Approved 10.10.2011

City of Peabody
Minutes of the
City Council Meeting
September 26, 2011

Office of the City Clerk
September 26, 2011

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 members were present: Tom Schmidt, Janice Woodruff, David Scott and Pam Lamborn. Mayor Larsen was absent. A quorum was established.

STAFF: Mac D. Manning, City Administrator/Clerk, Bruce Burke, Chief of Police, Darren Pickens, Superintendent of Public Works and Shane Marler, PMSA Director.

VISITORS: Susan Marshall, Jim Rippe, Richard Litton, Beth Peter, and Norm Claassen

I. MINUTES:
The council reviewed the minutes of the 7:00 pm, regular meeting, from September 12, 2011.

MOTION by Schmidt to approve the minutes of the regular meeting from September 12, 2011. Motion was seconded by Woodruff. Motion carried 4-0-1 with Scott abstaining.

II. APPROPRIATIONS: The council reviewed check journal No. 2011 09C Payables in the amount of $17,585.63.

MOTION by Schmidt to approve check journal No. 2011 09C Payables in the amount of $17,585.63. Motion was seconded by Scott. Motion carried 5-0.

III. PUBLIC COMMENT:
Beth Peter, President of the Peabody/Burns Recreation Commission requested the council to consider allowing the Recreation Commission permission to replace the dugouts in the baseball field located at the city park. She stated that they had no definite plans, but just wanted some input from the council. The council advised her that she should set up a meeting with the Park & Swimming Pool committee when the commission has firmed up their plans.

IV. APPROVAL OF AGENDA:
Schmidt requested that and executive session to discuss non-elected personnel for 15 minutes following Economic Development committee reports.

Woodruff requested that an item dealing with a survey of alley lights be added to the Street Lighting committee report.

MOTION by Scott to approve the agenda as amended. Motion was seconded by Woodruff. Motion carried 5-0.

V. AGENDA ITEMS:

1. **Ordinance No. 05-2011; Adopting 2011 Edition of the Standard Traffic Ordinance**.
Mac Manning, City Administrator/Clerk, presented Ordinance No. 05-2011, Adopting the Standard Traffic Ordinance. Woodruff questioned the need to make 8th Street a thru street. After discussion, the council determined to delete paragraph “bb” of Section 13-302 of the proposed ordinance.

MOTION by Schmidt to approve Ordinance No. 05-2011; Adopting 2011 Edition of the Standard Traffic Ordinance as amended. Motion was seconded by Scott. Motion carried 5-0.

2. **Ordinance No. 06-2011: Adopting 2011 Edition of the Uniform Public Offense Code.**
Mac Manning, City Administrator/Clerk, presented Ordinance No. 06-2011, Adopting the 2011 Edition of the Uniform Public Offense Code. Manning stated that this was just updating the 2010 code that had been previously adopted by the council.

MOTION by Woodruff to approve Ordinance No. 06-2011; Adopting 2011 Edition of the Uniform Public Offense Code. Motion was seconded by Schmidt. Motion carried 5-0.

3. **Ordinance No. 07-2011: An Ordinance Revising and Updating the City of Peabody, Kansas Zoning Regulations by Repealing Ordinance No. 707 of the City of Peabody Code of Ordinances.**
Mac Manning, City Administrator/Clerk, advised the council that the planning commission had discussed the recommendations and concerns the council had with the proposed zoning ordinance and had made changes to the ordinance. He stated that major change was the rezoning of North Walnut. He stated that planning commission had determined until the appearance code for that area and the downtown area was finished, it would be best to zone the North Walnut corridor to R-1 Residential. They also removed the provision for requiring either the owner or operator of a bed & breakfast establishment to reside on the premises. There was also some discussion about the chapter which established the standards for parking. Manning stated that the commission had not changed very much in that chapter.

