

City of Peabody
Minutes of the City Council Meeting
October 24, 2016

Office of the City Clerk
October 24, 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, Jonna Munson – City Treasurer, Ronnie Harms – Public Works Superintendent, Rob Lane - City Attorney.

VISITORS: Ron Traxson – USD 398, Beth Peter – Peabody Burns Recreation Commission, Susan Marshall – Peabody Gazette Bulletin, Beau Dauer

THE PLEDGE OF ALLEGIANCE led by Mayor Larsen

I. MINUTES:

The council reviewed minutes of the Regular City Council meeting on October 10, 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 10b	\$ 10,766.93
PAYROLL 2016 10b Tax & benefits	\$ 14,455.17
PAYABLES 2016 10b	<u>\$ 13,367.99</u>
Totaling:	\$ 38,590.09

MOTION by Wilson to approve appropriations in the amount of \$38,590.09 Motion seconded by Gallucci. Motion carried 5-0.

III. PUBLIC COMMENT:

There was no public comment.

IV. APPROVAL OF AGENDA:

Clerk Lago advised the council that four items needed to be added :
C. 5 needs to be added for break curbing and add drainage at library
E1 Under Water Committee – Request for inclusion in November newsletter
E2 Reimbursement check from EMC
E8 Marion County Toy Run – Request for Donation
E6 Beth Peter under Parks and Swimming Pool
D8 Executive Session – Jan Woodruff Finance and Ordinance

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

V. AGENDA ITEMS:

- A. **Ron Traxson, BOE USD398** addressed the council regarding a recent gift from the city. Although the City's intention was to deed over Lots 9 & 10 of block 76 commonly known as Westbrook Park to USD 398, somehow a second tract containing a portion of lots 2 and 11 were added to the quit claim deed. Mr. Traxson did not think this was the intention of the city council.

Unfortunately, the deed already has been filed at the county. Robert Lane , City Attorney will correct these documents and the city will get them refiled as needed. The city council thanked Mr. Traxson for his attention to detail on this matter.

MOTION by Wilson to deed Tract 2 back to the city. Motion seconded by Gallucci. Motion carried 5-0.

B. Ordinance 06-2016

AN ORDINANCE AMENDING SECTION 10-223(a) OF THE CODE OF THE CITY OF PEABODY, KANSAS PERTAINING TO CURFEWS.

NOW, BE IT ORDAINED by the Governing Body of the City of Peabody, Kansas as follows:

SECTION 1. Section 10-223 (a) of the Code of the City of Peabody, Kansas is hereby amended to read as follows:

“(a) Minors. It shall be unlawful for any minor under the age of sixteen (16) years to loiter, wander, drive, or ride over any streets or otherwise be in public places or vacant lots in the City of Peabody between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

It shall be unlawful for any minor person under the age of eighteen (18) years to loiter, wander, drive or ride over any streets or otherwise be in public places or vacant lots in the City of Peabody after the hour of 11:00 p.m. on Sunday through Thursday and before the hour of 5:00 a.m. the following day, or after the hour of 12:30 a.m. on Friday or Saturday and before 5:00 a.m. the following day.

Subject to conditions hereinafter set forth, the days and times may be established by the most recent City resolution which may be modified from time to time depending on circumstances then existing.

SECTION 2. This Ordinance shall take effect upon its passage and publication in the official city newspaper and shall repeal and take the place of existing Section 10-223 (a) of the Code of the City of Peabody, Kansas. Passed this 24th day of October, 2016.

MOTION to approve and adopt Ordinance 06-2016 by Gallucci. Motion seconded by Woodruff. Motion carried 5-0.

C. Payment for testifying in court

Clerk Lago was presented with a dilemma this past week as to whether or not to pay a private citizen for time lost on the job in order to testify in court. After consulting with our attorney Rob Lane and Susan Robson's office about policy at the District Court level, Lago determined to only pay mileage reimbursement. The issue was discussed at length by the council. No action was taken.

