

REGULAR COUNCIL MEETING – June 16, 2016 – GATEWAY – 5:00 P.M.

CALL TO ORDER – Acting Mayor Josh Williby called the meeting to order at 5:00 pm and the Pledge of Allegiance to the Flag was recited.

Roll Call of the Members of the City Council - Josh Williby, Rusty Addleman, Brandon Oien, Jim Marchello, and Marilyn Horn by telephone conference (left at 7:00). **Majority of the Body Present.**

Absent – Mayor Ladd Wendelin

Others Present – City Attorney Steve Hirsch, City Foreman David Sporn, Treasurer Steve Zodrow, Police Chief Troy Haas and Amy, Marilyn Black, Deb Klima, Mike & Bernita Gawith, Heather Walinder, Kari Morford, Jeannie Lavers, Dave Olson, Keagen Blau, Stephanie Blau, Kandi Ketterl, Diane Hofer with Olsson Associates, Jeff Younger with Secure Energy Consulting, Inc., Steve Riat, Ron Ellis, Mendi Alexander and Jessica Norris with Nex-tech, Angie Baldelomar with the Oberlin Herald and City Clerk Sandy Rush.

PROCLAMATIONS – none

APPOINTMENTS – none

PUBLIC COMMENT

Marilyn Black thanked David Sporn for posting the children playing signs in her neighborhood. She also wanted to know if the council was going to have any discussion regarding the swimming pool being closed on Sunday.

Heather Walinder and Kari Morford spoke on behalf of the Chamber of Commerce and wanted the Council to be aware of the three big events to be held September 10th at the Sappa Park. They wished to use all of the Sappa Park facilities and to control entrance of vehicles at the front gate. They request to be on the next meeting agenda to explain their plans in more detail.

CONSENT AGENDA

Approval of the minutes of the June 2, 2016 regular Council meeting.

Appropriations Ordinance – Payment of Bills

Addleman moved, second by Oien to approve the Consent Agenda. **Motion carried.**

OLD BUSINESS

Swim Meet Update - Stephanie Blau, Swim Team Coach, updated the Council about the swim meet that is scheduled to be held June 25th. She plans on informing the public that the pool will be closed that day through the Oberlin Herald, radio and the marquee at First National Bank. Bleachers for the baseball park, owned by the Lions Club had been approved to be used by Jack Benton and the team will do the work moving them. Eight teams in all will be involved in the meet with their being approximately 400 kids. The group also plans on using the Gazebo at the park for concessions that day.

Library Update regarding Dane Hansen Grant - Jeannie Lavers told the Council the Library had received \$27,000 for the planned remodeling to be done to the building which includes a new bathroom, automatic entryway and carpet. This will cover the expenses 100% and the project is projected to start in September.

Park Benches Update and Estimates - Deb Klima with the Park Committee asked for approval to hold three more Movies Under the Stars events at the City Park, to be held July 3, August 12 and 22, 2016. Oien moved, second by Addleman to approve the use of the Park. **Motion carried.**

Mrs. Klima also presented pictures and estimates of the three park benches that the committee planned on purchasing with a Dane G. Hansen grant and their fundraisers. These would all be located around the playground equipment at the City Park. She reported the playground equipment at the baseball field was complete.

Airport Update - Diane Hofer, Olsson Associates gave an update on the Airport Runway Extension project. Smokey Hill, LLC is to begin work July 18th, and they have 40 working days to complete the project.

Ms. Hofer also explained that since the City of Oberlin has received Federal financial assistance from the Department of Transportation and as a condition of receiving this assistance, the City of Oberlin is required to establish a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations. She presented a notice for publication announcing the City of Oberlin's fiscal years 2016 through 2018 DBE Program, Marchello moved, second by Oien to approve the signing of the policy statement by Acting Mayor, Josh Williby. **Motion carried.**

Ms. Hofer informed the Council that a capital outlay plan for next year includes sealing the runway. The City could apply for either a FAA grant or a KDOT grant to assist with funding of the runway sealing. Future projects include a turnaround at the end of the runway.

Modifications to Ordinance #514 that Established a Tree Board – Jeremy Tally with the Tree Board explained that the tree board was created to preserve city property and only pertained to the city's right of ways. A proposed updated ordinance was presented for approval. Addleman moved, second by Oien to approve Ordinance 885 with recommended changes. **Motion carried.** After a discussion regarding letters being sent by the code enforcer or the tree board, it was agreed to have the new administrator help with the decision.

Ordinance Setting Fees for Itinerant Merchants - City Attorney Steve Hirsch presented proposed Ordinance 887 and explained that in 2015 it was discussed and missed being approved by the Council. The Ordinance allows itinerant merchants to apply for a license which allows operation from a fixed single location within the city to apply for an annual permit for a sum of \$100 per calendar year. Marchello moved, second by Oien to approve Ordinance No. 887. **Motion carried.**

CDBG Special Activities Project Discussion – Treasurer Steve Zodrow presented a proposed CDBG Special Activities Project that the Council had requested from him. The proposal is for downtown curb, gutter and sidewalk replacement. He reported that in the past, the City had spent \$50,000 plus for a local contractor to do what little replacement that has been done. Total estimated cost would be \$170,536.80. This would be funded with 50 percent CDBG and 50 percent matching funds from the proposed Special Street carryover funds and Consolidated Streets Capital Outlay. After a discussion it was decided to table a decision until the next Council meeting in order to see if a local contractor could do the project for \$85,000 or less. The Council would then decide if they would approve this request for application or the Park Committee for their request to apply under the same grant program to help pay for playground equipment.

