

Oberlin City Council meeting
5:00 pm
June 6, 2019



AGENDA
CITY COUNCIL MEETING
Gateway 1 & 2 – Oberlin, Kansas
June 6, 2019
5:00 PM

Meeting Called to Order – Mayor Ladd Wendelin

ROLL CALL of the Members of the City Council and determination of a quorum.
Oien___ Marchello ___ Lohofener___ Gawith ___ McHugh ___

PLEDGE OF ALLEGIANCE to the Flag

PUBLIC COMMENT

- Pam VanVleet - cemetery

CONSENT AGENDA: Discussion and possible action by motion to approve the following items and or reports:

- Approval of minutes of previous meetings
- Appropriation Ordinance (Payment of Bills)
Motion_____ Second_____

POOL REPORT – Team Managers Alyssa VanVleet and Tyler McHugh

ADMINISTRATORS REPORT

1. Next Council Meeting June 20, 2019
2. Land Sale Update
3. Budget
4. Council Election
5. Lagoon Update
6. The city of Pratt, Noon Luncheon June 12th for Council
7. Matthew Barnes, Sappa Intern
8. Airport Bid Update
9. Gateway Update

NEW BUSINESS

1. Judge Paul Lueschen
2. IES Project Approval
3. Policy for Sappa
4. Policy for Shared Leave

REPORTS OF OTHER OFFICERS, BOARDS AND COMMITTEES

- Mayors Report – Letter of
- Public Works Department – Foreman Sporn 6-4-19 Report
- Treasurers Report – Report
- Board Reports – BOZA
- Other Reports – Gateway Calendar

EXECUTIVE SESSION

- #1 Executive Session on matters deemed privileged in the attorney-client relationship.**
#2 Executive Session on matters deemed privileged in the attorney-client relationship.

ADJOURNMENT

- Action – Motion to Adjourn
Motion_____ Second_____

REGULAR COUNCIL MEETING – May 16, 2019 - GATEWAY- 5:00 p.m.

CALL TO ORDER – Mayor Ladd Wendelin called the meeting to order at 5:00 pm and all recited the Pledge of Allegiance to the Flag.

Roll Call of the Members of the City Council – Brandon Oien, Deb Lohofener, Kristin McHugh and Jim Marchello by phone. Majority of the Body Present.

Absent: Scott Gawith

Others Present: City Attorney Steve Hirsch, City Administrator Halley Roberson, Treasurer Steve Zodrow, Police Chief Brad Burmaster, Dayna Mannebach with the Oberlin Herald, Ruth Miesner, Josh Williby, Chris Miller with Miller & Associates, City Foreman David Sporn at 5:15 pm, and City Clerk Sandy Rush.

CONSENT AGENDA

Approval of minutes – for May 2, 2019, regular Council meeting.

Appropriation Ordinance - Payment of Bills.

Lohofener moved, second by McHugh to approve the Consent Agenda. **Motion carried.**

ADMINISTRATORS REPORT

1. Next Council Meeting June 6, 2019
2. Electric Purchasing – The electric purchase contract with Sunflower Electric will be up for renewal in December of 2021, and Administrator Roberson’s goal is to create a portfolio to show what the best advantages are for the city and to get some flexibility built into it.
3. Swim Pool is being filled, and Roberson would like to have a “soft” opening so the swim team can practice. Lifeguards will be meeting with the new pool managers and the administrator.
4. Election Reminder of the open seats was announced again. They are the Mayor and two councilmembers.
5. Board of Zoning Appeals met before the council, and Attorney Hirsch informed them they approved Blue Ridge Petroleum a special use permit for oil field drilling south of the creek on the west side.

