



City Council Meeting Minutes

January 21, 2014

7:00 p.m. Regular Meeting

The Mayor opened the agenda at 7 p.m. with the pledge of allegiance. Councilwoman Reed, Councilman Gilner, Councilman Donnelly, Councilman Truesdell, Councilman Peak and Mayor Ward were in attendance. Also in attendance were city staff Nathan McCommon, Jennifer Jones-Lacy, and City Attorney Michael Kelly.

Consent Agenda

Councilman Peak made a motion to approve the consent agenda, Councilwoman Reed seconded. All Ayes, the motion carried.

Open Agenda

Nothing for open agenda.

Old Business

- a) Update on Chieftain Trail
 1. Mr. McCommon said the bridge is on order for the trail. The City had a little push back from the County them not wanting the contractor to use the bridge to stage equipment. Mr. Heskett is working with the County on that issue.

- b) Update on utilities extension
 1. The Water line is about 85% installed.
 2. Approve agreement with One OK d/b/a Kansas Gas Service for the installation of a gas main line to the industrial park.
 - The agreement would commit the funds to pay for the installation. The price has gone up from \$260,000 to \$296,000. There may be additional costs to this project depending on what they find as they dig. The good news is that they will be installing next to the water line and our crews do not think that there would be additional difficulties that Kansas Gas would face.
 - Councilman Peak asked if Kansas Gas makes that determination of additional difficulties that would predicate additional cost. Mr. McCommon said our staff would be out monitoring the work as well. He said the contract does say that it's Kansas Gas's decision. Mr. Kelly said we're not in a position to negotiate.
 - Councilman Peak asked if Nathan was going to the Port Authority for the total fee of \$296,000.
 - Councilman Donnelly made a motion to approve the agreement with Kansas Gas, seconded by Councilman Peak. All Ayes, the motion carried.

- c) Update on Hwy 24-40 traffic signal improvements
 - Surveyors from BG think there will be a little bit of pedestrian easement the City will need to acquire because the sidewalk will curve in a little bit. BG suggests that the City add pedestrian right-of-way on the property of the gas station, on the west side of Stone Creek. BG said they will assess if that addition is doable within budget. There's concern about the cuing of traffic northbound on South Park. The majority of

the sidewalk would be installed in the road right-of-way, any additional would be mostly grass.

- Councilman Donnelly asked what the purpose of the sidewalk on the south side of the road. Mr. McCommon said the sidewalks would connect to existing sidewalks on South Park, one crosswalk would cross the highway and the other crosswalk would cross Stone Creek. Councilman Donnelly said he didn't understand the need for the additional sidewalk.
- Councilman Peak said he would like to see all of this illustrated.

d) Discussion of the services of Water District #6 and #9

- Received written consent from BPU that the City could be an additional source for district 6.
- Mr. Kelly said he reviewed the original agreement from 1982 and termination was allowed when any of the three entities ceased to exist. The addendum in 1984 said the agreement would last for 40 years. There was an additional addendum in 1987 that allowed any of the entities to be dissolved based on mutual agreement of all parties. The language in the original agreement is almost ancient. Mr. Kelly said we need to give notice to the attorney general but we would not need approval to dissolve.
- Jim Stuke said if the City approves the allowance of using the City as a backup source, they would be in favor of dissolving the consolidated water district.
- Councilman Donnelly asked what the liability would be if the agency dissolves and if there is any corporate protection that the wholesale provides. Mr. Kelly said not that he's aware of.

I. New Business

a) Request for waiver of special event permit fee of \$250.00 for the St. Patrick's Day Parade presented by Davo Howe

- Mr. McCommon asked introduced Davo Howe, owner and operator of Jammin' Java. He asked the Council to waive the fee of the special event permit. Team Clover is a group of volunteers who brought this together.
- Mayor Ward asked for a summary of the changes that were made in the new zoning ordinance regarding special events.
- Mr. McCommon said the new ordinances changed when a permit was required for a special event. This identifies when permits are needed if city services are required for an event. The base permit is \$50 and if City services are needed the permit is \$250. The goal is to recoup costs associated with staff time. Since this event is on a Saturday, staff would have to come in on overtime.
- Mr. Howe said that City crews drop the barricades off during the week and volunteers set them up.
- Councilman Peak asked if the Chamber paid a fee. Mr. Kelly said we gave them money for the event.
- Councilman Gilner asked if there would be vendors and Mr. Howe said he doesn't have any vendors now but if they do they would need to come to the City to fill out an application.
- Mayor Ward said the benefit to the City far outweighs the cost of the event. There are certain events that really improve the community and this is one of them. He encouraged the Council to set the events aside and determine which ones they want to cosponsor and set the fee aside for those.
- Councilman Donnelly said his concern was charging fees to nonprofit organizations. He said he's never heard of Team Clover.
- Mr. Howe said they created it and that they have an account at First State Bank.

