

CITY OF COLUMBUS
CITY COUNCIL MINUTES
April 07, 2008

ATTENDANCE

The City Council of Columbus, Kansas, met April 07, 2008 at 6:30 p.m. in the City Hall. Mayor Harley McDaniel presided. Council members present: Connie Bennett, Steve Dunlap, Doug Hosier, Marie Nepple, John Paradee, Dewey Smith, Gary Smith, Grant Spieth, Dana Wellmeier. Members absent: None.

Nancy Hurd led the invocation followed by the Pledge of Allegiance.

MINUTES

Mayor Harley McDaniel called for additions or correction to the minutes of the March 17, 2008 council meeting. Hosier moved to accept the minutes of the March 17, 2008 council meeting. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

APPROPRIATION ORDINANCE #08-178

Burton moved to approve Appropriation Ordinance # 08-178. Paradee seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

VISITOR

Ted Wary: This is a short FYI presentation to let you know what is going on with this hamburger luncheon we are going to have two weeks from Wednesday. I thought it would be appropriate to fill the council in as to why and how it came to pass. It started out as being a wild hair. As I watched the City employees and the County employees pick up after this curve ball the good Lord decided to throw at us on the 9th of December, the thought hit my mind one day driving down the road that sometimes we as citizens are a little quick to criticize people for not doing what we think they ought to do. Very seldom are we standing up front and patting them on the back when they do nice things. As far as I'm concerned the city employees and the county employees bent over backwards to clean up this mess that was dumped on our community from this ice storm last December. In fact as I came down to this meeting tonight, it is past quitting time and I saw a City truck and one of these fork lifts going up and down the street picking up brush. To me that's going beyond the call of duty. I know they got paid, but they also gave up their Sundays, they gave up their evenings and Saturdays to clean up this mess and I just wanted to say Thank You. I bounced it off the Mayor from the standpoint of the City guys and bounced it off the City Commissioners from the standpoint of the County guys. They thought that was a great idea so we proceeded. The banks are going to pay the bill, Scott Williams, Dennis Elbrader, John Paradee and myself are going to cook and serve the meal to the crew. Like I said 2 weeks from next Wednesday at noon at the Community Building and Mayor and all the council are invited just tell the City Clerk if you plan to attend so we can put a bean in the pot for you. We don't want to come up short on chow. So again that is how this all came about to say Thank You to all the public employees for a job well done.

Mayor Harley McDaniel wanted to say Thank You Ted in advance for all of his efforts and consideration to the employees.

City Administrator Evan Capron report:

1. The City Superintendent and I attended the Kansas Rural Water Association Conference in Wichita. The conference was very informative as I attended meetings on water and waste water. One 4 hour session was on rate setting which I found to be very useful and am ready to put it into practice.
2. We are still meeting with and providing FEMA representatives with information.
3. The Mayor and I attended a regional meeting of Kansas, Missouri and Oklahoma consisting of 13 cities' Chamber of Commerce. The group is planning on forming a regional Chamber of Commerce and collectively promotes the whole region.
4. All departments have turned in their 2009 budgets and capital project sheets. I am currently reviewing, analyzing and preparing the complete budget for inspection by the committees.
5. The Mayor, representatives of USD493, Brett Wary and I attended a meeting and tour of facilities at the Pittsburg Family Resource Center in Pittsburg last week and found that to be very informative in relations to what she is trying to accomplish here in Columbus. Mr. Mayor may have some comment on that.

Mayor said we have Brett Wary here in case we come up with any questions. We were taken on a tour of the building that was a former elementary school. We were given a wonderful presentation. They have right at 90 employees at the facility, which is probably bigger than what she wants to do here. I did have a question as to who wrote their grants as Brett had previously been here asking for the help of our City Administrator for this purpose. The lady in charge said she wrote the grants. She also indicated that she also has someone check those before they are submitted. Grant writing is not something real simple. It is very complicated. I have no problem with partnering with her and her organization to let her use our grant writer, but the grant will have to be written in house because Mr. Capron has no knowledge of child development so again someone else will write the grant and we will let him grade it to make sure the what, where, when, who and how are included in that grant. In other words he can assist them with the grant. That is my idea of partnering with them on this. I will now open it up to the council for any discussion. If you have any questions do so now as we are going to bring this up for a vote. Councilmember Nepple asked if the clarification would be they would write the grant and our piece of the pie would be for Mr. Capron to review it to the standpoint it is complete. Mayor said yes as this is something we can do for the community.

Brett came before the council to clarify that we are just in the beginning stages of the project and are asking for some collaboration with the City and looking into how they can take part in the project with the Cherokee County Commissioners. SECAP, school district and we as community based providers. There may be other things to approve as we move along before we submit our grant. We are looking for discussion and participation in the project plan.

