

**CITY OF NEW STRAWN
COUNCIL MEETING
Thursday, February 8, 2018
New Strawn City Hall
7:00 p.m.**

Call to Order: Mayor Mark Petterson called the regular monthly meeting of the New Strawn City Council to order at 7:00 p.m. at City Hall.

Those present were: Council Member Jim Weeks
 Council Member Jeanne Haas
 Council Member Gary Haehn
 Council Member Rhonda Taylor
 Council Member Richard Croll

Others present were:

City Superintendent Ron Parkey	City Clerk Kerry Templeton
City Maint. Worker Steven Dwight	City Attorney Denise McNabb
Russ Taylor	Rod Maley
Illa Weeks	County Commissioner Bob Saueressig
Rob McDonald	Steve Hopkins
Marc Chester	Susan Croll

Flag Salute: The meeting opened with the Pledge of Allegiance.

Agenda Additions:

Mayor's Report:

- d. **ADDED:** Executive Session to Discuss Potential Litigation with Legal Counsel
- f. **ADDED:** Amendment to MT Networks Franchise Agreement
- g. **ADDED:** Planning Commission Appointment

Community Building Report:

- b. **ADDED:** Job Description for Janitor

Old Business:

- b. **ADDED:** Jeff's Towing

Consent Agenda Additions:

None

Consent Agenda:

- Move to approve the minutes of the January 11, 2018 regular council meeting
- Move to approve the January 2018 warrants in the amount of \$62,643,298
- Move to approve the January 2018 payroll in the amount of \$13,125.27
- Move to approve 2018 Plumbing License for B & H Appliance, Plumbing, Heating & A/C
- Move to approve 2018 Contractor License for Thomas Outdoor Advertising

Council member Haehn moved to approve agenda with additions as presented. Croll seconded. Motion passed 5-0.

Public Comments:

None

Council member Haas moved to approve the consent agenda as presented. Haehn seconded. Motion passed 5-0.

Financial Report:

Council member Haas moved to approve additional warrants in the amount of \$8,421.38. Haehn seconded. Motion passed 5-0.

Two special tax assessments had been received in the amount of \$600.00 for mowing fees incurred.

Staff Reports:

City Clerk Templeton discussed updating the Approved for Payment Vendor List with Council. She noted that the current list is outdated and has vendors listed that are no longer utilized. The current list is also missing several vendors that the City has maintenance contracts with as well as due dates that fall so close to council meeting dates it makes it impossible to have them paid before late fees are incurred.

Council member Croll moved to approve the proposed new list of ‘approved for payment’ vendor list as presented. Haehn seconded. Motion passed 5-0.

Templeton reported that a membership dues invoice had been received from the Southeast Kansas Regional Planning Commission and that Coffey County Economic Development would once again be paying the dues for New Strawn in the amount of \$50.00.

Templeton noted that forty-five Lead & Copper Surveys had been returned so far from residents. The surveys were included with the water bills in January and New Strawn needed at least twenty-four to meet requirements. She reported that over \$400 had been collected in fishing permits sold since the trout had been released into the City Lake the last part of January. One hundred sixty animal licenses have been issued since the first of January.

Templeton reported that the first half of County Grant Funds had been received in the amount of \$56,609.75 and thanked Coffey County Commissioners for their continued generosity regarding grant funding for New Strawn’s Infrastructure and Park & Recreation funds.

Zoning Administrator Carl Ware stated that the New Strawn Planning Commission will meet on February 13, 2018 at 7:00 p.m. at City Hall. Ware also reported that the Planning Commission will be holding public hearings on February 27, 2018 at 6:00 p.m. at the community building and that Bickley Foster & David Foster would be in attendance to field questions and oversee the proceedings.

Mayor's Report:

Council member Weeks moved to approve the MT Networks Tower Lease Agreement Contract as approved by the City's legal counsel, and to allow Mayor Petterson to sign the agreement acting as agent for the City of New Strawn. Taylor seconded. Motion passed 5-0.