C. 5 Request to break curbing and add drainage at Peabody Township Library.

Peabody Township Library is undergoing major renovation / rehabilitation and becoming ADA compliant with the library entrance and addition of an elevator to the basement and bathroom facility. Regier Construction, the onsite contractor asked Clerk Lago if she would approach the city council on their behalf to request authorization to break the curb. This would be to accommodate a downspout and drain pipe from the NW corner of the library in a northerly direction to the curb on Division Street to direct rain and potential groundwater away from the library foundation. Lago provided the council with photos of the project location. The council was adamant that the brick sidewalk but returned to its original condition where they cut under for the drain line.

MOTION by Wilson to approve the library's request to break the curb for a draining pipe onto Division Street. Motion seconded by Gallucci. Motion carried 5-0.

D. Employee Reports

1. Bruce Burke, Chief of Police

Chief Burke had a written report which was distributed to council and covered Inoperable Vehicles, Animal Control Report and Health & Safety/Code Enforcement.

Part Time Officer, Josh Wilson is covering the east side of town regarding inoperable vehicle investigations. Burke reported two cases have been filed in court – 708 Poplar and 607 N. Olive.

Animal Control is less active this time of year, but retrieving dead animals is still ongoing.

Nuisance property conditions have been abated at 404 N. Elm and 213 E. Division. The investigation at 205 S. Olive is complete. There has been a lot of cleaning going on at 306 Pine.

In closing, Chief Burke wanted to know if it would be okay for him to start advertising for a part-time Animal Control Officer to receive applications in November and get in place for 2017.

Councilman Woodruff is still not convinced that the position of Municipal Court Clerk warrants full-time staffing, therefore it would be unnecessary to advertise for an Animal Control Officer. Councilman Gallucci reminded the council that the city had already budgeted for a full-time Municipal Court Clerk plus a part-time Animal Control Officer. Woodruff responded, "Just because we budgeted for it, doesn't mean we have to spend it." Councilman Spencer echoed Woodruff's opinion. Woodruff concluded by saying, "I am still not convinced that we need a full-time Municipal Court Clerk as other cities our size

don't have full-time court clerk '. It was the consensus to wait until February / March when animal control activity increases to reevaluate the issue.

Chief Burke reminded the council that next month he will be seeking bids on a new patrol unit.

2. Ronnie Harms, Public Works Superintendent

Mr. Harms presented his written report to the council covering Water, Sewer, Streets and Parks.

The recent water samples sent to the State of Kansas were good, but the yearly average continues to require public notice which is included in the monthly newsletter with the water bills.

We are in the midst of reviewing invoices and documents required by insurance company for reimbursements due to the damage at the lift station caused by the lightning strike on August 30th.

Lucas Larsen began working today. He started working on streets patching pot holes and asphalt and gravel streets.

Councilman Woodruff inquired when Public Works was going to replace the roof on the shed at the city park? Harms said it had not been scheduled yet. Woodruff would like to see it done before this winter.

Both Harms and Woodruff agreed they would need to purchase a new mower by the end of the season.

E. Reports from Standing Committees:

1. Water - (Spencer) -

Peabody Community Foundation approached city hall to request permission to include an advertisement in the upcoming November newsletter to be included with the utility bill. By consensus of the city council, their request was approved.

Clerk Lago brought forward an issue that the front office and Public Works felt needed to be addressed as a liability issue: Many times, non-property owners want to have water services connected at a particular property that they are interested in purchasing. Usually the request will be for a period of a day or two to allow a private plumber to evaluate a property. Generally, the requestor does not want to pay a \$50 service connection fee, and is usually reluctant to fill out an application for service which would require them to take financial liability if there is any significant water consumption. The clerk's office believes we need to have measures in place to ensure someone is liable for any water consumption, the applicant has permission to enter the property, and what

would the outcome be if the property was damaged in any way. Council suggested we call EMC for direction.

2. Streets and Alleys (Woodruff & Wilson) - nothing to report

3. Sanitation (Larsen & Wilson) -

Clerk Lago included a "Statement of Loss" from EMC Insurance Companies regarding the damage at 614 E. 5th Street.