PARTNERSHIP WITH COLUMBUS CHILDRENS CENTER PROJECT

Burton moved to allow City Administrator Evan Capron partner with the Columbus Children's Center Project to assist and review in collaboration of writing a grant. Wellmeier seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

City Superintendent Jim Burton report:

1. We will start the Spring Cleanup on April 14 doing like we have done in the past by going from ward to ward. The newspaper contacted me this morning and I encouraged them that people need to have their stuff out as with everything else we have going on we cannot keep going back to people who said they had theirs out and we did not get it. Things do need to be separated. If there is boards and brush mixed it will be left.
2. We are proceeding with the brush clean up. We are working day and night to get as much brush picked up as possible. One of the problems we are having with the brush is that

people are putting it behind their ditches. If it was dry weather it would be no problem but with the rain that we have had we cannot get into the ditches with our equipment.

3. FEMA contacted me last Friday about 3:30. You have bids in your packet on the bids for clean up at the City Park and FEMA has rejected all the bids. They have instructed me to go out again for bids tomorrow. All the bids came in 2 to 3 times higher than what their papers allot. Basically they told us this morning it will be opened up to anyone that wants to bid. If all the bids come back in that high again we will basically have to take one. But I can assure you FEMA will take the lowest bid out there. Tomorrow or Wednesday I will have the paperwork ready to go out again for the bid.
4. I need permission again to get the porta potties for the park again this year as we have not yet moved on the bathrooms down there. The price last year was \$180 a month being \$100 for the handicap and \$80 for the regular. I have not checked on the price for it yet for this year.

PORTA POTTIES

Spieth moved to bring in 1 handicap & 1 regular Porta Potties at City Park for use in the summer season. Nepple seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

EXECUTIVE SESSION

Nepple moved to go into executive session for 10 minutes from 6:49 pm to 6:59 pm on personnel matters of non-elected personnel with Council, Mayor, City Administrator, City Attorney, City Superintendent and City Clerk in attendance. Bennett seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

REGULAR SESSION 6:59 PM

5. At the Rural Water Conference I did take my water certification and I passed my Water I & II. I will be going in May to take my sewer certification.

Police Chief Charles E. Sharp report:

1. We are in the process of sending out notices on the junked yards and abandoned vehicles and the residences that have the brush in the yards that have made no attempt of cleaning them up. I talked to Jim today and an interesting point came up and I need to discuss it with the council. A lot of them are vacant houses that nobody lives at and what we have to do is get a hold of the property owner to send them a notice. If they don't get it cleaned up in the direction the notice claims then we turn around and write them a citation in municipal court. I'm sure down the road there is going to be some properties that are not going to clean this brush up and so we are faced with another problem, on the contract mowers, when we have to send the mowers in to mow the yard. You need to decide whether you want to hire someone to come in and clean this property up when it comes up or what do we do about it, not mow the yard or what. We will be faced with the property, I am quite sure. City Superintendent said some of these properties are the same ones we have to deal with year after year with the contract mower. Chief said we have never been faced with this before. City Attorney said we may have to take this through a type of condemnation process as if it was any kind of clean up where we are entering the property to do that much work. Our mowing ordinance doesn't include that kind of work. Councilmember Gary Smith asked City Attorney; could we make that ordinance just like for brush the same as weed notices without going through condemnation. City Attorney

said if we are entering the property for that extensive amount of work its going to require more than just a weed notice type process. Chief Sharp asked if there was anything the courts could order. Barbara said the other thing the court could do was if these absentee landowners are local people, living within the state of Kansas, we can file a civil contempt against them. If they fail to follow through with citation in municipal court they are fined etc. When they fail to comply there is an accusation in contempt which the Municipal Judge has jurisdiction now to do those. Jim said some of these are houses are in foreclosure with banks, not all of them, and they are outside Kansas. Barbara then said if they are outside Kansas then that makes contempt impractical. I can call the League on this problem to know for sure on this problem but I just have a hunch they are going to say; you are going to be entering this property with heavy equipment, chain saws, etc. and that is more of an invasion than just mowing a yard. You will have to take more legal steps toward getting that accomplished.

Assistant Fire Chief Brad Gleason report:

1. So far we have had 97 runs this year.
2. Don is out of town and it seems like when Don is out of town something happens so there are some rumors going around that I would like to clear up. There is going to be an appointment tonight of Jason Allison and Don said just to have it on the record wanted me to say; Jason has 75% of the runs, he is the highest on the department, good time day help, then something about living requirements. He lives 8 miles west of town and he use to live 8 miles east of town. Like I said he makes more calls than anyone else in the department. As you can see there is a lot of support. I know they are just rumors but I had to address it.

PURCHASE POLICE VEHICLE

Dunlap moved to purchase new police vehicle from Hatfield Chevrolet in the amount of \$20,450 to be paid out of Equipment Reserve Fund 21-702-59999. Wellmeier seconded the motion. Voting aye: Bennett, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Abstaining: Burton. Motion carried 9-0 1-A.