NEW BUSINESS

Ordinance granting a Communications System Franchise Agreement with Nex-Tech -Steve Riat, Ron Ellis, Mendi Alexander and Jessica Norris all spoke on behalf of Nex-Tech explaining their request for the Council to approve the proposed franchise ordinance agreement that allows them the right and privilege to construct, erect, operate and maintain a communications system within the City. After a long discussion, it was decided to change the wording from a one year term to a six month term and successive terms of five years. This is to give the City time to ensure AT&T and Eagle are meeting the same requirements as Nex-tech to stay competitively neutral. They are also asking for a waiver on the fees as required in Ordinance 868 regarding Right of Ways. Oien moved, second by Marchello to approve Ordinance 886 granting a communications system franchise agreement with the proposed changes. **Motion carried.** They all agreed to table the discussion regarding the fees under the Right of Way Ordinance 868 until the next meeting to give the Council more time to research the issue.

Natural Gas Hedging Options with Secure Energy Consulting, Inc. – Jeff Younger with Secure Energy Consulting, Inc., Hays, explained how the natural gas prices could double from their current levels over the next year due to declining production and, lately, very warm weather. He presented options to protect and lock in a portion of the City's gas purchases for the winter of 2017/2018. The winter of 2016/2017 is already locked in at \$0.37 per therm. Marchello moved, second by Addleman to have Mr. Younger secure 50% of the 2017/2018 winter months usage at a fixed amount. **Motion carried.**

Dane Hansen Grant Request for Gun Club Property – A letter from the Oberlin Gun Club requesting approval for them to renovate trap houses and purchase new equipment by using Dane G. Hansen grant funds was read by Williby. Oien moved, second by Addleman to approve the request. **Motion carried.**

Pool Guidelines for Closing the Pool, Private Lessons and Snack Shack Usage – Keagen Blau, Pool Manager explained that as a result of numerous complaints of the pool being closed on a Sunday due to lack of available lifeguards, he has reconsidered his plan of action for the future. Treasurer Steve Zodrow stated, that Kansas has no policy and in reviewing Nebraska's policy, the number of guards could be cut back. After a discussion, the minimum number of guards could be six before one or both slides would need to be closed down using caution tape. When asked about the liability, City Attorney Steve Hirsch replied, there is no liability for the City unless there would be a willful act of neglect. The Council also requested Keagen to plan ahead in the scheduling for up to two weeks in advance in order to plan and call in help from some of the adults available and to be able to notify the public early. It was suggested that a noncertified lifeguard could also man the office and/or concession stand to free up the certified guards.

Zodrow said he had received complaints of the times allowed for private lessons being held. At this time they are not being allowed during swim team practice. The Council decided to leave it up to the manager at his discretion to set the times.

A discussion was held on the usage of the snack shack since it was built to accommodate other groups. It was decided to table the decision on creating a policy for the snack shack until next Council meeting.

Proposal to replace and/or dispose of 1977 Chevy Truck with dump bed - City Foreman David Sporn told the Council that a hydraulic cylinder had fallen out of the dump truck allowing the bed to come down hard enough to bend the frame. He has asked the Council to consider purchasing a used one and attached three examples. According to Hirsch, the Council can buy one under the emergency clause of the procurement policy. After a short discussion, Marchello moved, second by Oien to grant Sporn authority to purchase a dump truck, not to exceed \$23,000. **Motion carried.**

EXECUTIVE SESSIONS

#1 Executive Session – At 5:20 pm, Oien moved, second by Addleman to enter into executive session for 10 minutes for preliminary discussion for the acquisition of land, to include Acting Mayor, Council, City Attorney and Diane Hofer with Olsson Associates. **Motion carried.**

Back at 5:30 with no action taken.

#2 Executive Session – At 8:10 pm, Oien moved, second by Marchello to enter into executive session for 10 minutes for non-elected personnel, to include Acting Mayor, Council, City Attorney and City Clerk. **Motion carried.**

Back at 8:20 pm with no action taken.

#3 Executive Session – At 8:25 pm, Oien moved, second by Marchello to enter into executive session for 5 minutes on matters deemed privileged in attorney-client relationship, to include Acting Mayor, Council and City Attorney. **Motion carried.**

Back at 8:35 pm with no action taken.

REPORTS OF OTHER OFFICERS, BOARDS AND COMMITTEES

Public Works – City Foreman David Sporn reported he had repaired the Gateway doors and that they are working. He recommends in the near future budgeting a door with a divider in the middle to latch and keep snow and rain out.

Treasurers Report – Treasurer Steve Zodrow presented the cash flow statement for May and the Local Sales Tax report. He also read an email from the Shayla Williby, Economic Development Commission (EDC) director. The EDC extends an invitation for a council member to attend their monthly meetings to help establish a better line of

communication and insight. Marchello volunteered to attend the meetings after July. Zodrow reported the cupola in the Gateway was being enclosed and covered by Roofmasters from Colby. The quote accepted by the Council was for \$12,718 and was to be funded by the Bremer fund.

Councilman Addleman – Asked if the City could use the Bobcat to drill holes for the fireworks show if it was held. Sporn agreed to see into it.

Councilman Marchello – Requested that the CVB and the EDC allocation would be left off of the consent agenda and be added as a separate line item.

ADJOURNMENT -At 8:45 pm Oien moved, second by Addleman the meeting be adjourned. **Motion carried.**

Mayor, Ladd Wendelin

City Clerk, Sandy Rush