MOTION by Lamborn to approve Ordinance No. 07-2011: An Ordinance Revising and Updating the City of Peabody, Kansas Zoning Regulations by Repealing Ordinance No. 707 of the City of Peabody Code of Ordinances. Motion was seconded by Scott. Motion carried 5-0.

4. **Ordinance No. 08-2011: Incorporating by Reference Ordinance No. 07-2011 Providing for New Zoning Regulations for the City of Peabody, Kansas.**
Mac Manning, City Administrator/Clerk, advised the council that this ordinance would adopt Ordinance No. 07-2011 by reference and would not be necessary to publish Ordinance 07-2011 in its entirety.

MOTION by Lamborn to approve Ordinance No. 08-2011: Incorporating by Reference, Ordinance No. 07-2011 Providing for New Zoning Regulations for the City of Peabody, Kansas. Motion was seconded by Scott. Motion carried 5-0.

5. **Employee Reports:**

a. **Bruce Burke, Police Chief**

1. **Monthly Report.**
Chief Burke went over his written report with the council covering Officer Weert's and Burke's inoperable vehicle reports.

2. **Discussion on Halloween, October 31, 2011**
Chief Burke advised the council that based on an ordinance change last year the curfew time would be 8:30 pm on Halloween night. Schmidt noted that date would be the date for the second council meeting of October.

3. **Request for Executive Session to Discuss Non-Elected Personnel.**

MOTION by Schmidt to go into executive session at 8:44 pm for 10 minutes for the purpose of discussing Non-Elected Personnel and also invited Mac Manning, City Administrator and Bruce Burke, Police Chief to also attend the session. Motion seconded by Woodruff. Motion carried 5-0.

The Governing Body came out of executive session at 8:54 pm.

4. **Discussion on Replacement of Animal Control /Ordinance Enforcement Officer.**
At the September 12, council meeting the council directed the City Administrator to pull the employment advertisement for a new animal control / ordinance enforcement officer which was scheduled to be published on Wednesday, September 14, and place the subject of the replacement of this position on the next council agenda.

Chief Burke had reviewed the duties of both positions and had developed an outline of items which he felt the council needed to address in making this decision. Lamborn questioned why the city did not use the services of the local veterinarian? Schmidt stated that she declined to carry public liability insurance and the city was forced to drop her from treating or boarding any animals.

Scott stated that this should have been handled by the city administrator. The council then directed the city administrator to prepare a report on the various alternatives in solving this problem.

MOTION by Scott to table this item until the first meeting in October. Motion seconded by Schmidt. Motion carried 5-0.

The council also directed the city administrator to send an inquiry on the various list-servers asking what cities in Kansas are currently utilizing any hybrid cars for police patrol.

b. Darren Pickens, Superintendent of Public Works

1. **Monthly Report.**
Pickens went over his written report with the council. There were no questions from the council.

2. Peabody Street Improvement Project.
Pickens reported to the council concerning his recent meeting with representatives from the Marion County Highway Department concerning the Peabody Street project. He stated that the catch basin that was to be located at 8th & Peabody was being eliminated. He stated that was because of the excess amount of gravel and other debris that would accumulate in the basin would be an ongoing maintenance problem.

c. Mac D. Manning, City Administrator/Clerk

1. City Administrator's Report.
City Administrator Manning reviewed his bi-monthly report with the council. There were no questions by the council.

2. Prohibition of Chewing Tobacco
Manning requested the council to consider amending the City of Peabody Personnel Policy by prohibiting the use of chewing tobacco on city property or in city equipment. He stated that recently he had visited the public works/police station

and observed spots and stains on the walls and stools in the bathrooms from people spitting out chewing tobacco.

MOTION by Schmidt to amend the City of Peabody Personnel Policy by prohibiting the use of any form of tobacco products on city property or in city owned equipment. Motion was seconded by Lamborn. Motion carried 5-0.