Council member Taylor moved to approve Amendment A, an amendment to MT Networks Contract Franchise Ordinance No. 2015-09, which states that due to the nature of the wireless internet service provider (WISP) business not accessing public right of ways or buried City infrastructure, it is agreed upon that the franchise fee requirement of 2% on all collected WISP revenues will be waived. Weeks seconded. Motion passed 5-0 by a show of hands.

A letter of opinion was reviewed from C. Bickley Foster of Foster & Associates regarding a possible conflict of interest concern raised by Council member Weeks involving Richard Croll and Robert Harkrader, members of the New Strawn Planning Commission. Mr. Foster's professional opinion expressed in the letter was that no conflict of interest existed. There was discussion.

Weeks' thoughts involving the letter of opinion were that Mr. Foster stated in the letter it was not a legal opinion and Council member Weeks also felt that the opinion letter focused more on the proposed new zoning regulations rather than the City's current zoning regulations.

Council member Haas asked City Attorney McNabb if a legal opinion had been obtained from the League of KS Municipalities in regards to a possible conflict of interest and McNabb stated that she had not reached out to the League because Mayor Petterson had indicated to her that this letter of opinion from Mr. Foster was forthcoming. She had sought counsel from a colleague who has twenty plus years of experience in municipal law and reported to Council that both she and her colleague were of the same opinion as Bickley Foster in that no such conflict of interest existed.

Haas felt that an opinion should be sought from the League of KS Municipalities on whether a conflict of interest exists. Council member Taylor agreed in order for the whole issue to be put to rest.

Council member Haehn stated that he had been approached by at least ten different citizens who expressed to him that they felt some of the issues that continue to be discussed and revisited appear to be associated with a personal vendetta of some sort and that he was embarrassed.

Taylor stated that it does seem to her that things have gotten out of hand with dealing with employees, dealing with the City's zoning administrator and that Council member Weeks may be the one with a conflict of interest since he lives across the street from Richard Croll and perhaps should refrain from voting on any matter involving the possible conflict. Taylor further stated that it was not appropriate to treat people the way that Council member Weeks has been treating employees. Weeks denied any conflict of interest based on the fact that he had nothing financially to gain.

Council member Croll asked Council member Weeks how many days he had supposedly been working out of his accessory building. Weeks said that he didn't know. Croll responded that he had received a call from the City's zoning administrator stating he had been yelled at by Weeks on the phone because he was allowing Croll to work out of his accessory building. Croll again

asked Council member Weeks how many clients he had met in the accessory building and Weeks again responded that he did not know but knew of at least one. Croll stated that had been a friend and not a client and maintained that he is not operating his home-based business out of the accessory building in the capacity that Weeks claims he is.

Council member Haehn stated that the council needs to get back to being professionals. He noted that decisions have been made by Council in the past that he disagreed with but he accepted the outcome of the vote (s) and the decisions made.

Council member Taylor moved to accept, with regret, Richard Croll's letter of resignation from the New Strawn Planning Commission, effective January 5, 2018. Haehn seconded. Motion passed 4-0-1 with Croll abstaining from the vote.

Council member Haehn moved to enter into an executive session to discuss potential litigation with our legal counsel pursuant to the exception for matters which would be deemed privileged in the attorney-client relationship under KOMA at 7:31 p.m. for five minutes, regular open meeting to resume at 7:36 p.m. Haas seconded. Motion passed 5-0.

Open meeting resumed at 7:36 p.m.

Council member Haas moved to enter into an executive session with legal counsel in attendance to discuss an individual employee's performance pursuant to the non-elected personnel exception under KOMA at 7:39 p.m. for ten minutes, regular open meeting to resume at 7:49 p.m. Weeks seconded. Motion passed 5-0.

Open meeting resumed at 7:49 p.m.