NEW BUSINESS

Pay Request No. 4, Pay Request No. 5 and Certificate of Substantial Completion - Pay Request No. 4 for \$95,071.09 and Pay Request No. 5 (final) for \$126,619.18 from BSB Construction and Chris Miller with Miller & Associates presented a certificate of Substantial Completion for consideration of payment for the Waste Water Treatment Facility Improvement Project. Mr. Miller reported the fencing is all that is left along with hanging three signs. Lohofener moved, second by McHugh to approve as presented authorizing the Acting Mayor Brandon Oien to sign. **Motion carried.**

Land Lease – Roberson explained there are approximately 9 acres of city-owned pasture land located west of the Gun Club and the lease will be up for renewal. She asked the council if they would want to renew the lease or put the land up for sale. Marchello commented it could be an opportunity to build homes if the city would provide the utilities and asked if the property could be annexed. City Attorney Hirsch said it could not. Marchello said he would like to have the council look at other opportunities to use the property to attract people into building homes before making a decision. Oien said they could use funds from the sale to tear down other dilapidated property. Acting Mayor Oien asked for a motion to put

the land out for bids. Lohofener moved, second by McHugh to put the property up for bids for sale. Vote 3 to 1 with Marchello voting nay. **Motion carried.**

REPORTS OF OTHER OFFICERS, BOARDS AND COMMITTEES

- Public Works Department – Foreman Sporn 5-13-19 Report
- Treasurers Report: Treasurer Zodrow reported he had been working on the budget and will be ready for council discussion soon.
- Police Report: Chief Burmaster Police April 2019 Report
- Board Reports: **Chamber** April 2019 Minutes and May 2019 Agenda, **EDC** 3-18-19 Minutes, **EDC** 4-15-19 Minutes, April 2019 Financials

EXECUTIVE SESSION

#1 Acting Mayor Brandon Oien called for a 3-minute Executive Session on matters deemed privileged under the attorney-client relationship exception. K.S.A. 75-4319(b) (2). To include the acting mayor, administrator, city attorney and council starting at 5:25 p.m. Lohofener moved, second by McHugh. **Motion carried.** Resumed at 5:28 p.m. with no action taken.

#2 Acting Mayor called for another 5-minute Executive Session under the non-elected personnel matter exception, K.S.A. 75-4319(b) (1). To include mayor, administrator, city attorney and council starting at 5:30 p.m. Oien moved, second by Williby. **Motion carried.** Resumed at 5:35 p.m. for non-elected personnel.

ADJOURNMENT

At 5:40 PM Lohofener moved, second by McHugh to adjourn. Motion carried.

Sandy Rush, City Clerk

Ladd Wendelin, Mayor

Councilman James L Marchello Jr
202 S York Ave
Oberlin, Ks 67749

Oberlin City Council
1 Morgan DR
Oberlin, KS 67749

Fellow City Council Members, City Administrator, and City Attorney:

I Councilman James L Marchello Jr is formally challenging the vote made on May 16, 2019, agenda item: land lease.

Issue:

- 1) Land lease was listed on the city agenda under the New Business Heading. This issue was discussed in a preceding meeting and table for discussion for a later date. The reason was to wait until the 50 year lease had expired.

The land was part of Sappa Park which was given to the city of Oberlin by the state of Kansas. In the preceding discussion it was believed and not confirmed, if we ever sold the property the proceeds would have to be return to the State of Kansas.

The property in discussion is part of Sappa Park and the council voted to put this piece of property for sale by open bid. I opposed.

The vote was performed without legal description or definition of the property. The council had no idea what and how much of the property was going to be sold, and furthermore, no language was discussed or written before the vote was taken. This left the City Administrator with very vague instruction. Days after the vote it was discovered there isn't even a plat or survey for the discussed property.

A motion of this magnitude should have been put in writing as a "Resolution" so the council would have had a better idea of what was voted on. This wasn't an emergency item that needed a quick resolution.

The public wasn't adequately notified of the intentions of the city council. The Land Lease item was on the agenda for further discussion and not for a vote.