MOVE 35% OF UNDER BUDGET AMOUNTS TO RESERVE FUNDS

Spieth moved to transfer 35% of the under budget amounts in addition to the budgeted reserves and move to Reserve Funds in each department in the General Fund only. This is subject to budget laws, and with the understanding that if any unpaid invoices for the year 2007 come in it will be reduced by that amount. The amounts are as follows: **Administration - \$8,472** under budget amount, **Street - \$7,702** under budgeted amount, **Cemetery - \$12,600** \$2,600 under budgeted amount + \$10,000 budgeted to reserve , **Parks - \$1,746** under budgeted amount, **City Pool - \$8,703** \$3,703 under budget amount + \$5,000 budgeted to reserve, **Property - \$2,078** under budgeted amount, **Police - \$23,351** under budgeted amount, **Animal Control - \$1,407** under budgeted amount, **Fire - \$28,982** \$3,982 under budgeted amount + \$25,000 budgeted to reserve. Smith Dewey seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

During the Council Reports Councilmember Spieth noted he forgot to bring something up about the Reserve Funds. The Department Heads need to determine, in the General Fund only, what percentage goes to Capital Reserve and what percentage goes to Equipment Reserve in their departments.

MOVE \$40,000 TO ADA FUND

Spieth moved that after paying budgeted reserves and non budgeted reserves to take **\$40,000 and put towards an ADA fund** upon the advise of the auditor. Smith Dewey seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

GARBAGE RESERVE FUND

Spieth moved to transfer **\$12,000 to the Garbage Reserve Fund** with the understanding that if any unpaid invoices for the year 2007 come in it will be reduced by that amount. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

WATER RESERVE FUND

Spieth moved to transfer **\$104,138 to the Water Reserve Fund** with the understanding that if any unpaid invoices for the year 2007 come in it will be reduced by that amount. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

SEWER RESERVE FUND

Spieth moved to transfer **\$17,470 to the Sewer Reserve Fund** with the understanding that if any unpaid invoices for the year 2007 come in it will be reduced by that amount. Smith Gary seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

EMPLOYEE STEP INCREASE – ANDREW ESTRADA

Nepple moved to give annual step increase to Andrew Estrada to \$10.55 Range 8 Step B, per Appendix A-1, due March 11, 2008 and payable on the April 11, 2008 payroll and retro pay back to March 11, 2008. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

EMPLOYEE PROMOTION – ANDREW ESTRADA

Nepple moved to give promotion to Andrew Estrada to Patrol Officer II to \$11.28 Range 9 Step B per Appendix A-1, upon his graduation from KLETC on March 7, 2008, payable on the April 11, 2008 payroll and retro pay back to graduation date. Dunlap seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

EMPLOYEE STEP INCREASE – CHARLES E. SHARP

Nepple moved to give annual step increase to Charles E. Sharp to \$18.27 Range 15 Step E, per Appendix A-1, due April 6, 2008 and payable on the April 25, 2008 payroll. Burton seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

POOL MANAGERS – KATHY BOND & MEGAN SMITH

Nepple moved to hire Kathy Bond and Megan Smith as City Pool Managers for the 2008 year under same contract as last year. Dunlap seconded the motion. Voting aye: Bennett, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: Burton. Motion carried: 9-1.

EMPLOYEE RESIGNATION – ERIC DAVOLT

Nepple moved to accept the resignation of Eric Davolt as of April 21, 2008 providing he full fills his 2 week obligation to be eligible for rehire. Bennett seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

EMPLOYEE RESIGNATION – ARON BURTON

Nepple moved to accept the resignation of Aron Burton as of April 21, 2008 providing he full fills his 2 week obligation to be eligible for rehire. Bennett seconded the motion. Voting aye: Bennett, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Abstaining: Burton. Motion carried: 9-0 1-A.

APPOINTMENT TO COLUMBUS HOUSING AUTHORITY– ANITA DAVOLT

Burton moved to accept the Mayor’s reappointment of Anita Davolt to the Columbus Housing Authority. Smith Dewey seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Wellmeier. Voting nay: None. Abstaining: Spieth. Motion carried: 9-0 1-A

APPOINTMENT TO COLUMBUS HOUSING AUTHORITY– KITTY MACKENSEN

Burton moved to accept the Mayor’s reappointment of Kitty Mackensen to the Columbus Housing Authority. Hosier seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Wellmeier. Voting nay: None. Abstaining: Spieth. Motion carried: 9-0 1-A

VOLUNTEER FIRE FIGHTER – JASON ALLISON

Burton moved to accept the Mayor’s appointment of Jason Allison as Volunteer Fire Fighter. Smith Dewey seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

Meetings:

Sanitation

Wednesday April 16, 2008 @ 6:00 pm

Personnel

Wednesday April 16, 2008 @ 7:00 pm

ADJOURNMENT

Burton moved to adjourn the meeting at 7:39 pm. Paradee seconded the motion. Voting aye: Bennett, Burton, Dunlap, Hosier, Nepple, Paradee, Smith Dewey, Smith Gary, Spieth, Wellmeier. Voting nay: None. Motion carried: 10-0.

Janice Blancett, City Clerk