

Approved 10-24-16

City of Peabody
Minutes of the City Council Meeting
October 10, 2016

Office of the City Clerk
October 10, 2016

CALL TO ORDER: The regular meeting was called to order by Mayor Larsen 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: Megan Gallucci, Janice Woodruff, Tom Spencer, Travis Wilson, and Steve Rose. A quorum was established.

STAFF: Stephanie Lago - City Clerk. Bruce Burke – Chief of Police , Jylle Wilson- Municipal Court Clerk, Todd Woodruff – Public Works Staff, Jonna Munson – City Treasurer, Ronnie Harms – Public Works Superintendent.

VISITORS: Herschel West – Waste Connections, Mr. Willingham – BNSF, Jim Rippe, Beth Peter, Susan Marshall – Peabody Gazette Bulletin, Beau Dauer, Maribel Romero

THE PLEDGE OF ALLEGIANCE led by Mayor Larsen

I. MINUTES:

The council reviewed minutes of the Regular City Council meeting on September 26, 2016 at 7:00 p.m.

MOTION by Rose to approve the regular meeting minutes as presented . Motion seconded by Gallucci. Motion carried 5-0.

II. APPROPRIATIONS: The council reviewed:

PAYROLL 2016 10a	\$ 8,358.49
PAYROLL 2016 10a Tax & benefits	\$ 5,111.76
PAYABLES 2016 10 a	<u>\$ 32,849.54</u>
Totaling:	\$ 46,319.79

MOTION by Wilson to approve appropriations in the amount of \$46,319.79. Motion seconded by Spencer. Motion carried 5-0.

III. PUBLIC COMMENT:

There was no public comment.

IV. APPROVAL OF AGENDA:

Clerk Lago advised the council that 2 items needed to be added to the agenda. 1) The subject of “stone” needs to be added to H6 under Popp; 2) Maribel Romero to be added to agenda as Item A.5 regarding 2015 mowing invoice for 610 N. Walnut.

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

V. AGENDA ITEMS:

- A. Clerk Lago inquired if the city council wanted to have its meeting on the scheduled last Monday of October 31st – Halloween night, or would they prefer meeting on Monday, October 24th ?

MOTION by Gallucci to hold October's second city council meeting of the month on Monday, October 24. Motion was seconded by Spencer. Motion carried 5-0.

- A.5** Maribel Romero with the assistance of Jonna Munson, City Treasurer, addressed the city council. Ms. Romero has received invoices for 2016 mowing the property at 610 N. Walnut which she has paid without challenge or disagreement. However, she recently received a notice that her property taxes will be assessed \$400 for mowing that was done by the city during the 2015 season. The first certified letter that was sent to the Romeros in 2015 was mailed to the 610 N. Walnut address but was not forwarded to where they live in Newton. Therefore, the Romeros were not aware that the city had put their Peabody property on the 2015 mowing list. Then, as a result of Peabody's procedures, the Romeros were not mailed any notification that mowing would occur a 2nd time in 2015. So this notice of assessing to the property taxes was quite a surprise. Ms. Romero was not requesting to not be charged but she would rather pay the bill off than have it assessed to her property taxes. And since the Romeros had never personally received any notice during 2015, the council was prepared to reduce the \$400 due - to \$200. Ms. Romero thanked the council for their time and consideration.

MOTION by Spencer to reduce the total liability to \$200 for mowing(s) done in 2015 and that the now \$200 would be divided into four (4) payments of \$50 each. Motion seconded by Woodruff. Motion carried 5-0.

B. Fall Clean Up Commentary – Jonna Munson & Herschel West

This was the first year that clean up, curb side service was moved from a Friday to a Saturday. Munson stated that it had drawbacks in that citizens had no place to call on a Saturday if their trash was not picked up; and in the past, curbside pick up occurred all day whereas Saturdays pick up were only in the morning early as the Transfer Station was only open until noon, and Waste Connections was only going to make one pass through town. Overall, the cleanup services keep getting reduced / cut back. Waste Connections doesn't even provide dumpsters during the week anymore for people for cleanup week – people who regularly don't participate in curbside cleanup. There were a handful of customers totally skipped on Saturday who did have their trash out early enough.

Mr. Herschel West of Waste Connections addressed the council. Mr. West said that Saturdays were better for Waste Connections as they have more workers available on Saturdays. If there is anyone missed, they should call city hall on the next Monday, and then the City should notify Waste Connections. Waste Connections will stop by those locations and pick up the missed trash. After the clean ups have been on Saturdays a few times, citizens will get used to the change.

The council accepted Mr. West's position and thanked him for attending the meeting.

C. Ordinance 04-2016 Standard Traffic Ordinance & Ordinance 05-2016 – Uniform Public Offense Code.

Clerk Lago presented the council Ordinance 04-2016 Standard Traffic Ordinance – repealing 2015 and Ordinance 05-2016 Uniform Public Offense Code – repealing 2015.

