

Approved

City of Peabody  
Minutes of the City Council Meeting  
July 25, 2022

Office of the City Clerk  
July 25, 2022

**CALL TO ORDER:** The regular meeting was called to order by Mayor Spencer at 7:00 p.m. in the Council Room at City Hall located at 300 N. Walnut, Peabody, Kansas. The following council members were present: Alan Gillen, Catherine Weems, Jay Gfeller, Rick Reynolds, and Lindsay Hutchison. A quorum was established.

**STAFF:** Bruce Burke – Chief of Police, Beth Peter – Court Clerk, Lori Pickens – City Treasurer, Taylor Ensminger – City Clerk

**VISITORS:** Linda Martinez, Zac Thackston, Pandeia Smith, Joseph Uhlman, Terri Tucker, Daren Neufeld, David Beckner, Joey Hutchison, Kristi Silvernale, and Marcia Sebree

**THE PLEDGE OF ALLEGIANCE**

**I. MINUTES:**

The council reviewed minutes of the Regular City Council Meeting held on July 11<sup>th</sup> and the Special Meeting held on July 13<sup>th</sup>;

**II. APPROPRIATIONS:**

PAYROLL 2022 7B	\$13,504.59
PAYROLL 2022 7B extra tax & benefits	\$10,834.62
PAYABLES 2022 7B	<u>\$21,299.76</u>
<b>Total</b>	<b>\$45,638.97</b>

**MOTION** by Rick to approve July 11<sup>th</sup> minutes, seconded by Lindsay. Motion carried 5-0

**MOTION** by Lindsay to approve July 13<sup>th</sup> minutes, seconded by Catherine. Motion carried 4-0-1 with Rick abstaining.

**MOTION** by Catherine to approve Payroll and Payroll tax & benefits 7B and Payables 7B, seconded by Jay. Motion carried 5-0.

**III. PUBLIC COMMENT:**

Pandeia Smith asked if she could purchase publications from the League of Municipalities for the Planning & Zoning Commission and asked if she would need approval from the Council.

Terri Tucker reported an updated regarding the trap/neuter/release program and said that costs are dependent on how many cats we anticipate catching and which vet the city chooses to use.

**IV. APPROVAL OF AGENDA:**

Request to add Joe Uhlman and an Executive Session to the agenda.

**MOTION** by Lindsay to approve the agenda with additions, seconded by Rick. Motion carried 5-0.

**V. AGENDA ITEMS:**

Daren Neufeld informed Council that we received KDHE Loan Forgiveness of \$1,000,000. October 15<sup>th</sup> is the application deadline. Before then, a publication must be put in the paper for a public hearing regarding an ordinance and we will have to submit paperwork to the appropriate people to meet the environmental requirements. Daren recommends submitting the application for the entire \$6,000,000.

Joey Hutchison from the Planning and Zoning Commission recommends passing an ordinance regarding fishing ponds and swimming pools. Joe Uhlman is going to do research for this.  
Joey discussed possible fines or a protocol to follow when there is failure to obtain a building permit. Joe Uhlman is going to write something for this.  
Planning & Zoning would like to restructure building permit fees, work on creating a new building permit application, and create a policy regarding building permit renewals

Planning & Zoning held two hearings for the variance application from the Peabody Mainstreet Association on June 20<sup>th</sup> and July 20<sup>th</sup>. A second meeting was held in July after not giving proper notification of the hearing.  
The Planning & Zoning Commission recommendation regarding the variance is as follows:

The Board of Zoning Appeals recommends approval of the variance request from Peabody Main Street Association to replace the roofs at 107 N. Walnut St and 109 N. Walnut St without raising the general elevation of the buildings in contravention of FEMA requirement that buildings in the floodplain must be one (1) foot above Base Flood Elevation with the following stipulations:

1. This variance shall apply only to the properties at 107 N. Walnut St and 109 N. Walnut St. Variance requests are reviewed on a case-by-case basis and are not approved by a "blanket variance".
2. The Board recommends that concrete stem walls be built to 1 foot above BFE for the support of the new walls. This will ensure that all new construction that is done below the BFE is as flood resistant as possible.
3. The granting of this variance shall apply only to the elevation of the ground floor of these properties and should not be construed as authorizing a variance for any other building code.