- 2) The city of Oberlin has adopted the Robert's Rules of Order for conducting city council meeting. During the discussion of the Land Lease item, I had the floor and wasn't done delivering my opinion when President Brandon Oien cut me off and called for a vote. According to the Robert's Rules of Order; "after a member has been assigned the floor he can not be interrupted by a member or chairman[,...]" (Robert's Rules Of Order Revised, Part I. 3.) The President should have waited until

he regained the floor before tacking further action. I would also advise the council to review the Robert's Rules Of Order Revised, Part 1 subchapter 4 "Motions and Resolution."

Proposed Resolution:

- 1) The Land Lease vote be voided and not voted on until a legal description of the property and a written motion is presented.
- 2) The public is properly informed we will be voting to sell public property and use clear language of or intensions.
- 3) We receive in writing our obligation to the State of Kansas in regards to selling parcels of Sappa Park.
- 4) The city council receives or attends a workshop on the Robert's Rules of Order.

My goal and hope is we as a City Council strives to become more transparent and respectful to the citizens and governing body of the city.

Best regards,


Councilman James L Marchello Jr



KMU DISPATCH

JUNE 4, 2019

CITY OF BALDWIN CITY

Work Continues on Baldwin City Solar Project

After breaking ground in March, the collaborative solar project between Westar Energy and Baldwin City is continuing to progress. Contracting crews have been busy as they have been excavating dirt, laying conduit, installing cabling, risers, and bolting racking components. The plant is expected to be operational by mid-August.

This project is being constructed by Westar on city property adjacent to the city's public utility building. Baldwin City will purchase the energy from the plant for 30 years at a price of 5.6 cents per megawatt hour. The new 1-megawatt solar energy project along with other renewable resources including wind and hydro will ultimately generate about one-third of the city's electricity.



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May 6, 2019

Mr. Scott Gegg
City of Oberlin Kansas
#1 Morgan Drive
Oberlin, KS 67749

Re: Electric Utility Upgrades

IES is pleased to quote the following rates for replacing approximately 15-25 distribution tangent/junction poles, transformer banks, down guys and anchors as required, identified by Owner's personnel of not being structural sound as discussed with Mr. Gegg on May 6, 2019. These rates shall also apply to any type of construction on your system, transmission, distribution or substation. These rates will be in effect through December 31, 2019, (Not to exceed \$120,000.00)

A flat rate of \$103.50 per man hour will apply to all hours worked, billed semimonthly. This is an all-inclusive "blended" rate. This rate includes all equipment, tools, labor (up to a forty hour work week), and supervision to perform the work requested. New construction will be in accordance with the Owner's standard practice. The Owner will be responsible for establishing ROW, easements and staking line routes & anchors and arrange with outages. Note that 4-6 hour outages may be required in order to replace a few poles in a Safe & Timely manner which may require a Saturday or Sunday schedule in order to accommodate local businesses. Documentation of hours worked can be provided with the billings. Any applicable sales taxes will be added to the billings.

Typically, a 5 or 6 man crew will consist of the following:

- 1 - Superintendent (as needed)
- 1 - Foreman
- 3 - Linemen
- 1-2 - Groundman

All necessary digger/derrick(s), aerial basket(s), wire stringing equipment, wire reels, trailers, tools, and support vehicles.

Support personnel will be billed at reduced rates:

Superintendent - \$85.00 per hour.

Equipment transport driver - \$90.00 per hour



Any assistance provided by City personnel with pole hauling, retired material disposition, tree trimming, etc. will allow our crews to perform a greater amount of work and reduce the overall cost of the project. The City will provide all material and any necessary permits and utility locates needed for the project, due to the inability to accurately locate sewer lines IES will not be responsible for damage when installing poles/anchors. IES can provide assistance with the material takeoff and will provide a certificate of insurance prior to any work being performed. Work could commence this spring or mid-summer, pending on current project completions.

Feel free to contact us with any questions or concerns.

Please indicate your acceptance of this proposal by signing below and returning. A fully executed copy of the agreement will be returned to you for your records.

Acceptance:

By:
IES Commercial, Inc.

