



REGULAR CITY COUNCIL MEETING
October 17th, 2013 @ 6:00 P. M. at the Oran White Civic Center
MINUTES

The City of Tool, City Council meeting was called to order at 6:00 pm. Present were Councilmen Williams, Ellis, Sonka, Daniel and Reeder. Quorum was established with Mayor Phillips presiding.

Invocation and Pledge was led by Council Member Ellis

Motion to approve the Minutes for the Regular City Council Meeting: September 19th, 2013 was made by Council Member Williams, second by Council Member Ellis. Motion to approve passed 5-0.

Motion to approve the Consent Agenda Items "A" thru "F" as presented: Monthly Activity Reports, for September 2013 (A) Municipal Court Report; (B) Police/Animal Control/Code Enforcement Report; (C) Financial and Expenditure Report; (D) Maintenance/Street Department Report; (E) Building Department Report; (F) City of Tool Volunteer Fire Department Report was made by Council Member Williams second by Council Member Daniel. Motion passed 5-0. Interim Police Chief Henderson stood to give the police departments report. Motion to accept was made by Council Member Williams, second by Council Member Ellis. Motion passed 5-0.

ITEM 1: Patrick Henggeler of 904 Lovers Lane request a variance of P&Z Ordinance Article 6 Section 6-3 (5-3) Dimensional Requirements, Appendix 3A to allow a retaining wall to be built on the property line. Mayor Phillips recommended the approval. Motion to approve was made by Daniel, second by Reeder. Motion passed 5-0.

ITEM 2: Consideration and or action to retain a new City Attorney and terminate services with Potter Minton. Council Member Williams made a motion to table, second by Council Member Sonka. Motion to table passed 5-0.

ITEM 3: Consideration and or action to refinance the City Motorgrader. Refinance terms through Citizens State Bank, three year term, quarterly payments and no balloon payment. Council Member Daniel clarified that these payments had already been approved during this year's budget session. Motion to refinance was made by Council Member Reeder, second by Council Member Williams. Motion passed 5-0.

ITEM 4: Consideration and or action to open a reserve operating fund account to be used for the deposit of surplus funds from previous fiscal year budgets. Mayor Phillips deferred to City Secretary for clarification. City Secretary advised that after speaking with the city's CPA, Don Kinney, all city funds filter through the general fund account without regard to the number of accounts or account name. Additionally, the city's CPA does not recommend designating emergency funds for a specific use; he feels it is in the best interest of the city to leave it as general use. Council Member Daniel clarified with City Secretary that the annual budget is a bottom line budget, and amendments are not required unless a bottom line shortfall occurs. Council Member Daniel motioned that no action be taken on items four and five due to lack of necessity, second by Council Member Williams. Motion passed 5-0.

ITEM 5: Consideration and or action to designate \$50,000.00 to the Emergency Fund account to be specifically used for emergency situations. Item was motioned and approved along with item four.

ITEM 6: Consideration and or action to approve the repair costs of the culvert in Lakeway Estates to be paid out of the Emergency Fund account. Question was raised on the repairs to this culvert that were done last year; Mayor Phillips advised that the contractor did not complete the repairs properly and has since filed bankruptcy and gone out of business, therefore the City cannot force him to warranty the work. Council Member Daniel advised that an engineer from the pipe manufacturer came out to inspect the culvert and made the recommendation to repair the culvert by installing a retaining wall which lessens the force of water flowing through the culvert. The City received a bid from Litchfield of \$23,972.00 to install the retaining wall at the pipe engineer's recommendation. Motion to approve was made by Council Member Daniel, second by Council Member Sonka. Motion passed 5-0.

ITEM 7: Dale Price to come before Council to discuss the City's awareness of Pegasus Pipeline. Mr. Price stood and gave a lengthy presentation outlining the dangers and risks to the community by allowing this pipeline that runs through the City to remain operational. No official action was taken but Council did agree to join in with efforts in requesting that the pipeline be shut down.




ITEM 8: Dale Price to come before Council requesting a change in City Policy that would require electronic notification of city agenda's and job vacancies. Mr. Price stood to advise that the City's current method of Council Meeting notifications was antiquated and suggested a policy change that would require future administrations to continue electronic notification via email and website postings. Council Members advised Mr. Price that the City is adhering to all meeting notice requirements which do not include mandatory electronic meeting notifications. No official action was taken.

ITEM 9: Lynn Shackelford to come before Council requesting repair and overlay of the Heather Woods Addition. Mr. Shackelford stood and stated that the Heatherwood addition pays over \$84,000 annual in property taxes, he added that in 2012 the city repaired 6/10 of a mile and was promised by a previous Mayor that in 2013 they would finish the remaining 4/10 of a mile. He also stated that the City promised to finish the entrance to the Heatherwood addition after the installation of the electric gate but did not do that either. General discussion took place between Mr. Shackelford, the Mayor and Council as to what was or was not promised to be done. No determination was made and no official action was taken.

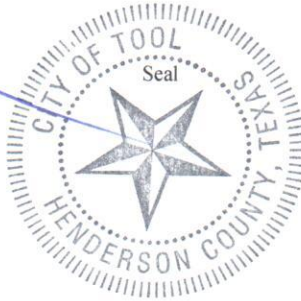
ITEM 10: General discussion on the appointment of Police Chief

Motion to adjourn was made by Council Member Reeder, second by Council Member Daniel. Motion passed 5-0 at 7:10 pm.

Passed and approved this 21st day of November, 2013



Tamra Brickey, Mayor



ATTEST.


Makenzie Blaser, City Secretary