

CITY OF PLEASANTON, KANSAS

City Council Meeting Minutes

Monday September 21, 2015

6:00 p.m.

Pro-Tem Mayor Brandon Johnson 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 Amber Coulter of *Linn County News*.

1. Mayor's Comments/Executive Session Requests:

- The meeting opened with the pledge of allegiance. Gary Thompson noted that in the absence of the Mayor, the Mayor Pro-tem has a vote. He then requested a 15 minute executive session for legal matters until 6:17 pm. Motion by Mattingley, 2nd by Wurtz-Smith, approved 4-0. Regular meeting resumed. No action taken. Motion by Wurtz-Smith to extend executive session by 15 minutes until 6:32 pm, Cynthia Frisbee 2nd. Approved 4-0. Executive session ended-no action taken.

2. City Administrator & Financial Overview:

Kern updated the Council on the community building. Countryside was here to measure windows and doors. Mattingley apologized that he has not been present to help with the bricks. Kern noted that a double door should be installed and has asked for prices.

The striping on Main Street is on hold until Kern hears back from the companies she has tried to contact.

A 5 minute recess was requested via motion and granted. When the meeting resumed, Kern discussed the diving board. She stated city clerk Whitaker called Jodi Wade in LaCygne and found a used diving board for \$200.00. The City of Pleasanton has agreed to purchase the diving board.

The community building brick was incorrect and Kern had been working with Joplin Building Materials on returning the brick that was delivered and getting replacement bricks and only having to pay \$250.00 delivery charge. Between the two options, the Council chose the more distressed look.

EBH survey crews will be here the week of October 12-16 to start the sidewalk project.

Kern stated the manholes for the pharmacy have been delivered and placed.

3. Approve Consent Agenda:

- Motion by Jake Mattingley to approve consent agenda, 2nd by Ellis, approved 4-0.

4. Public Speaker:

Renee Slinkard from the Marais de Cygne chapter of the Daughters of the American Revolution gave a presentation on Constitution Week and asked that Mayor Pro-Tem Brandon Johnson sign the proclamation deeming September 17-23 'Constitution Week'. Jake Mattingley motioned to approve. Chris 2nd. Motion approved 5-0.

Don Hellar from EBH gave the Council an update on the water line project. The project has been completed and now we are doing warranty work. Mattingley felt we should have held back more money to ensure the warranty work would be done. Because substantial work was completed, the City of Pleasanton could not withhold the monies due to the contractors. It was mentioned that \$5,000.00 was held back. Mr. Hellar felt confident that the companies will finish their warranty work. Kern addressed the overage on the project. It is close to \$60,000.00 and we most likely eligible for grants and loans through the USDA. It was questioned why we were over on the project. Mr. Hellar stated the City's estimate on the number of meters was not correct but took the blame on the overage and stated all along he felt we would be under budget and in the last week, in a push to get the project done, the expenses were over what was estimated. Many of the 1" meters were sent back so the ¾" could be finished. Ellis asked if we had the 'as built' plans. Hellar stated he dropped off all the plan books and the manuals but a single, large map was unavailable. Hellar stated the USDA is accustomed to these types of projects going over budget so; in all likelihood we would be able to get grant/loans to cover the overage.

5. Council Member Discussion:

Councilwoman Frisbee noted that the stop sign had been hit with graffiti again and it was noted that the 30 mph sign on 7th Street had been changed to 80 mph with the graffiti chalk. Frisbee then stated the park gazebo is also in need of repairs. The roof has a hole in it and the floor is in 'pretty bad shape'. The play equipment in the same park is showing some signs of wear and peeling paint.

Councilwoman Frisbee then stated that the dam water level is concerning. Kern stated public works have a marker in the dam measuring the water level and they feel the level is staying on track. She then stated the valve is old and it took quite some time to get it closed. Wurtz-Smith suggested Kern contact Don George regarding the dam as he would have a lot of valuable input.

Councilwoman Tristian Wurtz-Smith stated the flag at City Hall was beginning to look tattered as was the flag by the barber shop. She then asked about the burning of the noxious weeds at the lake. Kern stated it is on her agenda for public works. As soon as some of the priority items are caught up, public works will address the weeds. Wurtz-Smith inquired about the used ball park lights that might have been purchased. Kern stated that the lights were already sold but there may be some other lights available from another source. Lastly, Wurtz-Smith stated that the trash at the lakes everywhere. She felt that maybe the anglers or visitors are leaving trash behind.

Councilman Mattingley suggested we have a 5% retainer on future contracts. He stated that Lathrop did a great job but Hettinger was very substandard in their work. He then requested a list of all the equipment that is currently owned by the city and the hours that they have been in service. Jake then asked Kern how the Landlord licenses were going. Kern felt that there could be some improvements and is working improving the current plan and presenting it to the Council. Mattingley then stated we should think of ways to have the annexed properties contribute to the City of Pleasanton. He stated they are receiving all the same services that residents of the city are but contributing much less.

6. City Attorney:

- Gary Thompson received a letter from the Pleasanton Housing Authority and suggested the Council review it and then discuss it at the next Council meeting.