Council member Haas moved to enter into an executive session with legal counsel in attendance to discuss an individual employee's performance pursuant to the non-elected personnel exception under KOMA at 7:51 p.m. for five minutes, regular open meeting to resume at 7:56 p.m. Weeks seconded. Motion passed 5-0.

Open meeting resumed at 7:56 p.m.

Council member Haas moved to enter into an executive session with legal counsel in attendance to discuss an individual employee's performance pursuant to the non-elected personnel exception under KOMA at 7:58 p.m. for ten minutes, regular open meeting to resume at 8:08 p.m. Weeks seconded. Motion passed 5-0.

Open meeting resumed at 8:08 p.m.

There was brief discussion regarding amending or reorganizing the minutes of the December 19, 2017 Planning Commission meeting. Zoning Administrator Ware stated that the Planning Commission plans on amending the minutes of the December meeting at the February 13 meeting. The amendment will reflect a 3-0 vote rather than a unanimous vote regarding the motion to set a hearing date.

Council member Haas moved to approve the Mayor's appointment of Dale Williams to the New Strawn Planning Commission & Board of Zoning Appeals, filling the unexpired vacant seat which will expire on May 31, 2019. Taylor seconded. Motion passed 5-0.

Finance and Economic Development:

None

Community Building Report:

Council member Taylor discussed the issue of people continuing to dump personal trash in the dumpster at the community building. She had noticed the dumpster literally overflowing recently and asked if any progress had been made in regards to a solution to the problem, such as a lock being placed on the dumpster, 'no dumping' signs or even a fence built around it. There was discussion. Templeton will contact Waste Management, the owner of the dumpster, to see if they are opposed to having a lock placed on it.

Council member Weeks had drafted a job description for the contract janitor/custodian position being sought for the community building and park restrooms. Council reviewed the document and made a few minor changes.

Council member Croll moved to approve the amended job description for a contract janitor. Taylor seconded. Motion passed 5-0. An ad for the position will run for two weeks in the City's official newspaper, the Coffey County Republican.

Utility Report:

None

Street Report:

Council member Taylor thanked employees Parkey and Dwight for the recent snow removal performed.

Public Relations Report:

Council member Haas stated that after dealing with a lot of phone calls, ten people had volunteered to help with either an aspect of Strawnfest or to be part of a committee. Haas moved to establish a Strawnfest committee and to allow them to work with the City's budget of \$3,500 for Strawnfest. Weeks seconded. There was discussion

Council member Croll asked if this would just be a committee for one year and Haas stated that they had only volunteered for the June 30, 2018 date for now. Croll wondered if it should be called a task force rather than a committee so as to sound less daunting to the volunteers. Haas amended her motion to move to establish a Strawnfest task force and to allow them to work with the City's budget of \$3,500 for Strawnfest. Motion passed 5-0.

Council member Haas stated that because of complaints and concerns several of the ladies had volunteered to hold a breakfast fund raising event and to donate all the proceeds towards upgrading the city parks. Haas moved to allow the Strawnfest task force to use free of charge the community building Friday night, Saturday and Sunday for clean-up. Templeton stated that the community building was reserved for those dates. Weeks stated that he thought the city reserved the community building for the day of Strawnfest. Mayor Petterson pointed out that Strawnfest is scheduled about a week later than it normally has been held and asked if everyone was aware

