

The Oakley City Council met in regular session on October 7, 2019, in the meeting room at the Oakley Fire Station, 215 Hudson Avenue at 7:00 PM. Mayor Whyte presided.

Council members present. Jordan Burris, Chris Dorman, Ilene Nickel and Shane Stephenson were present; Leasa Huddle was absent.

City staff present. City Administrator Bradley Pendergast, City Clerk Leann Hughes, Police Chief Daniel Cooper, Ronnie Rumback, Parks/Cemetery Director Russell Moellering, Anthony Repshire, Street Director Edwin Burris, Water/Wastewater Director Rodney Huffman, William Cunningham and Barbara Kelly.

Others present. Agent Justin Whyte with Kansas Department of Revenue, Alcoholic Beverage Control, Eric Sperber and Danette Repshire.

Call to order. Mayor Whyte called the meeting to order at 7:00 PM.

Minutes. Councilmember Burris made a correction to the September 16, 2019, minutes, Action #11125; the motion did not reflect the second by Nickel. Burris moved to approve the minutes of the September 16, 2019, regular meeting as corrected. Nickel seconded. Motion carried unanimously. Action (#11130).

AP Payment Register. Stephenson moved to approve the October 2, 2019, AP Payment Register for checks dated September 30, 2019, in the amount of \$128,641.17 (Check Nos. 45764-45771; and 45779-45800). Dorman seconded. Motion carried unanimously. Action (#11131).

Stephenson moved to approve the October 4, 2019, AP Payment Register in the amount of \$64,634.92 (Check Nos. 45801-45834; 9252019 and 10042019). Dorman seconded. Motion carried unanimously. Action (#11132).

Time Entry Report. Dorman moved to approve the Time Entry Report for September 8, 2019 to September 21, 2019, in the amount of \$42,683.13 for 2,236.00 hours (ACH Nos. 94367-94401; Check Nos. 17202-17204; AP Check Nos. 45772-45778; Wire Nos. 490-493). Stephenson seconded. Motion carried unanimously. Action (#11133).

Citizen Request to Speak. None.

Department Head Reports. Covered in Administrative Reports later in the meeting.

The Golf Course Lease, Ordinance Permitting Alcohol & CMB Sales at Golf Course and PTO Policy items were moved up on the agenda to this point.

Golf Course Lease. Administrator Pendergast reviewed the draft Lease with the Oakley Country Club, Inc., with the Council, which was included in the packets. Discussion followed. It was the consensus of the Council to have Pendergast meet with the Golf Course Board to review the draft Lease, then for him to bring it back to the Council for approval.

Ordinance Permitting Alcohol & CMB Sales at the Golf Course. Pendergast explained the Oakley Country Club changed their licensed premise on which they are able to sell alcohol and CMBs to include the golf course and they are changing the type of license from Private Club to Drinking Establishment. Since the property is owned by the City, an ordinance is required to permit this activity. Agent Justin Whyte was available to answer any questions from the Council. Burris moved to approve Ordinance No. 1161, amending Section (c)(2) of Ordinance 1141; providing for the public sale and consumption of

alcoholic liquor & cereal malt beverages, contingent upon the City's insurance carrier not having any issues with the Ordinance. Nickel seconded. Motion carried unanimously. Action (#11134).

PTO Policy. Administrator Pendergast discussed drafts provided in the packets for Paid Time Off policies which had the same accrual and maximum rates as the current vacation/sick leave policy. Discussion followed. Councilmember Burris inquired of Russell Moellering if the employees had reviewed the draft. Moellering stated they did and those employees who attended an employee meeting on Friday, October 3, 2019, were in favor of leaving the current vacation/sick leave policies in place instead of changing to a PTO policy. Burris moved to leave the current vacation/sick leave policies in place in the Employee Handbook. Stephenson seconded. Motion carried. Burris, Dorman and Stephenson voting yes; Nickel voting no. Action (#11135).

#### NEW DISCUSSION/ACTION ITEMS:

Permission to Use Oakley Logo – Annie Oakley Motel. Pendergast reported the Annie Oakley Motel is asking for permission to use the Oakley logo with the buffalo on a white fence on their property. Discussion followed. Burris moved to grant permission to Annie Oakley Motel to use the Oakley logo with the buffalo on a white fence located inside the parking area at the rear of their property on Center Avenue with the stipulation the City may request the logo be removed at any time and may also request the logo be re-painted or re-furbished when needed or that it be removed if in disrepair. Dorman seconded. Motion carried unanimously. Action (#11136).

Resolution for Hearing – 227 Edgerton Avenue. Pendergast presented an inspection report for the property at 227 Edgerton Avenue. Discussion followed. Stephenson moved to approve Resolution No. 2019-11, fixing the date and time for a hearing on an unsafe or dangerous structure located at 227 Edgerton Avenue. Burris seconded. Motion carried unanimously. Action (#11137).

