

## **Council Meeting Minutes for August 11, 2014**

7:00 p.m., Mayor Ronnie Powers called the meeting to order.

Opening Prayer: City Engineer Mark Bross from Klingner & Associates gave the opening prayer.

**Roll Call:** Councilmember Ed Cox present, Councilmember Paul Guilfoyle present, Councilmember Lannie Henze absent, Councilmember Doug Lewis present, Councilmember Mike Lowe present and Councilmember John Solter present.

**City Employees:** City Administrator Brent Bury present, City Clerk Patty Spindler present, Finance Officer Kim Schneider absent, City Attorney Jeff Curl present, City Engineer Mark Bross present, Chief of Police Dale McNelly present, Public Works Foreman Ed Ensor present, Water Super/Fire Chief Grant Kennedy present, Wastewater Mike Henderson present.

**Addition to or Deletion from the agenda.** Mayor Ronnie Powers asked to add under closed session Personnel in addition to the current closed session for Real Estate. Motion by Councilmember Lowe, to approve the agenda with the added closed session, Councilmembers Solter, second the motion, motion carried five yes.

**Presentations and Special Reports: City Administrator Brent Bury typed report.**

In addition to the typed report, City Administrator Bury added that the City had been collecting taxes on property from Mark Twain Casino that actually belonged to the City since 2007. Jerry the General Manager was questioning what the property was because the County was not collecting taxes on the property. Assessor's Office faxed the City a copy of a corrected property exchange where the Casino was the Grantor and the City the Grantee. A total of \$913.00 to be returned to the Casino.

The properties at 307 Bates and 704 N. 4<sup>th</sup> street both had asbestos, Bates had 3 locations and 4<sup>th</sup> street had 4 locations.

A revised copy of the Court Clerk job description given to the Council, to replace the one currently in the Council packets.

**Public Comments/Visitors:** Charles Lewis spoke to the Council about a year ago concerning a problem area next to his parent's property and he would like to see something done. The Street Committee will meet at the Lewis Property along with City Administrator Bury and Charles Lewis.

**Approval of Minutes 07/28/2014:** Motion by Councilmember Cox, to approve the minutes, second by Councilmember Lewis, motion carried five yes.

**Approval of Bills:** Motion by Councilmember Solter, to pay the bills submitted, motion second by Councilmember Lowe, motion carried five yes.

**Treasurer's Report:** Motion by Councilmember Solter, to approve the treasurer's report, Councilmember Lowe, second the motion, motion carried five yes.

**Old/Unfinished Business:**

**Mark Bross City Engineer presented a typed report to the Council.**

**Sewer System Improvement:** Visu-Sewer has finished raising manholes and

televising the sewers with the exception of one location where the camera could not pass through from either end. Apparently, this section of sewer main has deteriorated further from the last time the sewer was televised (about 9 years ago) and is a known problem area to Mike Henderson. Since the subcontractor for the manhole work was already on site, we asked for a price to make a point repair at each end. The total price was \$4,625, which is about ½ of what we usually see the price come in. We requested a verbal approval from City Administrator Brent Bury so that we could take advantage of the contractor already being on site and save the City some money. The work had to be done to fix the problem. We have presented a change order for a \$4,625 increase to the contract price. The lining work is expected to start on August 8, 2014. **Action Item: Visu-Sewer Change Order No. 1 \$4,625.00 – needs approval by Council and allow Mayor Powers to sign the change order.** Motion by Councilmember Lowe, to approve Change Order No. #1 in the amount of \$4,625.00, and money taken from the Bond project money, Councilmember Guilfoyle, second the motion, motion carried five yes.

#### **Water System Improvements:**

Contract #1 – The tank painting is complete. We are determining the schedule for installing the lighting and finishing the site.

Contract #2 – Water main installation is complete. Great Plains will be working on flushing, testing and disinfecting the water main so that water services can be tied over.

Contract #3- Huey is working toward finishing installation of the pressure reducing valve vaults. The pump station is due to arrive on site September 9, 2014. Work should be finished up on all contracts in September. Phoenix Fabricators submitted Pay Request No. #4 on Contract #1 for \$22,000.00. We recommend approval. **Action Item: Phoenix Fabricators Pay Request #4 in the amount of \$22,000.00, – needs approval by Council and to allow Mayor Powers to sign the pay request.** Motion by Councilmember Guilfoyle, to approve Pay Request #4 to Phoenix Fabricators in the amount of \$22,000.00, and money taken from Bond project money, Councilmember Lewis, second the motion, motion carried five yes.

**Street Right-of-Way for the road on Southwest part of the City.** The right-of-way plats and legal descriptions have been revised and submitted to City Attorney Jeff Curl for him to obtain the easements. According to City Attorney Curl, all letters were mailed out to the property owners.

**Asbestos Inspection (307 Bates Street & 704 North 4<sup>th</sup> Street)** – Field work was completed on August 5, 2014 and laboratory results were returned on August 12, 2014 to City Administrator Brent Bury with a report for inclusion in the bid specs for demolition. City Engineer Mark Bross stated City Administrator had already addressed this issue.

**Follow up with City Attorney Jeff Curl on the clarification of Foundations and the**

**actions to be taken by the Council.** City Attorney Curl stated he had not forgotten, and needed to finish redrafting Ordinance.

