

Regular Council Meeting
December 27, 2016

1. **Mayor Scott Schultz called the meeting to order at 7:30 pm.** Present were Council Members Paula Keller, Roger Jensen, and Carla Lampe. Also present were City Superintendent JR Landenberger and City Clerk Lila Whitmore. Council members Amanda Milne and Bruce Swihart were absent.
2. **Minutes** from the December 12 meeting were distributed and read. It was moved by Roger and seconded by Paula to approve the minutes as presented. Motion passed.
3. **Visitors:** None
4. **Police Report:** None
5. **New Business:**
 - a. It was moved by Roger and seconded by Paula to approve the **Cereal Malt Beverage License renewals** for Robert Erskin/Majestic Service and Dustin Fromholtz/Old Iron Pub. Motion passed.
 - b. The Council read a letter from Pasquale Tamburino requesting a **zoning variance** for the property at 514 E. Second. Mr. Tamburino is not the current owner of the property but intends to purchase it if he is able to receive the variance. The Council pre-approved the variance request contingent upon Mr. Tamburino receiving the required 80% signatures from the neighbors who would be impacted, which the Council determined would be: Diane Hockenbary, Ervogene Dearagon, Kirby Elliott, Darlene Zwegardt, Andrew Feikert, John Guthmiller, Nathan Boyer, Harold Tygart, Kevin Lampe, Rosemary Bierig, and Ralph Lebow. Once the required paperwork is returned to the City Clerk and Mr. Tamburino purchases the property, the request will be resubmitted to the Council for a motion to approve.
 - c. It was moved by Roger and seconded by Paula to approve the **small business incentive application** for Morris Off-Road & Auto. Motion passed.
 - d. It was moved by Carla and seconded by Paula to approve the following **transfers of funds:** \$120,000 from Utility to General; \$5,000 from Sewer to General; \$100,000 from Utility to Capital Improvement; \$70,000 from Refuse to Capital Improvement; and \$40,000 from Sewer to Equipment Reserve. Motion passed. Clerk Whitmore informed the Council that at the time the 2017 budget was approved the amount for the bond repayment was not known and was not included in the budget. Our auditors have indicated that this will need to be part of the general fund and the budget will need to be amended early next year. Angela Ketterl will be asked for assistance with the process.
6. **Old Business:**
 - a. **LED Sign** – Amanda Miller has expressed an interest in updating and maintaining the LED sign as well as the city website. She will get with Clerk Whitmore and Helen Dobbs to get more details about the website. The Council requested she present a proposal for this work.
 - b. **Property Cleanup** – There are two properties that are still not in compliance. JR is working on the issue.
 - c. **Pending Projects** – JR expects to receive a bid from Brock McAtee Construction for the **Keller Pond Trail Project**. There was some discussion about the proposed **police evidence room** location with regards to possible electrical work that might need to be done. JR will look into it. The Council discussed the next phase of the **electrical infrastructure upgrade**. The **safe room project** has been approved by FEMA. The Council designated JR to be the primary contact for and to oversee the project. The **5-Year Plan** will be removed from the pending projects as it is not necessary to review it again until budget planning time. There was brief discussion about the **tree pruning** on Washington street. The work needs to wait until the spring and JR will be contacting both contractors to discuss the bids that were received.
7. **Public Building Commission Report** – JR discussed the issue with the spring. With the design of the pool water may need to sit in the deep end all year. This is not an uncommon problem however and is not cause for concern. The projected completion date for the new pool is now the 1st week of July. The old pool has been winterized and could be put into operation if necessary next year. It was moved by Paula and seconded by Roger to accept and file the PBC report. Motion passed.
8. **Building Permits** – It was moved by Carla and seconded by Paula to approve the following building permit: Judy Baxter – 415 E. HW 36 , Garage. Motion passed.

- 9. Superintendent Report – a)** Cold weather has caused a few minor issues with freeze ups of meters. **b)** There was a water main break on Scott street. The outage affected only a small portion of town. **c)** JR discussed with the Council the responsibilities for Scott Houtman’s position. JR and Clerk Whitmore will get together to develop a job description to ensure that the position is utilized efficiently. It was moved by Roger and seconded by Carla to accept and file the Superintendent Report. Motion passed.
- 10. Attorney Report – None**
- 11. Clerk Report – a)** Clerk Whitmore let the Council know that Airmed Air Transportation is no longer an in-network provider for Blue Cross Blue Shield. Because of this the company offered a mid-year membership enrollment for our employees who were not currently members. Four employees enrolled. The City will need to issue one check for the membership, and the employees will reimburse the City for the \$37 membership fee. It was moved by Paula and seconded by Carla for Clerk Whitmore to issue an out-of-cycle payment of \$148 to Airmed. Motion passed. **b)** We received approval from the Kansas State Board of Tax Appeals for tax exemption status on the property at 301 E. Washington, which is the new pool. **c)** The City received a franchise tax fee from Midwest Energy for \$718.84. **d)** Clerk Whitmore indicated that, per the Council’s previous request, she had spoken to Susan Lang with the Department of Labor to confirm the rules for compensation for away from home travel. Ms. Lang stated that per the Code of Federal Regulations part 785, travel time is considered hours worked on regular working days during normal working hours and also during the corresponding hours on nonworking days, i.e. the weekends. She stated that the hours which are considered normal working hours for KLETC participants is 7:45AM to 5:00PM. The hours spent traveling that fall outside of the employee’s normal working hours are not compensable per the DOL laws and would not need to be paid. Employers can choose to pay for all travel time if they wish but it is not required by the DOL laws. The City has in the past paid for all travel time regardless of what day/hours the travel takes place. There was considerable discussion about the law and alternatives that could be considered. However, the Council decided to not make any changes to the City’s procedures at this time and to revisit the issue in March. It was moved by Paula and seconded by Carla to accept and file the clerk report. Motion passed.
- 12. Council comments: Paula –** This being her last meeting, Paula expressed thanks to the Mayor and Council members for their support during her tenure as a Council person. The Council thanked Paula for her service to the community. **Roger –** brought up the J-Turn signs and whether they should be taken down or enforced. The consensus was to leave the signs up. **Carla –** none. **JR –** The Fair Board is putting in rest rooms at the fairgrounds. The Council gave approval to waive the sewer tap fee.
- 13. Mayor Comments:** requested 5 minutes of executive session for personnel
- 14. Executive Session:** At 8:45 it was moved by Roger and seconded by Carla to adjourn to **executive session** for personnel. At 8:55 it was moved by Roger and seconded by Carla to come out of **executive session**. No decisions were made.
- 15. Adjournment:** A motion was made by Paula and seconded by Roger to adjourn the meeting. Motion passed.

City Clerk