that Gridley's Fourth of July celebration was also scheduled for June 30. Haas said she was very much aware of that factor and also that the Coffey County Wellness Committee had moved the Trail Walk to June 23. Taylor stated that it appeared a different venue would need to be sought. The mayor stated that it might be possible to work with the fire station and hold the breakfast fund raiser there, or perhaps Radiant Life Church. Haas noted that the church had already volunteered to do parking and maybe an activity of some sort. She also noted that concerns had been raised after last year's Strawnfest about children running across different avenues of the street and suggestions had been given regarding blocking off certain areas and the flow and the church was open to doing some youth activities. Mayor Petterson asked if Haas wished to withdraw her motion and she stated that there was nothing to do since it was rented and she withdrew her motion and would see what the girls wanted to do. Haas stated that the understanding, in visiting with a couple of the task force volunteers, was that how they would work the supplying if it was agreeable to council was that they would ask for donations sent to the city because New Strawn buys the insurance and all contracts be sent to the city because we are liable for the property. Council member Haas also stated that a couple of the volunteers were willing to contact food vendors and craft vendors to be present at the event and that comments were made about having a Strawnfest event like it used to be. Other suggestions and ideas included an indoor movie after the meal and other children's activities.

Council member Haas noted that in the last few years Council has furnished a meal in the evening and asked if the intention was to continue to offer a free bar-b-que. Council member Taylor stated that she would be unable to participate due to health issues and felt she should not be part of a discussion regarding a free picnic. Council member Croll felt that it might be a slap in the face to food vendors and sort of undercutting them if Council were to provide a free picnic. Mayor Petterson was of the same opinion, as were Haehn and Taylor, but suggested that instead of a breakfast fund raising event perhaps a different type of fund raiser could be planned. Haas stated that she would report back to the task force on Council's decisions and would have an update for Council on the progress of plans at the March meeting. Council member Haas reminded everyone that 2020 would be New Strawn's fifty year anniversary and that should be taken into consideration during budget preparation.

Templeton asked if a fireworks display was being planned for the event. Council member Haas moved to ask Big Daddy's Fireworks to put on a fireworks display for \$2,500 as has been done in the past. Croll seconded. Taylor asked if that would be for Strawnfest and Haas stated that was what the city has been doing and she had not changed anything. Mayor Petterson asked if that amount was in addition to the \$3,500 Strawnfest budget and Haas stated that it was. Croll asked if anyone had contacted Big Daddy's Fireworks and the response was no. Council member Croll questioned whether prices of fireworks have gone up because if the city just keeps giving the same amount each year it seemed to him that the shows would get smaller and smaller. Clerk Templeton stated that someone other than herself would need to contact Big Daddy's Fireworks to discuss the costs associated with a display. Mayor Petterson asked if there had been other people who had given donations for the fireworks display in the past. Templeton stated that in years past donations have been received that were intended solely for the fireworks display rather than the other Strawnfest festivities but for the past several years all donations received have gone towards the other expenses associated with the event and not for fireworks. Motion passed 5-0.

Council member Haas discussed the Veteran's Day Banner Program which was started by the Floyd Lewis Foundation in Burlington. Haas explained that the foundation wants to expand the

program and get all the cities within Coffey County involved. She stated that some cities have already committed to the program. Haas explained that New Strawn could use the Floyd Lewis Foundation flyers as a template and personalize them for our city. She said that she had counted approximately thirty five poles between 15th and 17th Roads that could possibly host a banner but permission did need to be obtained from Lyon Coffey Electric to place brackets on the poles. Steve Lewis had found a distributor to purchase the brackets for approximately \$50 and the city, if interested, could purchase brackets on his order. The flags would need to be hung by the last week of October, 2018 and Haas said they would like to have all forms and orders for banners submitted ninety days prior to that for proofing, so approximately by July 1, 2018. The banners would be displayed the last week of October through December 1st. Banners would be displayed for three years and at the end of that period they are returned to the veterans' families and the option is given to the family at that time to either purchase a new banner or relinquish their spot on a pole to another veteran's family who may be on a waiting list. Large banners cost \$200 and smaller banners are \$150. Haas stated that she would like to see the city commit to purchasing ten brackets, which would be \$500 that could be taken from the General Fund, and perhaps ten veterans' families commit to purchasing a banner. Council member Haas stated there would be another county-wide meeting held once each city decided how they would handle the program and asked if Council wanted to handle the program or if they would prefer to try and have a community committee or task force formed. There was discussion.

