed change to Article G – Compensation, 6 - Overtime Provisions of the City of Peabody Personnel Policies and Guidelines. He explained that during the budget workshop sessions, the council had decided to save funds by utilizing comp-time for scheduled overtime such as weekend duty and mosquito spraying for the public works department.

MOTION made by Schmidt to amend Article G – Compensation 6, Overtime Provisions of the City of Peabody Personnel Policies and Guidelines, by adding a new paragraph dealing with the use of Compensatory Time for Scheduled Overtime. Motion seconded by Woodruff. Motion carried 5-0.

7. EMPLOYEE REPORTS:

a. Bruce Burke, Police Chief

1. Monthly Report

Burke reviewed his monthly report with the council and answered any questions the council had concerning his report.

2. Training Requests:

Burke requested the council's authorization to attend out-of-state training in Iowa put on by the Midwest Counterdrug Center. These programs are free and are sponsored by the federal government. Burke stated that when registration opens it is necessary to act quickly because the spots fill up as soon as registration was opened.

MOTION made by Schmidt to allow Chief Burke to apply for the following training seminars: Introduction to Intelligence for Law Enforcement, October 25 – October 28, 2010; Informant Development and Management, December 1-December 3, 2010; Criminal Patrol Tactics for the Rural Officer, February 1 – February 3, 2011; Interview and Interrogation, February 7 – February 11, 2011; and Conspiracies, February 23 – February 24, 2011. Motion seconded by Woodruff. Motion carried 5-0.

3. Employment Applications:
Chief Burke informed the council that he had received five applications for patrolman to date. Three were certified, but had poor employment records. The rest were in need of some phase of certification.

Request for Executive Session – For the Purpose Of Discussion of Non-Elected Personnel.

MOTION made by Schmidt to go into executive session at 7:48 pm for 15 minutes for the purpose of discussing non-elected personnel and also invited Mac Manning, City Administrator and Bruce Burke, Police Chief to attend the session. Motion seconded by Scott. Motion carried 5-0

The Governing Body came out of executive session at 8:03 pm.

MOTION made by Schmidt to go into executive session at 8:04 pm for 5 minutes for the purpose of discussing non-elected personnel and also invited Mac Manning, City Administrator and Bruce Burke, Police Chief to attend the session. Motion seconded by Scott. Motion carried 5-0

The Governing Body came out of executive session at 8:09 pm.

MOTION made by Schmidt to offer the position of patrolman to Justin Weerts at a rate of \$13.00 per hour, with the provision that he must pass a background check, a physical, and philological testing. Further, upon completion of Kansas Law Enforcement basic training and 90 days probation, he will receive a raise of \$0.50 per hour. Motion seconded by Woodruff. Motion carried 5-0.

Request for Executive Session – For the Purpose Of Discussion of Non-Elected Personnel.

MOTION made by Schmidt to go into executive session at 8:12 pm for 20 minutes for the purpose of discussing non-elected personnel and also invited Mac Manning, City Administrator and Bruce Burke, Police Chief to attend the session. Motion seconded by. Motion carried 5-0

The Governing Body came out of executive session at 8:22 pm. There was no action taken or motion made.

b. Darren Pickens, Superintendent Public Works

1. Pickens reviewed his monthly report with the council.
2. Pickens reviewed the chlorinator problem at the pool. He stated that United Industries had changed out the probe and parts on the synod valve. This seemed to help for a day, but the problem recurred again. He stated that United Industries was going to let the city use a loaner chlorinator for the rest of the pool season. He estimated that cost of a replacement chlorinator to be around \$2,500.00.

c. Beth Peters, Swimming Pool Manager.

1. Peters reviewed the operation at the pool with the council. She stated that the swimming lessons and swim team practices were now over. Schmidt asked about closing the pool earlier this year due to budget constraints. Peters stated that school start up August 26. It was determined that the pool would close daily operations on August 23, and be open only on weekends. The pool would formally close on Labor Day, September 6, 2010.

d. Mac Manning, City Administrator

1. Manning reported that once the 2011 budget was approved, he would concentrate on finishing up work on the revision of the Peabody zoning code. He also added that he needed to get back to finishing up work on updating of the municipal code.

8. REPORTS FROM STANDING COMMITTEES

a. Water – (Rose)

Report: Council member Lamborn stated that she would be interested in serving on the water committee.

MOTION made by Schmidt to recommend to Mayor Larsen, that council member Lamborn be appointed to the water committee. Motion seconded by Scott. Motion carried 5-0

Rose announced that the water committee would meet Thursday, July 29, 2010 at 9:00 am in the council room with the public works staff and the city administrator. The discussion will be on what the next steps will be taken in solving the water quality problem in the city.

b. Streets & Alleys – (Lamborn & Woodruff)

Report: Rose reported that he had a request from a resident on Poplar to relocate the newly installed 20 mph sign. No action was taken.

c. Sanitation – (Larsen & Woodruff)

Report: No committee report.

d. Lights – (Rose & Lamborn)

Report: Woodruff stated the she would like to see the PAL light at the public works building removed as soon as possible.

e. Fire – (Rose)

Report: No committee report.

f. Park & Swimming Pool (Schmidt & Lamborn)

Report: No committee report.

g. Building - (Larsen & Woodruff)

Report: No committee report.

h. Finance & Ordinance – (Schmidt & Scott)

Report: No committee report.

i. Economic Development – (Schmidt & Larsen)

Report: Schmidt reported that the economic development group is scheduled to meet next Tuesday, August 2, at 6:00 pm in the council room.

j. Personnel – (Scott & Larsen)

Report: No committee report.

9. REPORT FROM MAYOR LARSEN:

Mayor Larsen was absent, no report was given.

VI. COMMUNICATIONS:

No action taken

VII. ITEMS TO BE ON AGENDA FOR FUTURE MEETINGS:

August 9, 2010

1. 2011 Budget Hearing
2. Report on required deposit for mailing from Postal Presort.

VIII. ADJOURNMENT: There was no more business to bring before the council. **Motion** by Schmidt to adjourn the meeting at 9:13 p.m. Motion seconded by Woodruff. Motion carried 5-0.

CERTIFICATE

I hereby certify that the foregoing minutes are a true and correct recording of the proceedings of the governing body of the City of Peabody, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Mac D. Manning
City Administrator/Clerk