

CITY OF PLEASANTON, KANSAS

City Council Meeting Minutes

Monday August 17, 2015

6:00 p.m.

Mayor Eldred Whitley opened the council meeting at 6:00 p.m. with the Pledge of Allegiance. Attending council members included Cynthia Frisbie, Brandon Johnson, Chris Ellis, Tristian Wurtz-Smith and Jake Mattingley. Also present were City Counselor Gary Thompson, City Administrator Erica Kern, City Clerk Teresa Whitaker and Stephanie Cole of *Linn County News*.

1. Mayor's Comments/Executive Session Requests:

- The meeting opened with the pledge of allegiance and a prayer by Cynthia Frisbee. Erica requested a 20 minute executive session for legal matters. Motion by Mattingley, 2nd. by Frisbee, approved 5-0. Regular meeting resumed. No action taken. Motion by Mattingley to extend executive session by 20 minutes until 6:40 pm. Tristian Wurtz-Smith 2nd-approved 5-0. Executive session ended-no action taken.

2. City Administrator & Financial Overview:

- Erica Kern stated she had met with Susan Gaelmore regarding the sidewalk grant and the community building. Kern has been compiling time sheets and has added \$17,000.00 from April to June to increase our total to \$28,000.00. A portion of the equipment that has been used hasn't been added because the value of it has not been calculated. There is approximately \$78,000.00 left to spend with about \$117,000.00 left to purchase. Kern stated that fundraising needs to get going again so we can make up the deficit. The sidewalk grant has been submitted. Erica stated that Susan Gaelmore said there would be very little chance for change orders to be submitted and accepted at this time. We have a slight chance of change orders being submitted after the project gets started.
- A couple of people have reported hitting the sensors on the water meters with mowers. They are accustomed to riding over the manhole lids. City attorney Thompson stated that Ordinance 15-218 is for the issuance of penalties to people that damage, alter or destroy water meters. The Council and Thompson suggested Kern put a notice in the water bills next month warning residents of the new lids and the sensors. Kern stated she would do that and also post it on Facebook. Kern stated the new meters should be ready to go. A test read was conducted and all meters were read in about 15 minutes.
- The safety inspection on Public Works was performed. There were some deficiencies noted in the inspection. Dave Cox rectified the deficiencies and the inspection was passed.
- Public Works crews have been filling potholes and the demolition request has been completed. They have been working at the school cleaning out the ditch by the annex and sweeping out the parking lot to meet the conditions of the parking lot CUP.

3. Approve Consent Agenda:

- Motion by Jake Mattingley to approve consent agenda and amend the minutes of the August 6th meeting to read "Approve the budget for publication", 2nd by Johnson, approved 5-0. Johnson questioned the health insurance for former employees. City Clerk Teresa Whitaker stated all credits have been received and they won't be on the next bill.

4. Public Speaker:

Rocky Beltz from Pleasanton Chamber of Commerce gave an update on the happenings at the Chamber of Commerce including current members and General Pleasanton Days. She mentioned the farmer's market is going strong and thanked the City of Pleasanton for their help. She then mentioned some of the expected sponsors for GPD had backed out but was quick to mention that others have stepped up to fill those spots. The Facebook page is getting more hits as we get closer to GPD. She asked the Council for permanent poles to be installed for the banners around town. The Council suggested she bring a proposal.

Jim Nixon from Diebolt gave a brief presentation on post frame buildings. He mentioned pride of work and stated Diebolt's focus is now strictly buildings.

Public Works Director Joe Whitaker suggested some clarification on the employee handbook regarding smoking. It currently states no smoking in vehicles and cab enclosures. Whitaker would like it to state all equipment and suggested removing 'cab enclosure'. He then asked what the disciplinary action is for violations. Gary Thompson stated the current measure of disciplinary action. Thompson stated Kern is responsible for disciplinary action. Whitaker then went on to address the recent water plant issues and the manganese issues. CA Curtis wanted to purchase and install the meter. Curtis wanted \$4000.00 to purchase and \$4000.00 to install. The meter was initially installed incorrectly and did not have the 100 micron filter on it. Public works asked him to fix the issues and again it was giving them issues. Empire Electric stated it was never meant to be installed where it was. It was later moved to a more appropriate location but the meter itself does not measure low enough quantities of manganese. By the time the alarm goes off, the manganese is already in the system. Whitaker has instructed the employees to do a hand sample every day at the lake for manganese.

Thirdly, Whitaker requested the Council instruct City Attorney Thompson to write a letter to CA Curtis instructing him to release all the manuals and files he has for the City of Pleasanton. Thompson requested contact information so the letter could be sent. Whitaker then asked that the Council not consider CA Curtis for any further work. Mattingley stated he appreciated Whitaker coming in to clarify the problem but mentioned that there were other issues lately with Public Works that had been addressed at previous Council meetings.