6. REPORTS FROM STANDING COMMITTEES

a. Water – (**Rose)**
Report: No committee report

b. Streets & Alleys – (**Lamborn & Woodruff)**
Report: Woodruff stated that there were quite a few ditches and vacant lots around the city that needed mowing.

c. Sanitation – (**Larsen & Woodruff)**
Report: No committee report

d. **Lights** – (**Rose & Lamborn)**
Report: Woodruff reported that she had conducted a survey of street lights located at alley intersections around the city and had found 26 lights that she believed could be removed. Manning suggested that in his next article for the city newsletter he could list the various lights and ask for input from citizens. The council agreed and directed Manning to write the article.

e. **Fire** – (**Rose)**
Report: No committee report

f. **Park & Swimming Pool (Schmidt & Lamborn)**
Report: No committee report

g**. Building** - (**Larsen & Woodruff)**
Report: Manning reported that the front door at the police department was in need of replacement. He stated that he would set up a meeting or Building Committee in the near future and discuss this issue.

h. **Finance & Ordinance – (Schmidt & Scott)**
Report: No committee report.

i. **Economic Development Committee – (Schmidt & Larsen)**
Report:

1. **Authorization to make an Inter-fund Loan between the 2000 Water Bond Reserve and the General Fund and Setting the Annual Interest on Said Loan.**

   Shane Marler presented a report on the Baker Buildings. He stated that 115 was to be occupied by Mendoza's Restaurant. We have had emergency repairs done to the roof, but the last rain storm it leaked once again. He has a quote from Mahaney Roofing Company for a complete new roof on the back ½ of the building for $10,770.00 plus $3,000.00 for contingencies.

Administrator Manning stated in order to do this project it would be necessary to borrow $14,220 from the Water Bond Reserve Fund. It was suggested that the loan be for 5 years with a 2% annual interest charge.

General Fund would borrow the money from the Water Bond Reserve and then make a loan to the Baker Lofts, LLC. It is expected that the loan can be paid back before the end of the five years with income from the rental on the property.

MOTION by Schmidt to accept the proposal from Mahaney Roofing Company in the amount not to exceed $14,220.00. Motion was seconded by Scott. Motion carried 5-0.

MOTION by Schmidt to authorized an inter-fund transfer in the amount of $14,220.00, between the Water Bond Reserve and the General Fund for a five year period at 2% annual interest. Motion was seconded by Scott. Motion carried 5-0.

j. **Personnel – (Scott & Larsen)**

1. Request for an Executive Session to Discuss Non-Elected Personnel.

MOTION by Schmidt to go into executive session at 9:45 pm for 15 minutes for the purpose of discussing Non-Elected Personnel and also invited Mac Manning, City Administrator and Shane Marler, Director of PSMA, to also attend the session. Motion seconded by Woodruff Motion carried 5-0.

The Governing Body came out of executive session at 10:00 pm. There was no action taken.

MOTION by Schmidt to go into executive session at 10:00 pm for 5 minutes for the purpose of discussing Non-Elected Personnel and also invited Mac Manning, City Administrator and Shane Marler, Director of PSMA, to also attend the session. Motion seconded by Lamborn Motion carried 5-0.

The Governing Body came out of executive session at 10:05 pm. There was no action taken.

6. REPORT FROM PRESIDENT PRO-TEM:

Rose stated that he had nothing to report.

VIII: COMMUNICATIONS:

No comment on correspondence received.

XI: ITEMS TO BE ON AGENDA FOR THE MEETING: September 12, 2011

1. Automatic dialers for sewage lift stations
2. Study of what other cities require as a meter deposit for large users.
3. Trimming or removal of trees in the downtown area.
4. Vacant Position of Animal Control / Ordinance Enforcement Officer
5. Purchasing a 2012 Patrol Car.

ITEMS TO BE ON AGENDA FOR THE MEETING: October 10, 2011

. **ADJOURNMENT:** There was no more business to be brought before the council**. Motion** by Schmidt to adjourn the meeting at 10:07 p.m. Motion was seconded by Scott. 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)

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Mac D. Manning
City Administrator/Clerk