By:
City of Oberlin, Kansas

Title_____

Title_____

Dated: _____

Dated: _____

Payments shall be made semimonthly as the work progresses. The entire amount of the contract shall be paid within thirty days after completion.

Service and Finance Charges are applicable on past due accounts at the rate of 1 1/2 percent per month on amounts thirty (30) days past due, which is equal to an annual percentage rate of 18 percent. Such charges are shown as "service charge".

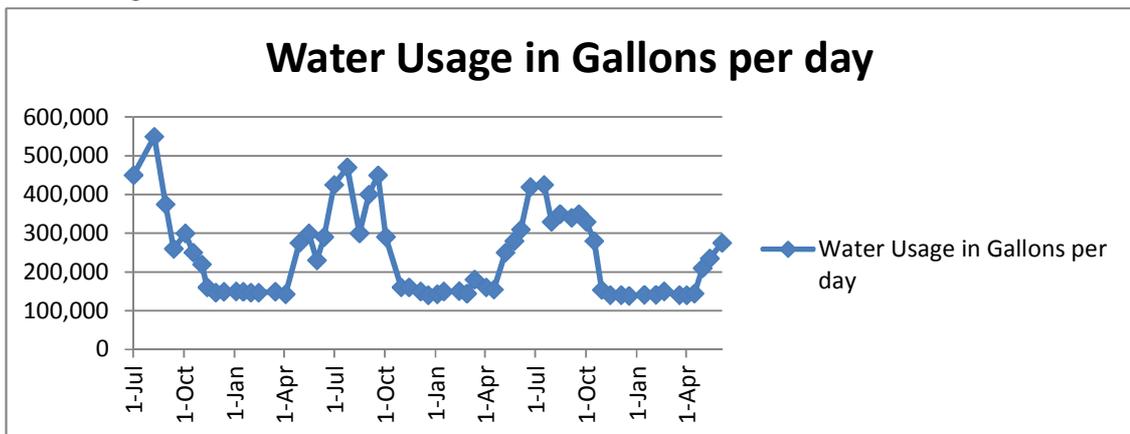
IES Commercial does not accept liability for consequential damages, indirect damages, or for economic loss of any kind.

Note: This Proposal may be withdrawn by us if not accepted within 30 days of proposal date.

To: Mayor and Oberlin City Council

From: City Foreman David Sporn

1. At this time we will be focusing on regular seasonal duties. Some of the things that will be done are dirt road maintenance, spraying for weeds in streets, street painting, line system upgrades, ect.
2. Alumni/Memorial and Pool opening weekend went well. I did not receive any phone calls about any city utility related issues, and I thought the town cleaned up and looked nice.
3. Bob Gains, our Street Dept head, will be out for quite some time due to medical issues. Our other street dept employees are relatively new. During this time I will be taxed to make sure everything is taken care of. Due to lack of staff experience, I will be operating the road grader and teaching the other staff how to operate several pieces of equipment. I am asking for patience within the dept as I will need time sort things out, but ask that any concerns be addressed to the city office so they can taken care of.
4. The street rehab project has begun again on Grand St. A large portion of curbing had to be repaired. The project is set up as one of our fulltime employees (James) will be onsite at all times, operate the heavy equipment, and will be the supervisor of the project. At this time we have 3 additional street project specific employees.
5. Water Usage:



6. Permits;
 - a. Sign permit, 36 and 83 hwys, for the installation of two signs

Questions/Comments?

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26 10am - Richardson	27	28 8am - City Meeting, 12pm - Rotary	29	30	31	1
2	3	4 12pm - Rotary	5	6 5pm - Council	7 10am - Williams	8 10am - Williams
9	10	11 12pm - Rotary	12	13 US 36 Highway Association, Inc, Rooms 1&2	14	15
16	17	18 12pm - Rotary	19 9am - Safety	20 5pm - Council	21	22
23	24	25 12pm - Rotary	26	27	28	29
30	1	2 12pm - Rotary	3	4 5pm - Council	5	6