

Approved

City of Peabody  
Minutes of the City Council Meeting  
September 12, 2022

Office of the City Clerk  
September 12, 2022

**CALL TO ORDER:** The regular meeting was called to order by Mayor Spencer at 6:18 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, Lindsay Hutchison, Jay Gfeller, and Rick Reynolds. A quorum was established.

**STAFF:** Bruce Burke – Chief of Police, Beth Peter – Court Clerk, Taylor Ensminger – City Clerk, Kaitlin Brunner – Police Officer, Josh Wilson – Police Officer, Bob Bartlett – Police Officer

**VISITORS:** Linda Martinez, Darin Neufeld, Pandeia Smith, Randy Dallke, Roxanne Dallke, Zac Thackston, Travis Wilson, Jylle Wilson, Joseph Uhlmann, McKenzie Ensminger.

**THE PLEDGE OF ALLEGIANCE**

803 N. Olive St. Public Hearing began at 6:18pm.

803 N. Olive St.

Vacant for approximately 40 years.

Ground floor appears secure

Pictures were taken, an investigation was performed, and a letter was served.

Property owners recently moved back from Texas and would like to tear the house down eventually.

Since being back, they've boarded up the windows on the bottom floor and they plan to bring in a dumpster next week.

Jay asked property owners to give Bruce a monthly update to include in his city council reports.

**MOTION** by Jay to allow property owners to move forward with the demolition plans and give the Chief of Police progress reports before the last council meeting of every month, seconded by Alan. Motion carried 3-0.

**MOTION** by Jay to adjourn public hearing at 6:33pm, seconded by Catherine. Motion carried 3-0.

207 S. Olive St. Public Hearing began at 6:35pm.

Absentee property owner.

**MOTION** by Jay to postpone this hearing and have Chief Burke set up a meeting between the property owners and the city building inspector to future evaluate the condition of the property, seconded by Catherine. Motion carried 3-0.

**MOTION** by Jay to adjourn public hearing at 6:43pm, seconded by Alan. Motion carried 3-0.

205 S. Olive St. Public Hearing began at 6:44pm

Property owner was not present.

**MOTION** by Catherine to postpone this hearing and have Chief Burke set up a meeting between the property owners and the city building inspector to further evaluate the condition of the property, seconded by Jay. Motion carried 3-0.

**MOTION** by Jay to adjourn public hearing at 6:48pm, seconded by Catherine. Motion carried 4-0.

Regular Council Meeting began at 7:00pm

**MOTION** by Jay to suspend order of agenda and go into the KDHE Loan Application Public Hearing, seconded by Lindsay. Motion carried 5-0.

Randy Dallke asked for a brief description of this project.

Darin Neufeld said that it will cover approximately 60 blocks scattered throughout town and the bulk of the project will include replacing water mains, hydrants, valves on main corridors, and adding a couple of loops on the exterior.

In accordance with a Notice published on August 8, 2022 in the Marion County Record, a newspaper of general circulation in the City, a public hearing was held by the Governing Body relating to a proposed loan in an amount not to exceed \$6,000,000 (the "Loan") to be taken by the City from the Kansas Public Water Supply Loan Fund (the "Fund") administered by the Kansas Department of Health and Environment ("KDHE") pursuant to K.S.A. 65-163c et seq. Proceeds of the Loan would be used by the City to finance certain modifications and improvements (the "Project") to the City's water supply and distribution system (the "System").

The mayor informed those present of the issues involved in the Governing Body making a decision whether to proceed with the Loan process, including entering into a loan agreement (the "Loan Agreement") with KDHE to fund the Project. Information regarding the scope of the Project, the proposed Loan repayment terms, the covenants proposed to be contained in the Loan Agreement and other relevant matters were discussed by the mayor and consultants to the City.

Members of the public were permitted to make statements and ask questions of the Governing Body and the City's consultants. After all present were given an opportunity to speak and ask questions, the mayor closed the public hearing.

**MOTION** by Jay to return to regular agenda, seconded by Catherine. Motion carried 5-0.

#### **I. MINUTES:**

The council reviewed minutes of the Regular City Council Meeting held on August 29<sup>th</sup>.

**MOTION** by Catherine to approve August 29<sup>th</sup> minutes, seconded by Lindsay. Motion carried 4-0-1 with Jay abstaining.

#### **II. APPROPRIATIONS:**

PAYROLL 2022 9A	\$12,800.18
PAYROLL 2022 9A extra tax & benefits	\$10,295.26
PAYABLES 2022 9A	<u>\$44,719.04</u>
<b>Total</b>	<b>\$67,814.48</b>

**MOTION** by Catherine to approve appropriations, deducting gWorks, seconded by Lindsay. Motion carried 5-0.

#### **III. PUBLIC COMMENT:**

On Wednesday the 14<sup>th</sup> Safe Kids Camp is bringing the circus to town.

#### **IV. APPROVAL OF AGENDA:**

**MOTION** by Catherine to approve the agenda, seconded by Alan. Motion carried 5-0.

**V. AGENDA ITEMS:**

**KDHE Loan Application**

The matter of proceeding with the application process came on for consideration and was discussed. Thereupon, Councilmember Lindsay Hutchison presented and moved the adoption of a Resolution entitled:

**A RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND**

Councilmember Catherine Weems seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: Five .

Nay: None .

The mayor declared the Resolution duly adopted; the city designating the same Resolution No. 2022-5.

Chief of Police Bruce Burke read aloud a letter regarding his intent to retire and be paid out for his accrued PTO and Vacation Days. September 23, 2022 will be his last day.

Chief Burke also informed the council that he received two resignation letters. One from Police Officer Josh Wilson and one from Police Officer Bob Bartlett.

**MOTION** by Jay to accept Chief Burke's retirement notification effective September 23, 2022, seconded by Rick.

Roll Call Vote:

Lindsay – nay

Jay – nay

Alan – nay

Catherine – nay

Rick – yea

Motion failed 4-1.

Tom Spencer resigned as mayor effective immediately.

**MOTION** by Jay to enter into an executive session to discuss non-elected personnel matters for 30 minutes with Bruce Burke, Joseph Uhlman, and the City Council, seconded by Alan. Motion carried 5-0.

Executive session began at 7:56pm

Back to regular session at 8:26pm

**MOTION** by Lindsay to enter into executive session to discuss non-elected personnel matters, seconded by Jay. Motion carried 5-0.

Executive session began at 8:28pm

Back into regular session at 8:58pm

**MOTION** by Jay that over the next two weeks the personnel committee will meet with all law enforcement employees to discuss decisions that are being made further in a professional setting and call special council meeting as necessary over the next two weeks to address any points that need to be discussed further with the city council as a whole, seconded by Catherine. Motion carried 5-0.

**MOTION** by Jay to suspend order and adjourn the council meeting at 9:18pm, seconded by Catherine, Motion carried 5-0.

VI. **ENCLOSURES:**

Minutes from August 29<sup>th</sup> Regular Meeting  
PAYROLL 2022 9A  
PAYROLL 2022 9A extra tax & benefits  
PAYABLES 2022 9A

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

207 S. Olive St  
205 S. Olive St.  
AAA Bid for City Hall Repair  
Dog At Large Ordinance  
Bulk Item Pickup Ordinance  
gWorks Quote

VIII. **ADJOURNMENT:**

**MOTION** by Jay to suspend order and adjourn the meeting at 9:18pm, seconded by Catherine. 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