

# CITY OF PLEASANTON, KANSAS

## City Council Meeting Minutes

Monday August 3, 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 and Jake Mattingley. Absent council members were Tristan Wurtz-Smith. Also present were City Counselor Gary Thompson, City Administrator Erica Kern, City Clerk Teresa Whitaker and Amber Coulter of *Linn County News*.

### 1. Mayor's Comments/Executive Session Requests:

- Erica requested a 20 minute executive session for non elected personnel. Motion by Mattingley, 2<sup>nd</sup>. by Frisbee, approved 4-0. No action taken. Motion by Mattingley to extend executive session by 10 minutes until 6:30 pm. Chris Ellis 2<sup>nd</sup>-approved 4-0. Executive session ended-no action taken. Cynthia Frisbee motioned to accept the resignation of Nancy Dodson effective July 31, 2015. Jake Mattingley 2<sup>nd</sup>. Approved 4-0

### 2. City Administrator & Financial Overview:

- Erica Kern stated she had spent the last two weeks following up on action items. .
- Kern stated she met with Penny at the Pleasanton Housing Authority regarding the appointment of Joe Victor and to discuss how they make their appointments. She then asked the Council the procedure on appointing board members and their relationship with the City of Pleasanton. Penny stated that appointed Joe Victor to fill a sudden vacancy. The Council stated all appointments must go through them regardless of the circumstances.
- Kern spoke to someone regarding the Chamber handling General Pleasanton Days. Councilwoman Frisbee stated the Council would like to have a report from the Chamber as they haven't had one in a while. Kern will follow up.
- Mary Lynn Sylvester and her husband would like to donate a street clock for General Pleasanton park as they haven't been able to donate much of their time.
- Dave Cox, Erica Kern and Don Hellar of EBH met with Ambrose from Department of Water resources regarding spillway issues. The problem was found. Don Hellar stated he would come up with about 3 options for repairs. Audience member Thomas stated he had looked at this issue and felt a camera could be run down the hole to see the issue and it could be resolved with flowable fill for around \$500-600. Kern stated it is too cost restrictive to tear out the dam. Kern stated the water level has been left low intentionally. Kern said she and Don also discussed the water project and meter replacements. There is not enough money currently to finish the meters. The city could purchase the remaining meters and install them at a later date. Preliminary numbers show that if the city were not reimbursed for approximately \$50,000.00 of expenses they have already incurred, we would be within budget.
- Kern stated the diving board prices have been running about \$1000.00 and was hoping it could be replaced in this year's budget. Mattingley suggested we look to purchase it during the colder months to save money. Council also suggested Kern research purchasing a surplus board from other cities that have closed their pools.
- Patrick Martin and Kern met regarding the East lake bridge project. Jeff Gerome of FHWA is finishing up the last documents of the design package and hopes to have it all in by August 5, 2015. There is a possibility that the project may start in the fall if everything is ready. If not, then it will start in the spring.
- Eldred Whitley and Erica Kern attended the Meeting of the Mayors last week. It was very informative.
- Susan Gaeltore will be in on Thursday to discuss the community building finances.

### 3. Approve Consent Agenda:

- Motion by Johnson to approve consent agenda, 2<sup>nd</sup>. by Mattingley, approved 4-0. Mattingley questioned the mower belt purchase, the laptop and the doors for the pool. Kern stated the laptop was for Dave at the water plant, the zero turn mower belt broke again and the doors for the pool were approved previously. Mattingley questioned whether the phone alerts for manganese issues were rectified. Erica stated Dave may need a smart phone but they are still working on getting them straightened out.

### 4. Public Speaker:

None

### 5. Council Member Discussion:

- Councilman Mattingley met with County commissioners regarding the house across from the training area. He thought maybe Gary Thompson should draw up some papers regarding the liability issues in case one of the firefighters were to get hurt.
- Mattingley also stated that the diving board should be removed so as not to be a liability issue. Kern said she would follow up on that.
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**6. City Attorney:**

- No reports

**7. Chief of Police:**

Kern stated that Tanner Odgen left a report with her. She stated that the police feel they have the recent vandalism issues under control. They are waiting for a warrant.

It was requested that the Council members be present at the Citizen's Academy. The dates have not been set yet. Gary Thompson reminded the Council that notice would need to be given if more than 2 Council members attended. Tristan Snyder stated the reason the Council should be there is so they are better informed.

**8. Planning & Zoning:**

- Larry Robinson stated concerns that there was a previous Conditional Use Permit that had been acted on incorrectly. Gary Thompson stated that the vote was taken prematurely. Larry asked if that meant there were two applications out there now. Gary stated there are two applications from the same applicant but at different locations. Tim Staton asked to be moved to the Planning and Zoning portion of the agenda-approved. It was noted by Mr. Staton that procedure had not been followed regarding the original CUP that was filed during his administration. Mr. Staton asked if the Council could act on the original CUP now since it was still pending. The Council felt they needed to be refreshed and felt it best to wait. Mr. Staton thanked the Council and the Planning and Zoning commission. He mentioned that the community felt it was unsafe and if they wanted, they could move it next to their house. Staton stated he is moving it next to his house. He then reminded the Council that he is a tax paying citizen and those opposed may not be. He stated that the CUP is being set up in what is primarily an industrial area. He said that if they are opposed, have them fill out a Voluntary Annexation form.