Mayor Petterson suggested that the Public Relations Committee, which consists of Clerk Templeton, Council member Haas and Council member Taylor, work on the project. All three were very willing to do so and Council was in agreement that the project was a very worthy endeavor. Council member Haas moved that New Strawn look into the Veteran's Day Banner Project working through the Public Relations Committee as head of the committee while welcoming any volunteers from the community that wish to join it. Weeks seconded. Motion passed 5-0.

Discussion continued and Council member Haas stated she would like to see the city commit to purchasing ten brackets for ten poles. Council member Croll was in favor of going ahead and purchasing brackets for all the poles. There was also discussion about whether only large banners can be utilized along the highway with smaller ones perhaps displayed along side streets. It was felt that someone should first discuss with Lyon Coffey Electric if their utility poles can be used for the project and, if so, which ones before any commitment is made in regards to purchasing brackets. Superintendent Parkey will contact a representative of Lyon Coffey Electric to discuss.

Park & Recreation Report:

Council member Haehn would like to see something done to beautify the islands at the City Lake such as planting pampas grass or some other blooming plant. Parkey stated that Leonard Jirak said he would replant wildflowers. Haehn directed Parkey and Dwight to brainstorm and see what kind of ideas they can come up with.

Public Safety Report:

A City Code violation issued to the owner of the New Strawn Apartments was discussed. Mayor Petterson stated that several attempts had been made to contact Terry Hummer by phone but to no avail so a certified letter notification of violation had been mailed on January 22, 2018. That letter went unclaimed after two attempted deliveries. City attorney McNabb was finally able to reach Mr. Hummer by phone on February 7, 2018 and gave verbal notification to him of the

violation issued. McNabb conveyed to Council that Mr. Hummer stated to her he was in a contract disagreement with his trash carrier and, therefore, the apartment trash was not being picked up. McNabb explained to Mr. Hummer that, while she understood his position as a business owner, he still had to come up with a temporary and long-term solution to the trash accumulating on the property because it is a code violation and he has ten days to abate the issue before the City takes additional measures. Clerk Templeton will try to reach Mr. Hummer by phone on Friday, February 9 to convey names of possible waste management providers as well as the name of a tenant that might possibly be willing to assist in removing the current accumulation of trash. McNabb further explained that per City Code and state statute Mr. Hummer has ten days to either abate the nuisance conditions or request a hearing before the governing body. If he fails to do either of those things within the ten day period then Council may pass a resolution which states if he fails to abate within another ten day period then Council may abate the nuisance and assess the cost to him.

New Business:

None

Old Business:

Council member Weeks had made some revisions to a draft of a proposed zoning permit he has been working on and presented to Council. Council member Taylor asked if Weeks intended to present the proposed permit to the New Strawn Planning Commission at their meeting to be held on February 13, 2018. Weeks, the liaison for the Planning Commission, stated he was not planning on presenting it to the Planning Commission as it is just a draft. He also stated he did not expect any action to be taken on approving the permit at this time, but would like for Council to review it and discuss at the March meeting.

Council member Haehn discussed the appearance of Jeff's Towing & Recovery Business. Haehn stated that after a City Code violation had been issued to the Chandlers and a diversionary agreement had been reached, the property had been somewhat cleaned up for a while. Now, in Haehn's opinion, the property is looking more like a salvage yard again and he feels that Mr. Chandler is in violation of City Code again. Council member Weeks agreed and stated he had noted more than one demolition derby car outside the fenced area. Haehn stated that his understanding was that items such as wrecked vehicles, two-wheeled trailers and other items were to be kept inside the fenced area and was of the opinion that the property needed inspected for possible code violations. There was brief discussion and Attorney McNabb clarified that any possible violations would be new violations and would not be connected to the previous violation issued or the diversionary agreement terms.

Other Business:

None

Adjourn:

The meeting adjourned at 9:20 p.m.