

**CITY OF PHILLIPSBURG
CITY COUNCIL MEETING
February 6, 2023**

The Phillipsburg City Council met in regular session on February 6, 2023, 6:00 P.M, at 945 2nd Street, Phillipsburg, KS.

CALL TO ORDER

The meeting was called to order by Mayor Bret Miles.

ATTENDANCE

PRESENT: Councilmembers; Vickie Gibbs; Jeanette Harris; Mike James via ZOOM; Terry McConnell; Pete Rogers.

ABSENT: Tracy Sanson.

ALSO PRESENT: Shirley Mendoza; Kristina Russell; Tami Sauer; Sandra VanKooten; Kelly J. Bertholf; Mike and TJ Corcoran; Ruth, Shawn and Tim Ellenberger; Ron Jansonius; Daryl Clark; Max Dibble; Lisa Arnohldy; Lauren Weinert; S. Scott Sage, City Attorney; Rachel Martin; Kirby Ross, Phillips County Review; Tim Driggs, Director of Public Works; Tiffini Gross, City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the United States was led by Mayor Miles.

COMMUNITY GARDEN

Sandra VanKooten, representing the Phillipsburg Community Garden Board, stated they needed Council's approval to use city owned land for the garden. She reviewed plans to have raised, in-ground, and handicap accessible gardening beds; an area to grow vegetables to donate to the Food Pantry, Community Daycare Center, and Senior Center; and also have a teaching garden. She said the spaces would be rented out to pay for the water and they would need the city's help to install hydrants and trench for lines. The garden group would pay for the estimated \$5,200 in materials. Driggs estimated the equipment use and labor would be around \$14,000. VanKooten said they would take care of yard waste and are working to get liability insurance. Mayor Miles asked Driggs and Sage to work on drafting a contract. It was the consensus of the Council to allow the use of the land and to donate equipment use and labor costs for the installation of the waterlines and hydrants, pending the agreement of a contract.

VanKooten, Mendoza, Sauer, and Russell left meeting – 6:10 p.m.

CORCORAN BUILDING PERMIT

Mike and TJ Corcoran asked why someone didn't call them as promised last meeting. Driggs reported he called and texted on January 23rd. Driggs said after not getting an answer, he and Councilmember Sanson went to the property and took pictures but she is absent tonight. James commented that buildings have to be set back six feet and that their buildings were not setback far enough according to TJ's statement last meeting and the buildings were put in without a permit. TJ responded that she did not know anything about the property lines. Mayor Miles stated that they will inspect the property one more time and told Corcoran's to answer the calls and texts. Corrected phone numbers were exchanged. TJ asked about the sidewalk replacement program. Driggs stated on August 15, 2022 the City paid \$508.75 to B&B Redimix for their sidewalk.

CORCORAN BUILDING
PERMIT CONT.

Driggs explained that the policy states only 400 square feet can be covered by the program. TJ said she did not know that and they did do more than that. James said they will review it one more time.

Corcorans and Arnholdy left meeting- time 6:27 p.m.

PUBLIC COMMENT

There was no other public comment. Dibble asked to have his public comment during the airport discussion.

MINUTES APPROVED

Moved by Rogers, seconded by McConnell to approve the January 16, 2023 minutes as written. Voting Aye: ALL. Opposed: NONE.

Moved by James, seconded by McConnell to approve the January 30, 2023 minutes as written. Voting Aye: ALL. Opposed: NONE.

APP ORD 1055-01-23B
APPROVED

Moved by Rogers, seconded by McConnell to approve ordinance #1055-01-23B, to pay the bills for the month of January. Voting Aye: ALL. Opposed: NONE.

PLANNING
COMMISSION

James reported the Planning Commission met last night and voted to close Santa Fe Rd after only one person commented.

RURAL WATER
CONFERENCE

Driggs asked the Council to consider attending the 54th Annual Rural Water Conference and to think about who they would designate as voting delegates.

PUBLIC WORKS
ACTIVITIES

Driggs said the public works crews have been working on snow removal, repairing water leak at South 6th Street and Sunrise, installing new water services at 800 7th and the northwest corner of the parking lot at White's Foodliner for an ice and water vending machine, and repairing vehicles including a transmission rebuild on a dump truck.

TITLE VI APPROVED

Driggs presented the Title VI policy that is a requirement of the Kansas Department of Transportation Grant and outlines the civil rights program, transportation services, discrimination policy, complaint process, and the protocol for those instances. He said the policy is approved every three years and there were no updates since the last one. Moved by McConnell, seconded by Gibbs to continue the Title VI. Voting Aye: ALL. Opposed: NONE.

ADOBE GRANT

Driggs stated he forwarded an ADOBE grant application from NWKS Planning to PCED for disabled or elderly housing.

SPRINT GRANT

Driggs stated the tourism-based SPRINT grant is due at the end of February for eligible projects such as infrastructure enhancements, construction and engineering. He recommended submitting an application for the campground bathroom and sewer installation. The grant has no match requirement. Moved by James, seconded by Gibbs to proceed with the SPRINT grant application. Voting Aye: ALL. Opposed: NONE.

OUTDOOR POOL
CONCESSIONS

Driggs stated after talking with the Facilities Committee Chairman McConnell, they would like to expand the outdoor pool concessions to serve items such as hot dogs, nachos, pizza rolls, frozen grapes. Per requirements of the bond, concessions must be city owned and operated. The additional equipment

OUTDOOR POOL
CONCESSIONS CONT.

needed for the additional items would be approximately \$2,500. Moved by McConnell, seconded by Harris to approve the extension of the concession stand. Voting Aye: ALL. Opposed: NONE.