7. Chief of Police:

- Tanner Ogden stated his department has been very busy lately. There have been meth busts and car thefts by juveniles. He stated the car theft turned out to be a 'tough arrest' as they were roughly the same age as his children. Ogden then stated he is still very interested in pursuing the Citizen's Academy but has been very busy with everything else lately. He stated he has some arrest warrants in place for some drug busts. Wurtz-Smith asked if the curfew has been helping. Ogden stated it seems to have helped some. He then went on to say he's been having issues with permit holders driving illegally. He stated in addition to the misdemeanor for the child, the parent is also at fault and will be charged with a misdemeanor. The Council suggested more exposure of the laws regarding permit holder's driving.

8. Planning & Zoning:

- No reports

9. Public Works:

- Erica Kern stated that last month, radio reads were done but not without issues. The software issues have been resolved hopefully and the next reading should go much smoother.

10. New Business:

- Jake motioned to approve EFT's (electronic funds transfers) for payments on 2015 Water Improvement GO Bond and Tristian Wurtz-Smith 2nd. Motion approved 4-0.
- Chris Ellis motioned to allow City Clerk Teresa Whitaker to attend the League of Kansas Municipalities conference October 10-12, 2015. Jake Mattingley 2nd. Motion approved 4-0.
- The raw water pump for the East Lake is not working. After some discussion, Jake Mattingley motioned to approve the purchase of a raw water pump from Layne Christensen for \$5,274.00. Chris Ellis 2nd. Motion approved 4-0.
- Motion was made by Jake Mattingley to approve Resolution #300 allowing KPERS affiliation with Minnesota Life. Cynthia 2nd. Motion approved 4-0.
- Chris Ellis made a motion to approve a bid for carpet cleaning at City Hall by Shamrock Carpet for \$350.00. Jake Mattingley 2nd. Motion carried 4-0.
- Tristian Wurtz-Smith made a motion to approve the purchase of a sickle bar mower from Conley Sales for \$4,650.00. Chris Ellis 2nd. Motion approved 4-0.
- Jake Mattingley motioned to approve the name designation change on the Visa cards to read Erica Kern and Joe Whitaker. Chris Ellis 2nd. Motion approved 4-0.

- Chris Ellis made a motion to approve contract amendment for CDBG Grant schedule of payment. Cynthia Frisbee 2nd. Jake opposed. Motion carried 3-1.
- Jake made a motion to approve the Color Run route for the PTO Color Run. Chris Ellis 2nd. Motion approved 4-0.
- After discussion on how the flowable fill would be brought to the dam, Jake motioned to approve a purchase of flowable fill from O'Brien Ready-Mix at \$85.00 per yard not to exceed 16 yards. Chris Ellis 2nd. Motion carried 4-0.

11. Unfinished Business:

Erica Kern requested that the C.U.P agenda items be moved to the top of the agenda. At the meeting last week, the Planning and Zoning board recommended the CUP on Tucker Road be approved. Kern read the findings on the Tucker Road CUP and asked for comment on each item. Jake pointed out that prevailing winds are not a factor as the wind blows from every direction in Kansas. Gary Thompson noted that the highway overlay was not taken into consideration by the Planning and Zoning. He stated that the above ground storage must be surrounded by a permanent screening composed of brick, masonry or other material so as not to be seen from the highway. Larry Robinson of Planning and Zoning stated that since it wasn't noted, it could be a part of the conditions now if the vote were in favor of approving. Jake Mattingley stated that there was a lot of money spent on the development of that property and we wouldn't be putting it to good use by putting the storage tank there. Mattingley motioned to deny the CUP based on the suitability of the land and it goes against the current highway overlay plan. Tristian Wurtz-Smith 2nd. Chris Ellis voted in favor. Cynthia Frisbee and Brandon Johnson opposed. 3-2 to deny CUP.

At the meeting last week, the Planning and Zoning recommended denial of the CUP. Kern then read the findings on the Laurel St CUP and asked for comment on each item. Jake again stated that prevailing winds were not a concern. He then stated he has stood at the property and felt the tank would be no more unsightly than what was already present. The property values were discussed. The stability of the road was discussed and the presence of a current Atmos gas line was discussed. It was noted the likelihood of any issues from the gas line a longshot and the roads are adequate for the traffic. The valid petition by the neighbors was noted. Jake motioned to overturn the recommendation of the Planning and Zoning and grant the CUP based on the findings that it would fit in the neighborhood, the prevailing winds would not be a factor, the tank would be no more unsightly than what is already there and it could not be proved or disproved that property values would be affected and that the following conditions be applied: The valve be facing away from neighboring properties according to the fire marshal's plans, the area be kept clean, neat and free of weeds, the site be locked when not in use and the light be pointed so as not to disturb traffic or neighbors. Ms. Hardy of the Southview development spoke and asked what the point of having a planning commission if you don't listen to them. She then asked if the opinion of the homeowner's carried any weight. Mattingley stated that he felt he was being truthful about his feelings on the CUP. Johnson reminded the Council there was a motion on the floor. Tristian Wurtz-Smith 2nd. Frisbee and Johnson voted in favor. Ellis opposed. Motion carried 4-1.

Reminders:

- None.

12. Adjourn

- Motion by Mattingley to adjourn @8:30 pm., 2nd.by Wurtz-Smith. Approved 4-0

Eldred Whitley, Mayor-absent
Brandon Johnson, Pro-Tem Mayor

Teresa Whitaker, City Clerk