MOTION by Wilson to adopt Ordinance 04-2016 Standard Traffic Ordinance & Ordinance 05-2016 – Uniform Public Offense Code. Motion seconded by Gallucci. Motion carried 5-0

D. Ordinance 06-2016 Curfews Amending City Code 10-223.

Clerk Lago presented the council Ordinance 06-2016 amending the curfew before Halloween.

MOTION by Wilson to adopt Ordinance 06-2016. Motion seconded by Spencer. Discussion by Woodruff stating she would rather see the ordinance be written like the one for the Fourth of July so we wouldn't have to rewrite the curfew ordinance over and over. Motion yes :0 ; no : 0. Motion failed.

E. Ordinance 07-2016 Court Costs Repealing 10-2013

Clerk Lago presented the council Ordinance 07-2016 repealing 10-2013 updating and adding to the various court costs of Peabody Municipal Court system.

MOTION by Wilson to adopt Ordinance 07-2016 Court Cost repealing 10-2013. Motion seconded by Gallucci. Motion carried 5-0.

F. Resolution 1010-2016 – Covering Personnel Policy Guideline changes already approved by council.

Clerk Lago presented the council with Resolution 1010-2016 covering changes that the city council have already approved covering nepotism, retirement age requirements, and definitions of travel time, et al that are classified as paid time.

MOTION by Gallucci to approve and adopt Resolution 1010-2016 as presented. Motion seconded by Wilson. Motion carried 5-0.

G. Employee Reports

1. Stephanie Lago, City Clerk

Clerk Lago indicated her report was a little lengthy as she is trying to resolve several items on her desk before her retirement.

- Currently, full-time city staff has corporate credit cards through Peabody State Bank with Wheatland. This is in transition due to the purchase of Peabody State Bank by Vintage. Our new corporate credit card will be issued by Elan Financial.
- City council minutes from April 26, 2016 state: " **MOTION** by Wilson for the City to contribute \$1,000.00 per year for the life of the loan toward the purchase of a Chief's truck out of Special Law & Fire fund. That 2016 payment is in this meeting payable batch. I believe the fire department will need to remind the city of this obligation in subsequent years.
- Licensure for the City's annual Animal Shelter #CB000HL1 changed this year as it expired September 30, 2016. Any licenses that haven't been renewed by January 1, 2017 would be considered "out of business". This year we had the option of paying online. Attached is the Transaction Confirmation, tracking number 1181810 of which has been paid. A new certificate from our vet in Whitewater was submitted as well.
- I submitted a complete listing of 2015 and 2016 building permits issued to Marion County Appraiser's Office. I have one building permit application that was turned in on 4-13-2015 that was for building a garage on top a cement slab at 210 N. Sycamore. It was not paid for nor approved by this office which I will turn over to my replacement.
- As per council instruction I contacted Mackenzie Young via certified letter.

MOTION by Wilson to enter into executive session at 7:30 for 10 minutes to discuss personnel issues of non-elected personnel. Motion seconded by Rose. Motion carried. 5-0. The governing body returned to regular session at 7:40 p.m. No action was taken no motion was made.

- Charter Ordinance #13 relating to the election of governing body members, their terms of office and transitions to the November elections, has been published twice in the Peabody Gazette Bulletin, as is necessary with Charter Ordinances. After 61 days has passed (November 29th), this charter ordinance will need to be mailed to the Secretary of State.
- I wrote a termination letter to Pixius representing the City of Peabody to make our deadline.
- I contacted EMC re bonfire request and insurance liability re a sagging sidewalk on the west side of Walnut Street in the downtown shopping area. In turn, I shared some information with Ron Traxson prior to the homecoming game.
- Ordinance 06-2006 added to the Franchise Agreement chapter regarding AT&T.
- I met with Craig Smith of OXEN (formerly Heartland Technologies) as a tech support source. The attached quote is very preliminary after their observing our setup. Everything is negotiable and can be fine-tuned to our needs.
- An application form is needed for fixed-income persons to fill out to become eligible for waiving utility late fees. The front office is open to your suggestions.
- Mayor Larsen, myself, and council members have been approached in the last few weeks about a request from the Good family to place a trailer on property adjacent to their home on Chestnut Street. The address for the trailer location would be 608 Peabody Street. I have been in conversation with the Secretary of the Planning and Zoning Board.

The council suggested that we proceed with the application process, the Planning and Zoning Board and then a public hearing.