- Councilman Donnelly asked if all the money would continue to go toward the event in the future. Mr. Howe said yes.
- Councilman Peak made a motion that the City will participate as a sponsor of the St. Patrick's Day Parade. Seconded by Councilwoman Reed. Event is March 19th at 9 a.m. All Ayes, the motion carried.

b) City Administrator Agenda

Action Items:

1. Inter-local agreement with USD 464
 - This agreement is with the school district and the agreement is to pay for the actual cost of the inspector, covering Design Energy Group actual cost. The School will provide a performance bond to the City. Once the construction is complete they would provide a warranty bond that's good for one year. The School currently has the correct copy that needs the Mayor's signature later.
 - Councilman Donnelly said if the City is out any money we should charge for those but we shouldn't be charging any additional fee to the school. He said he supports it.
 - The school board asked the City to waive the water and sewer tap fees and the excise tax. This agreement includes those waivers.
 - Peak asked if the School would be up \$25,000 by not paying those fees.
 - Councilwoman Reed asked if we were waiving the building permit fee.
 - Mr. McCommon said no.
 - She asked if the building permit fee would contribute to the salary for the new code enforcement officer. Mr. McCommon said that it would and that the acceptance of this agreement would not jeopardize that position.
 - Councilman Peak made a motion to enter into an agreement with USD 464, seconded by Councilman Truesdell. All Ayes, the motion carried.
 - Councilman Truesdell said he got some feedback from the school and gave really high praise to the City for their work.
2. Request approval to recruit for a full-time building inspector position
 - Mr. McCommon said this has been a long time coming. This is an opportunity to get the position correct. When Mark Lee was here he told us that there was no way he could get to every call so we had to prioritize based on need. This is a way to have a consistent voice and gain some credibility with the public on the code enforcement side and building inspection side.
 - He asked our neighbors about compensation and they suggested the low \$40,000 range would be appropriate for a qualified candidate.
 - Mr. McCommon thinks the revenue in 2014 would cover the cost of the position but there's no telling what the 2015 budget will bring. He sees this as an opportunity for the Council to commit to funding the position for benefit of the City.
 - Peak said he fully supports funding this position.
 - Truesdell asked when he expected to fill.
 - Mr. McCommon said he's asking to recruit and fill the position now.
 - Mayor Ward said we need to consider the gap between the part-time and full-time position plus benefits.
 - Councilman Peak made a motion to advertise for a full-time building inspector/code enforcement officer. Seconded by Councilwoman Reed. All Ayes, motion carried.

Discussion and Presentation Items:

1. Update on the Gallagher property work session

- Ms. Jones-Lacy said Brian Kingsley would be at the meeting to provide a mock up of the items they want to preliminarily include in the park which is tentatively set for February 4th at 6 p.m. at the Library.
- Councilman Peak asked for verification of the date.

2. December 2013 Financial Report and 4th Quarter Treasurer's Report

- Mr. McCommon said the report feels very good about where we ended. He walked through the fund balances of each fund. He explained that \$100,000 was deposited from the contractual agreement with Dean Oroke and \$106,000 from the fund balance of the Employee Benefits Fund.
- Councilman Donnelly said he wanted a reason behind why there were significant differences between the budget and preliminary figures versus what we actually spent or collected.
- Mr. McCommon said he would provide that to Council.
- Mr. McCommon said that he would recommend either replenishing the

3. Executive session to discuss confidential matters of non-elected personnel

- Councilman Gilner made a motion to enter into executive session for a period of 10 minutes.
- Councilman Gilner made a motion to return from closed session noting no action was taken, seconded by Councilwoman Reed. All Ayes, the motion carried.
- Councilman Truesdell made a motion to reclassify Deputy City Clerk from a Range 3 to Range 6, seconded by Councilman Peak. All Ayes, the motion carried.

c) City Attorney Agenda

1. Discussion of nuisance code revision

- Mr. Kelly said he should have available at the next meet the ordinance to amend the nuisance code. He's received additional feedback from the police department. He explained a recurring nuisance from the last court session and how that was addressed.
- Mr. Kelly said the Kansas Sampler had a strong showing last week. The event was thrown together in 10 days and they received excellent feedback from people across the state. Mayor Ward echoed Mike's sentiment. There's a lot of positive energy right now and we need to capture that.

d) City Council Agenda

1. Infrastructure Committee – Jim Truesdell

- Councilman Truesdell said Nathan came up with a cost estimate for the sidewalk on Washington. He explained that the goal is to have City crews do much of the work and the estimate is assuming that there will not be a need for a culvert under the driveway and sidewalk. He said this sidewalk would fit between the road and ditch and that no easement is needed.
- Mr. McCommon said there's a capital improvements discussion next Monday and this would be an opportunity to discuss this in greater detail.
- Councilman Truesdell said we need to do a survey as a first step and start to get the public involved.
- Mayor Ward asked what the last sidewalk was that we have used City forces for.
- Mr. McCommon said a new hire with the Public Works Department has a lot of experience in concrete and only since his hire in 2012 have the crews had the expertise to do this kind of work.

- Councilman Truesdell asked where the funding would come from. Nathan said the Capital Projects Fund is the traditional source. The General Fund is always an option. Mr. McCommon said he didn't know if Special Highway funds were available for use of a sidewalk.
- Mr. McCommon suggested that we wait until the utility extensions are complete to see what kind funds are available after that project is complete. Then we'll know if the General Fund has some availability.
- Councilman Truesdell asked if those attending next weeks' meeting could get that list of capital projects prior to the meeting.
- Councilman Peak asked if Mr. McCommon was going to ask for the additional \$36,000 from the Port Authority. Mayor Ward said he was hoping to attend the meeting as well.

Motion to adjourn by Councilman Gilner, seconded by Councilwoman Reed. All Ayes, the motion carried.

Respectfully Submitted,

Jennifer Jones-Lacy
Assistant City Administrator