EMC Insurance Companies sent the City reimbursement check # L95056495 in the amount of \$3,705.26 regarding the lightning damage. Ronnie has not submitted all the bills to EMC yet.

4. Lights Committee (Gallucci & Wilson) - nothing to report

5. Fire Committee (Larsen & Woodruff & Rose)

Councilman Rose reminded the council of the upcoming event on November 2, 6:30 at the Marion Performing Arts Center, 127 S. Lincoln. Marion County Emergency Management is sponsoring the event.

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

Beth Peter reported that Russ Busenitz and Ty Schreiber will be walking the disc golf course at the city park to determine exactly where the launch pads will be located.

7. Building Committee (Larsen & Woodruff)

Stith has been contacted about replacing the air conditioners at city hall. They are ordering units and will contact us when they arrive.

Clerk Lago has received an Application for Variance from Susan Good which shall be referred to the Zoning Board of Appeals.

8. Finance and Ordinance (Gallucci & Rose) -

MOTION by Woodruff at 8:35 p.m. for 10 minutes to enter into executive session regarding personnel issues of non-elected personnel. Motion seconded by Rose. Motion carried 5-0. The governing body returned to regular session at 8:45 p.m. No action was taken no motion was made.

Ordinance 07-2016 will be reprinted in this week's Gazette at no charge to Peabody. No proof was submitted to city before publication.

Each year the Sons of American Legion #366, Abate of Kansas Dist. 98 and the Route 56 Classic Cruisers ask us for assistance/donations for the annual Marion County Toy Run via Myrna Wood.

MOTION by Rose to approve the request for donation from Marion County Toy Run 2016 in the amount of \$50. Motion seconded by Gallucci. Motion carried 5-0.

9. Economic Development Committee (Larsen & Gallucci)

Beth Peter reported the Recreation Commission met on Wednesday. They are planning to purchase 111 Plum, Ron Hedricks' mom's house for \$1,000.00. The Recreation Board will name the City of Peabody as owner first. The Recreation Board will take financial responsibility for demolition of the house.

MOTION by Wilson that the city assist the Recreation Commission with purchase of the house and property with the understanding that the Recreation Commission will pay for the house/property and demolition. Motion seconded by Rose. Motion carried 4-1-0. Woodruff voting no.

Councilperson Gallucci suggested that the city needs a strong Economic Development Board and that we should draw from people in the community who are already involved in these efforts, such as Ron Traxson, Brent Miles, N.M. Patton, Lyn Berns, Susan Marshall.

10. Personnel (Larsen & Wilson & Rose) - nothing to report

F. Report from the Mayor –

Mayor Larsen reiterated the resignation from Councilperson Wilson which was read at our last meeting Although the council had not voted for its acceptance.

MOTION by Woodruff to accept Councilperson Wilson's resignation with regret. Motion seconded by Rose. Motion carried 4-0-1 (Wilson abstained).

The Mayor continued by saying we will need to appoint a new city council president to replace Travis.

Councilperson Woodruff nominated Steve Rose for President of City Council. Steve Rose declined. Councilperson Rose nominated Megan Gallucci for President of City Council.

MOTION by Rose to appoint Gallucci as City Council President. Travis Wilson seconded the motion. Motion carried 4-0-1 (Gallucci abstained).

COMMUNICATIONS:

Peabody Burns Recreation Commission Meeting Minutes

ENCLOSURES:

City Council Meeting Minutes 10-10-16
Payroll 10B 2016
Payroll 10B 2016 Taxes and Benes
Ordinance 06-2016 Curfew
Payment for testifying in court + Rob Lane emails
Peabody Police Department Report to City Council
MEMO report from Ronnie Harms
Statement of Loss at Lift Station
Stith Proposal
KANSAS Government Journal - October 2016 (Hard copy at meeting)

VII: ITEMS TO BE ON AGENDA FOR UPCOMING MEETINGS:

1. Process procedures for Lack of Water Service
2. Performance Evaluations

VIII. ADJOURNMENT:

There being no more business to be brought before the council **MOTION** by Woodruff to adjourn the meeting at 8:55 p.m. Motion was seconded by Rose. 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