Issuance of this variance request would be in compliance with Ordinance 01-2011, Article 5, Section E (2).

Variances may be issued for the reconstruction, repair, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.

**MOTION** by Catherine to approve the Planning & Zoning Commission's recommendation, seconded by Alan. Motion carried 4-0-1 with Jay abstaining.

Joseph Uhlman presented the updated dog-at-large ordinance.

**MOTION** by Catherine to approve the dog-at-large ordinance, seconded by Rick. Motion carried 5-0.

Chief Burke placed placards for no water service on three properties.  
Currently three ongoing investigations for dangerous and unfit structures this month.  
Louis Litton's property is still out of compliance. Rick suggests a 14-day extension and review it at the next meeting.  
Investigation at 401 N. Spruce is complete. There have been numerous attempts at communication. Council told Chief Burke to issue the ticket.  
Chief talked to several other chiefs of police about their alternate vehicle permitting within city limits. They charge \$25.00 per vehicle per year with a valid driver's license and proof of insurance. Most cities have a self-adhesive sticker to put on the tag.

### **Reports from Standing Committees:**

**1. Water (Gfeller, Gillen) –** nothing to report

**2. Streets and Alleys (Spencer, Gfeller, Reynolds) –**

Discussion about the stop sign at 9<sup>th</sup> and Maple going South bound.

**3. Sanitation (Spencer, Weems, Reynolds) –**

The next city wide clean up day is October 2<sup>nd</sup>, but could change due to Fall Festival.

**4. Lights (Reynolds, Gillen) –**

There is one light out in the City Park playground area.

**5. Park and Swimming Pool (Spencer, Hutchison, Gillen) –**

The Rec Commission is looking at getting some new lights at the baseball field. Elcon provided a \$75K quote that would be split between the city, school, and rec commission.

**6. Building (Gillen, Reynolds) –**

Jay brought a quote for repairing the roundhouse at the park.

**7. Finance and Ordinance (Spencer, Weems, Hutchison) –**

**MOTION** by Lindsay to hold the RNR Hearing and the Budget Hearing on August 29<sup>th</sup> with the RNR meeting at 6PM, immediately followed by the Budget Hearing, followed by the regular meeting, seconded by Catherine. Motion carried 5-0.

**8. Economic Development Committee (Gfeller, Hutchison) –**

PMSA wants the city to budget money for them.

Tom received an email regarding an economic opportunity for rural communities outside of Wichita. An agricultural company is looking for a 20-acre land plot to put a facility on. The deadline for the application is tomorrow, but is this something we need to know as an Economic Development Committee.

**9. Personnel (Spencer, Hutchison, Weems) –**

**MOTION** by Rick for a 15-minute executive session regarding non-elected personnel matters to include City Council, Mayor, and Chief Burke, seconded by Lindsay, Motion carried 5-0.

Entered into Executive Session at 10:04pm.

Called back into Regular Meeting at 10:19pm.

**Report from the Mayor –**

**VI. ENCLOSURES:**

Minutes from July 11<sup>th</sup> Regular Meeting and July 13<sup>th</sup> Special Meeting  
PAYROLL 2022 7B  
PAYROLL 2022 7B extra tax & benefits  
PAYABLES 2022 7B

**VII. ITEMS TO BE ON AGENDA FOR UPCOMING MEETINGS:**

**VIII. ADJOURNMENT:**

There being no more business to be brought before the council.

**MOTION** by Rick to adjourn the meeting at 10:21 p.m., seconded by Lindsay. Motion carried 5-0.

## **CERTIFICATE**

I hereby certify that the foregoing minutes are a true and correct recording of the proceedings of the governing body of the City of Peabody, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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Taylor Ensminger, City Clerk