**9. Public Works:**

- Kern stated that Public Works has been busy reading meters and filling potholes. In addition they have been demolishing the shed on Locust and the house on 4<sup>th</sup> St. Chris Wurtz is patching holes with cold mix on the road by the school.
- Gary Taylor from KDHE came on the 22<sup>nd</sup> to go over water plant inspection. The only thing not available was the emergency water plan but it was extremely outdated. Kern will work with Dave Cox on updating that.
- Mattingley asked what happened to the burned vehicle used in training. Kern stated it was hauled off today. Mattingley reminded them he asked they hold off on that.

**10. New Business:**

- Jake Mattingley requested the Heartland Propane presentation be moved up on the agenda. Gary Thompson explained this is a presentation from the applicant. He stated there must be a 14 day waiting period between the Planning and Zoning meeting and the decision of the council to facilitate enough time for a protest petition. He then explained the vote must be 4-1 rather than 3-2 in favor or against. Audience member Phil Lindsay asked why the residents weren't notified that the presentation would be made at the Council meeting. Thompson explained that this was not a hearing but a presentation and no notice was necessary. David Stewart from Heartland Propane gave a video presentation on the safety and advantages of bulk storage of propane for the Conditional Use Permit request 18995. Mayor Whitley allowed comments from the audience. Phil Lindsay stated that nobody that lives out there wants this. The only ones that support this are the ones that would financially benefit from this. He indicated that the company is growing and this could lead to more storage tanks. Charlene Hardy asked how many jobs it would create. Stewart stated one job out of Mound City would be created. Hardy then asked why this hadn't been taken to the industrial park and expressed her concerns over rezoning. Stewart stated he had been working on this for over a year and had been unsuccessful to date in finding a location. Hardy then asked if there would be any permanent structures as a part of this request. Stewart stated there would be none. Tim Staton stated that this is an application for a conditional use request and no rezoning would be necessary. Fire Chief Rob Dent spoke stating there have been very few incidents in regards to propane safety. The safety record of Heartland is outstanding. He then stated that this is also a hazard because it is a bulk flammable gas operation. He then shared they are a member of the community but the community seems to be very unhappy about it. He urged the Council to do what they feel is correct. Jake Mattingley stated he had called many other cities including Girard and Fort Scott asking them about their bulk fuel storage that was installed by Heartland and all the cities were fine with the facilities and gave glowing recommendations. Phil Lindsey stated that the Council doesn't have a right to say that it is ok to put it by their homes.
- Approve CDBG Sidewalk Grant. Kern stated it was for the west side of Main Street. Mattingley stated there is already a sidewalk there and felt we should have businesses help pay for the city's portion of it. Mattingley

felt that the road to the school would be a better place to put the sidewalks. Councilman Johnson stated he had spoke to some of the businesses and they would be willing to pay for their portion. Johnson then stated that the original plans with the engineering firm seemed inflated and that made it so we got less money awarded. Mattingley asked if we could extend the project if there was extra money to include other areas. Kern stated there really is no turning back at this point or revising. The Council asked if it had to approved tonight. Kern stated the deadline for signed contracts is the 15<sup>th</sup> of August. Gary Thompson stated in his time as legal counsel for the city there have been at least two lawsuits regarding the sidewalks. The city is responsible for making the businesses pay for repairs to the sidewalks but it has not been done. He stated if the business owners would make up the city's contribution, that money could be used to put sidewalks on 10<sup>th</sup>. Also, since this is Federal money, the plans need to be followed. Johnson asked if the plans could be drawn up differently. Thompson stated the plans probably cannot be changed. Johnson got two concrete bids and stated the entire initial project could have been done for what it would cost to do the west side of Main St. Brandon motioned to approve the CDBG grant and signatures. Cynthia 2<sup>nd</sup>. Councilman Ellis and Councilwoman Frisbee voted against. 2-2. Mayor Whitley broke the tie with a nay vote 2-3. Councilman Johnson stated that is a lot of money to just throw away. Thompson stated the previous motion could be rescinded to state that the grant be accepted tentatively as long as the design could be altered. Jake Mattingley motioned to accept the CDBG grant and signatures tentatively as long as the design can be altered. Brandon Johnson 2<sup>nd</sup> Approved 4-0. Kern stated a change order can be submitted after acceptance.

- The bid from Empire Electric for the south lift station control panel was presented. The Council felt that one bid was not sufficient and requested they have at least one additional bid. Brandon stated he had met with Tim Staton early on and saw that the control panel was antiquated and corroded. A temporary repair was made to jump the relays but it is causing the pumps to short cycle. Kern stated she could get additional bids.
- Approve Residential Demolition Request from Frank Pedersen at 207 W. 13<sup>th</sup> St. Ellis motioned to approve. Mattingley 2<sup>nd</sup> Approved 4-0.
- The preliminary budget numbers were given to each Council person. As it is currently written, there is no need to publish an increase. The special meeting budget workshop is scheduled for August 6, 2015 at 6:00 pm.

#### **11. Unfinished Business:**

- Sealed bids for the Pontiac Firebird were presented. One bid from Rob Dent was received in the amount of \$688.00. Mattingley motioned to accept the bid for \$688.00. Ellis 2nd. Approved 4-0
- Appoint Joe Victor to the Pleasanton Housing Authority board. No action taken. Mayor Whitley stated this is the second time this has happened. Mattingley stated he would like to get rid of the board or get rid of the HUD properties as they are a detriment to the city. He stated the board should come and meet with the Council including Penny Johnson. Erica Kern will contact them tomorrow.

#### **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 Johnson to adjourn @7:50 p.m., 2<sup>nd</sup>.by Mattingley Approved 4-0

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Eldred Whitley, Mayor

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Teresa Whitaker, City Clerk