**Code of Ordinances defining debris on property. Effects on failure to remove nuisance and establishing penalties.** Motion by Councilmember Solter, for the first reading of proposed Ordinance #583, Councilmember Lewis, second the motion, motion carried five yes. Motion by Councilmember Guilfoyle, for the second reading of proposed Ordinance #583, Councilmember Lowe, second the motion, motion carried five yes. Motion by Councilmember Lowe, to adopt Ordinance #583, Councilmember Solter, second the motion, motion carried with the following roll call votes of the Council: Councilmember Ed Cox yes, Councilmember Paul Guilfoyle yes, Councilmember Lannie Henze absent, Councilmember Doug Lewis yes, Councilmember Mike Lowe yes, and Councilmember John Solter yes.

**Any other unfinished or old business:** The City received another invoice from Hannibal Crane for \$424.00. The City withheld this amount from the final billing due to Hannibal Crane breaking a water line for the second time. Councilmember Lowe motioned not to pay the \$424.00, Councilmember Lewis second the motion, motion carried five yes.

Discussion on sidewalk in front of Doug Mallett's property. Ensor stated there was a sidewalk there and it needs to be replaced. The Council suggested asking Doug Mallett to the September 8, 2014 meeting.

#### **New Business:**

##### **Authorization to advertise a salt spreader and snow plow blade for sale:**

Motion by Councilmember Solter, to place salt spreader and snow plow blade in paper with a minimum bid of \$3,000, taking bids until September 22, 2014 until 5:00 p.m., motion second by Councilmember Lowe, motion carried five yes.

**Approval of Court Clerk job description:** Discussion – City Administrator Bury stated he had contacted WCI to return and set up remote computer access for Jamie Kaylor to be able to do some of the Court work at the Police Dept. Motion by Councilmember Lowe, to approve the Court Clerk job description as submitted, Councilmember Guilfoyle, second the motion, motion carried five yes.

##### **Vote to approve the posting of Proposed Ordinance on amending section**

**405.010 Statutory Authorization, finding of fact and purposes, to the City of LaGrange's Floodplain Management Ordinance No. #559 dated November 14, 2011 and Vote to approve setting a public hearing on 09/22/14 and setting a time.** Discussion – City Attorney Curl stated there is only one change under 3A.

Motion by Councilmember Lowe, to approve posting the Ordinance, Councilmember Guilfoyle second the motion, motion carried five yes.

Councilmember Lowe, motioned to set a public hearing for 7:00 p.m. on 09/22/14 regarding the proposed Ordinance and approve placing on said agenda for passage, Councilmember Cox, second the motion, motion carried five yes.

**Authorization to purchase two GA pressure release valves for \$2,376.00.**

**Information regarding this item provided to the City Council.** Motion by Councilmember Guilfoyle, to allow for the purchase of the two GA pressure release valves for \$2,376.00, Councilmember Lowe, second the motion, motion carried five yes.

**Vote to call for a public hearing on 08/25/14 at 7:00 p.m., to allow the public to discuss setting the City Tax rate, setting a time for the hearing and posting the required Ordinance and place the Ordinance on the agenda on the 08/25/14.**

Motion by Councilmember Guilfoyle, to hold the public hearing at 7:00 p.m. on 08/25/14 and approve posting and placing the Ordinance on the 08/25/14 agenda for passage, Councilmember Lowe, second the motion, motion carried five yes.

Nothing further before the Council, Councilmember Solter, motioned to go into closed session under State Statues Section 610.021, subsection (2) Real estate, and Section 610.021, subsection (3) Personnel, Councilmember Lowe second the motion, motion carried by the following roll call votes: Councilmember Cox yes, Councilmember Guilfoyle yes, Councilmember Henze absent, Councilmember Lewis yes, Councilmember Lowe yes and Councilmember Solter yes.

**Closed session under Real Estate & Personnel** **08/11/2014**

Motion made and second to terminate probationary employee Jon Capp. Motion carried by the following roll call votes: Councilmember Cox yes, Councilmember Guilfoyle yes, Councilmember Henze absent, Councilmember Lewis yes, Councilmember Lowe yes and Councilmember Solter yes.

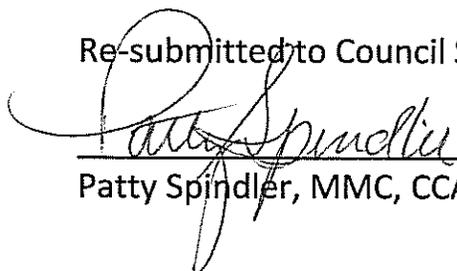
Motion by Councilmember Guilfoyle, to go out of closed session, Councilmember Lowe, second the motion, motion carried by the following roll call votes: Councilmember Cox yes, Councilmember Guilfoyle yes, Councilmember Henze absent, Councilmember Lewis yes, Councilmember Lowe yes and Councilmember Solter yes.

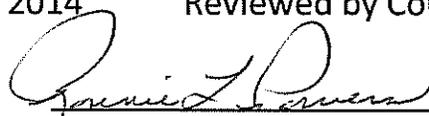
Motion by Councilmember Guilfoyle to go into open session, Councilmember Solter, second the motion carried by the following roll call votes: Councilmember Cox yes, Councilmember Guilfoyle yes, Councilmember Henze absent, Councilmember Lewis yes, Councilmember Lowe yes and Councilmember Solter yes.

**Adjournment:** With nothing further before the Council and no one present Councilmember Lowe, made the motion to adjourn at 8:30 p.m., motion second by Councilmember Solter, motion carried five yes.

Re-submitted to Council September 8, 2014

Reviewed by Council

  
Patty Spindler, MMC, CCA City Clerk

  
Ronnie L. Powers, Mayor