Lift Station Pump Replacement. Administrator Pendergast reported the pump at Lift Station 5 went down last month so the spare pump was installed while waiting on repairs. The spare pump broke down during that time and repairs would be as much as a new one so Water/Wastewater Director Huffman obtained pricing for a replacement as follows: 1. Salina Supply Company – S4XP750FC Hydromatic 7.5HP SWG Pump - \$7864.80; and 2. K-C Motor & Electric, Inc. – Hydromatic PXP750 - \$8,150.00. Huffman noted that neither bid includes freight. Stephenson moved to approve the bid from Salina Supply Company for a S4XP750FC Hydromatic 7.5HP SWG Pump in the amount of \$7,864.80 plus freight. Burris seconded. Motion carried unanimously. Action (#11138).

Cafeteria Plan Third Party Administrator. Pendergast reported that Clerk Hughes requested the City consider a Third Party Administrator for the City's Cafeteria Plan/Flexible Spending Account. Pendergast noted both the auditors and the League of Kansas Municipalities recommend this not be administered by the City. Clerk Hughes noted a concern for making sure all regulations are understood and followed. Pendergast shared an estimate of costs from WageWorks and noted another company, TASC, has not yet sent information. It was the consensus of the Council to have Pendergast obtain quotes from both companies.

Drainage at 1015 W. 2<sup>nd</sup> – USDA. Pendergast reported he had been contacted by Alan Townsend, nephew of Leo Townsend, who owns the USDA building at 1015 W. Second Street, concerning the work the City had done in front of the building. He explained the situation to Townsend and then was also contacted by Attorney Michael Day from St. Francis, Kansas, who had been asked by Alan Townsend to check into the matter. Pendergast was informed the tenants of the building are upset with the drive being closed. Discussion followed. It was the consensus of the Council to have Pendergast make a courtesy call to Mr. Day but felt that unless Mr. Day represents the owner or it is made apparent that Alan Townsend does have some ownership, this matter has to be dealt with between the City and the owner, Leo Townsend.

Diesel Fuel Tank. Pendergast and Street Director Edwin Burris presented pricing for a 520 gallon diesel fuel tank to be used for reserve fuel for City equipment in the event of a long power outage. Discussion followed. It was the consensus of the Council to have Pendergast and Burris obtain more complete pricing, including the cost for a concrete slab and spill containment, if found necessary, and bring it back for further discussion at a future meeting.

Ordinance Permitting Alcohol & CMB Sales at Golf Course. Moved up on the agenda to an earlier time.

#### UNFINISHED DISCUSSION/ACTION ITEMS:

Golf Course Lease. Moved up on the agenda to an earlier time.

PTO Policy. Moved up on the agenda to an earlier time.

Commercial Refuse Rates. Pendergast presented a draft of commercial refuse rates to change from rates based on type of business to rates based on number of times trash is collected. Discussion followed. It was the consensus of the Council to have Pendergast revise the draft to include two options for having trash collected rather than one flat rate.

Tree Ordinance Discussion. Pendergast presented a new draft Tree Ordinance with changes noted from the September 16, 2019, meeting for review. The Council noted a few additional changes. Pendergast will make revisions and bring it back for consideration at a future meeting.

#### ADMINISTRATIVE REPORTS/DISCUSSION:

Bradley Pendergast, City Administrator. Administrator Pendergast reported on several activities of the various departments of the City. No action was taken.

Leann Hughes, City Clerk. No report.

#### MAYOR AND COUNCIL REPORTS/DISCUSSION:

Council Member Burris inquired about the painting of curb lines at St. Joseph School. Street Director Edwin Burris stated they ran out of paint and did not purchase more because this section of curb is going to be replaced. Council Member Jordan Burris inquired about the recycling building; Pendergast responded that he had just checked with the Landfill Director, Marc Burris, and the project should be started soon.

Council Member Dorman inquired about mosquito spraying. Pendergast stated it is probably done for the year with the weather changing.

Council Member Nickel stated she had not previously understood that the City Council Members could elect to be on the City's Health Insurance Plan. Administrator Pendergast will check on the cost for this for discussion at a future meeting.

Council Member Burris requested Unfinished Business be listed on every Agenda until it is taken care of even if some of the items are not going to be addressed at every meeting. Pendergast agreed to make that change.

Council Member Stephenson inquired about the status of the new Police vehicles. Chief Cooper noted the strike is ongoing which is delaying delivery. Stephenson inquired if there is anything in the terms of the contract about delivery of the units. Pendergast will check this and confer with City Attorney Hirsch.

Mayor Whyte inquired about what could be done with the property on the southeast corner of Third Street and Cornell Avenue. Pendergast stated a Resolution could be passed for a health nuisance even though there is a pending abatement on this property in Municipal Court; he will prepare one for consideration at the next meeting.

Adjourn. Stephenson moved to adjourn the meeting. Dorman seconded. Motion carried unanimously. Action (#11139). Mayor Whyte adjourned the meeting at approximately 8:40 PM.

Leann M. Hughes, CMC  
City Clerk

APPROVAL OF MINUTES:

The members of the Council acknowledged receipt of a copy of the minutes; said minutes were approved as presented at the October 21, 2019, regular meeting.