AWOS SYSTEM
UPDATE

Driggs reported Kansas Department of Transportation awarded \$207,900 to the replacement the airport's AWOS system. The construction bid of \$174,736 was sent to KDOT and the engineer for review and then will come back to the Council for approval.

AIRPORT RUNWAY
EXTENSION PROJECT

Driggs reported an update on the Airport Runway Extension Project as receiving the green light for the power pole relocation to below ground. The project was estimated at \$750,000 with a ten percent city match, but after talking with Prairieland Electric, it will be closer to \$500,000. However, the wait time for materials is three years out. Driggs said he will work with the FAA on the timeline challenge. Driggs said the District Judge ruled in favor of the city's petition for condemnation and as of last council meeting, there is an authorization for the mayor to sign the annexation agreement to bring the property into city limits. Mayor Miles offered Dibble to have public comment at this time, but he declined and asked to speak after Driggs.

ORD #1449
ANNEXATION PASSED

Driggs presented the proposed annexation of the acquired property. Moved by James, seconded by McConnell to pass ordinance #1449 as presented. Voting Aye: James, McConnell, Gibbs, Harris. Opposed: NONE. Abstain: Rogers.

ORD #1450 VACATE
PORTION OF SANTA
FE RD PASSED

Driggs reported the Planning Commission did meet last night and recommended to vacate a portion of Santa Fe Rd per Council's petition approved at the last meeting. That petition was advertised and put forth in the hearing. With their recommendation, staff drafted an ordinance to vacate a portion of Santa Fe Rd. Moved by Gibbs, seconded by McConnell to pass ordinance #1450 as presented. Voting Aye: James, McConnell, Gibbs, Harris. Opposed: NONE. Abstain: Rogers. Driggs said construction is scheduled to begin around the end of March or beginning of April.

PLANNING
COMMISSION

Driggs said the Planning Commission will meet on February 15th at 5:30 p.m. to review the Health and Welfare code and Section 2 Building and Structure Moved In as requested by Board of Zoning Appeals.

PUBLIC COMMENT

Dibble said where council already voted on vacating the road, he did not know how all this can go through with out following state statutes, but did not have what statutes he was referring to with him. Dibble said anytime something is taken, damages and fees must be paid. Dibble said the planning commission only had three members vote and it passed 2-1. Driggs said that the city is following policy and in accordance with legal guidance, that counties follow state statutes that differ from cities' rules and clarified that only a portion of Santa Fe from 7th Street to the west side of the Wintersteen property was vacated, as required by the FAA to be vacated. Dibble said he was not aware of where the city limits ended. Dibble expressed opinion that the city is doing a disservice to the tax payers and said the commissioners are against the road closure.

OPIOID CLASS
ACTION SUIT

Clerk Gross gave an overview of the money received in the Opioid Class Action Law Suit that has totaled \$6,203 so far.

CLERK TO ATTEND
CONFERENCE

It was the consensus of the Council to allow Krystal Zimmerman to attend the Rural Water Conference in March.

OPIOID SUIT FUNDS

Discussion was held on ideas for utilizing the Opioid Class Action funds.

FINANCIAL REPORTS

Clerk Gross presented the 2022 year-end Financial Reports.

Weinhert left the meeting 6:58 p.m. and returned to meeting 7:00 p.m.

EXECUTIVE SESSION

Moved by James, seconded by Gibbs that the city council recess into executive session for consultation with the attorney for the city council or city for information deemed privileged in the attorney-client relationship exception, K.S.A. 75-4319 (b)(2) with the mayor, Council, Driggs, Sage and Gross, excluding Rogers in attendance and the open meeting to resume in the city council chamber at 7:07 p.m. Voting Aye: ALL. Opposed: NONE.

Rogers, Jansonius, Ross, Ellenbergers, Clark, Weinert, Martin left the meeting- time 7:02 p.m.

Rogers, Jansonius, Ross, Ellenbergers, Clark, Weinert, Martin returned to the meeting- time 7:07 p.m. Mayor Miles called the meeting back to order and said no action was taken.

EXECUTIVE SESSION

Moved by James, seconded by McConnell that the city council recess into executive session to discuss an individual employee's performance or personnel matter pursuant to the non-elected personnel matter exception, K.S.A. 75-4319 (b)(1) with the mayor and City Council in attendance and the open meeting to resume in the city council chamber at 7:35 p.m. Voting Aye: ALL. Opposed: NONE.

Sage, Gross, Driggs, Jansonius, Ross, Ellenbergers, Clark, Weinert, Martin left the meeting- time 7:08 p.m.

Gross, Driggs, Jansonius, Ellenbergers, Weinert, Martin returned to the meeting- time 7:36 p.m. Mayor Miles called the meeting back to order and said no action was taken.

COST OF LIVING
RAISES

Moved by McConnell, seconded by Gibbs to give a three percent raise to all full-time employees effective next pay period. Voting Aye: ALL. Opposed: NONE. Moved by McConnell, seconded by Harris to give Driggs and Gross a five percent annual cost of living raise retroactive to first of the year. Voting Aye: ALL. Opposed: NONE.

ADJOURN

Moved by Gibbs, seconded by McConnell to adjourn- time 7:37 p.m. Voting Aye: ALL. Opposed: NONE.



Tiffini Gross, City Clerk

Please visit www.cityofphillipsburg.com to view a full video recording of the meeting afterwards.