H. Reports from Standing Committees:

1. **Water - (Spencer) -** The City of Peabody mailed a water notice to all citizens via the water bill on 9-29-16
2. **Streets and Alleys (Woodruff & Wilson) –**
Woodruff reported that APAC work is coming along well. There was discussion about the east side / shoulder of Pine Street by the track. Clerk Lago inquired about 7th Street – the response was it was not being done this year. Chief Burke suggested putting dip signs south of Third Street on Plum.
3. **Sanitation (Larsen & Wilson) -** Clerk Lago supplied a detailed invoice from Cummins for the council to see all that had been done at the lift station due to the lightning strike.
4. **Lights Committee (Gallucci & Wilson) -** nothing to report

5. Fire Committee (Larsen & Woodruff & Rose)

The Chiefs meeting is October 28th in Lawrence. There will be a speaker on the Hesston shooting. The Conference is \$100 and the hotel is \$179 x 2 nights. Meals are covered in the cost.

MOTION by Woodruff to send one person to the event not to exceed \$458. Motion seconded by Gallucci. Motion carried 4-0-1 (Rose abstained)

There was discussion about FRA account #040-A00341491, According to financial records, no payment was received during 2012, 2013, 2014, 2015 from the city. It is unclear why. Councilman Wilson said if the city has an agreement, we need to make good on it. The city's last record of payment was 9/29/16 for \$1,500.00. It appears there were no payments from the city in the amount of \$1,500.00 during 2012, 2013, 2014 or 2015. The city needs a bill as a reminder to make payment.

6. Park and Swimming Pool Committee (Woodruff & Spencer)

The city will need to start advertising for a pool manager as early as January, 2017 to have adequate time to find the right person.

7. Building Committee (Larsen & Woodruff)

It was the consensus of the council that Clerk Lago contact Stith Heating / Cooling / Plumbing to get the two air conditioner units at City Hall replaced if the price quotes in March are still the same.

8. Finance and Ordinance (Gallucci & Rose) -

MOTION by Gallucci to enter into executive session at 8:25 for 15 minutes regarding personnel matters of non-elected personnel. The Chief of Police, Court Clerk Jylle Wilson, city council and the Mayor were included.

The governing body returned to regular session at 8:40 p.m. No actions were taken no motions were made.

9. Economic Development Committee (Larsen & Gallucci)

Rise is coming soon to take measurements for the catwalk.

10. Personnel (Larsen & Wilson & Rose) -

MOTION by Rose to enter into executive session at 9:05 p.m. for 10 minutes to discuss personnel issues of non-elected personnel. Motion seconded by Gallucci. Motion carried 5-0. Ronnie Harms, Todd Woodruff, City Council and the Mayor were included. The governing body returned to regular session at 9:15 p.m.

MOTION by Gallucci to offer the Public Works position to Lucas Larsen at the rate of \$13.00 per hour with a 90 day probationary period. His start date will be October 25th, 2016. Motion seconded by Spencer. Motion carried 5-0.

H. Report from the Mayor –

Mayor Larsen indicated he had been approached by Susan Good representing POPPS and the garden she is maintaining at the corner of Walnut and 2nd Streets. Susan is looking for some large rocks to include in that landscaping. Mayor Larsen inquired how the council would feel about contributing some rock from the Butler house hardscape that remain on the perimeter of that property. Councilman Woodruff

was not supportive of removing more from that historic location. Clerk Lago suggested they contact Everett Brooks. Mayor Larsen thanked the council for their input.

Mayor Larsen read aloud the resignation letter from Travis Wilson, President of City Council. Due to scheduling conflicts, Councilman Wilson has determined he would be absent up to six months from meetings, and that is not acceptable. His last meeting will be the last meeting in October 2016. The council accepted his resignation with regret.

COMMUNICATIONS:

August 17, 2016 Minutes Peabody – Burns Recreation Commission
9/27/2016 LKM Governing Body Message for Bylaws Changes
10/4/16 Email Tina Spencer – LSH Floodplain Mapping Update
October 2016 Letter from Knudsen Monroe & Company re DOL ruling OT for salaries < \$47,476
KMIT flier re work comp claims – related invoices

ENCLOSURES:

Ordinance 04-2016
Ordinance 05-2016
Ordinance 06-2016
Ordinance 07-2016
Resolution 10-10-2016
Water Letter from City of Hillsboro
Payroll 2016 10A 10-7-16
Payroll 2016 10A Taxes and Benefits 10-7-16
City Council Minutes 9-26-2016
Cummins Invoice 005-42712

VII: ITEMS TO BE ON AGENDA FOR UPCOMING MEETINGS:

1. Gary Smith, Schwab Eaton
2. Bruce Boettcher, BG Consultants
3. C. Bickley Foster - Planning Analysis & Estimate
4. Process procedures for Lack of Water Service
5. Performance Evaluations

VIII. ADJOURNMENT:

There being no more business to be brought before the council **MOTION** by Wilson to adjourn the meeting at 9:18 p.m. Motion was 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)

Stephanie Lago, City Clerk