5. Council Member Discussion:

- Councilwoman Wurtz-Smith asked if we could paint lines down the center of Main Street and repaint the parking slots on Main Street for safety reasons. Kern stated that people also mentioned that the hydrants need to be marked. It was suggested that Kern call Linn Valley city clerk Karen to see who they used. Mattingley then stated that he has a machine at his job that he might be able to borrow and may be able to supply some of the paint.
- Mattingley asked about the diving board again. Kern stated after further inspection, the diving board stand and board are both in need of repairs. Kern was asked if the stand could be repaired. Kern was unsure. Mattingley suggested again we look to purchase it during the colder months to save money.
- Councilwoman Frisbee requested signage at the kiddie pool. She felt it isn't adequate and she herself had to jump into the kiddie pool to help a child in need. The signs should read "Adult Supervision Required" and "Uneven Surface". The drain in the pool causes a drop off that is a potential hazard.
- Councilman Mattingley mentioned again that he had done extensive research on the bulk storage of propane. He stated the safety records are outstanding and fatalities are minimal. Over the couple decades, safety incidents are too low to really track.

6. City Attorney:

- No reports

7. Chief of Police:

- No reports

8. Planning & Zoning:

- No reports

9. Public Works:

- No reports

10. New Business:

- The pay estimates for Lathrop, Hettinger and SMI were presented. The Council suggested putting together a punch list of work that is undone before issuing final payment. Erica Kern and Dave Cox will do that this week. The Council tabled payment of the pay estimates.
- Jake Mattingley made a motion to accept the bid from Nips LLC for precast manholes for the new pharmacy. Chris Ellis 2nd. Approve 5-0.
- Jake Mattingley made a motion to allow Eldred Whitley to get a signature stamp to be used with Eldred Whitley's approval. Brandon Johnson 2nd. Approved 5-0
- Erica Kern presented the updated Emergency Water Supply Plan. Chris Ellis made a motion to approve the new plan. Cynthia Frisbee 2nd. Approved 5-0.
- Jake Mattingley made a motion to approve the 5k Color Run held by the PTO on November 7, 2015. Tristian Wurtz-Smith 2nd. Approved 5-0
- Jake Mattingley made a motion to hold the budget hearing on 8/24/2015 at 6:00 pm. Chris Ellis 2nd. Approved 5-0.

11. Unfinished Business:

- Jake Mattingley requested Heartland Propane CUP be moved to the top of the agenda. Gary Thompson explained in detail the options the Council has regarding the two Conditional Use Permits that are before them. Regarding the CUP from March 2015, he stated there were three options: 1) Accept the recommendation of the Planning and Zoning commission to deny the CUP. 2) Overturn the recommendation by majority vote of the P & Z commission and grant the CUP. 3) Send the recommendation back to the P & Z board with written instructions to make findings and establish conditions or make findings and offer a recommendation to deny. Jake Mattingley made a motion to send the recommendation back to Planning and Zoning with written instructions to make findings and establish conditions. Brandon Johnson 2nd 5-0.

- In regards to the CUP that was filed in July 2015, the required 14 days waiting period has passed and the Council can make a decision on it tonight. Thompson then explained a protest petition has been submitted and is currently being validated. It must be signed by at the owners of at least 20% of the land. (200 foot area inside the city limits adjacent to the property and 1000 foot area outside the city limits adjacent to the property). The protest petition only comes into effect if the CUP is granted. The vote must be at least ¾ of the vote-4-1 or 5-0 vote. A simple majority vote will not pass the CUP. The Council would not be able to vote to grant the CUP since there is a petition that has not yet been validated. The 3 available options for the July CUP would be similar. 1) Vote to accept the recommendation of the Planning board to deny the CUP. 2) If the petition had been validated, the Council could have made a motion to overturn the recommendation. 3) Vote to send the recommendation back to P & Z with written instructions to make findings and establish conditions. Thompson explained the importance of thorough findings if this were ever to go to court. Brandon Johnson made a motion to send the July CUP back to P & Z for specific findings. Cynthia Frisbee 2nd Approved 5-0. Jake suggested Gary Thompson and the police be at the next meeting to ensure order.

- **Reminders:**

- Mayor Whitley reminded the council that volunteers are needed at the community center on Saturdays anytime from 9:00 a.m until done. Come for an hour or come for a day.

12. Adjourn

- Motion by Mattingley to adjourn @8:01 pm., 2nd.by Wurtz-Smith. Approved 5-0

Eldred Whitley, Mayor

Teresa Whitaker, City Clerk