

CITY OF KNOXVILLE
Regular Council Meeting
Knoxville Police Station, 215 N. Hebard St., Knoxville

Monday, March 20, 2017, 7:00 PM

MINUTES

Call to Order: Acting Mayor Maurer called the Meeting to Order at 7:00 PM. All rose to recite the **Pledge of Allegiance**.

Roll Call: Present: Aldermen Olin, McGovern, Benjamin, Heller, Mahar, Myers, Naslund, and Eiker; Acting Mayor Maurer, Treasurer Whitney, Attorney McCoy, Engineer Cooper, Chief of Police Poyner and City Clerk Gruner. **Absent: None!**

Public Comments:

1. **Peter Carstens** of Lifeline to Africa distributed information and spoke about the activities of the Lifeline Wellness Center as a way of familiarizing the public with the organization.
2. **Leslie Wilt**, Knoxville City Collector offered her thanks to the City Council for the work being done with the proposed Retirement Plan.

Approval of Minutes: Alderman **McGovern moved** to approve the Minutes of the March 6, 2017 City Council Meeting, as presented; Alderman **Benjamin seconded** the motion which **passed** by voice vote with no dissent.

GENERAL REPORTS

Attorney Report: None

Engineer Report: Engineer Cooper will make his presentations on items later on the Agenda.

Treasurer's Report:

- Treasurer Whitney explained the drops in the Town fund and the Water Fund. The Town Fund made up a difference in other funds to make their payments. The Water fund declined because Knoxville received the quarterly water bill from Galesburg.
- Highlighting of some of the totals obscured the figures on the totals lines. Treasurer Whitney will look into making changes so that they will be more legible next time.

City Clerk Report: None

Payment of City's Bills: Alderman **Myers moved** to pay the City's bills; Alderman **McGovern seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.

INFORMATION ITEMS

1. **Women's Club Project – Benjamin:** Alderman Benjamin reported that the Women's Club is looking for some project that they can do to help improve the City. Several things were discussed and then it was suggested that the Women's Club contact the FFA and the Ag Club to coordinate on the purchase of planters. Alderman Eiker said that he needs to take an inventory of the planters we have so that we can know what we need.

OLD BUSINESS

1. **Report from Plan Commission:** City Clerk Gruner reported that the Plan Commission took up the following items:

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- a. **Ordinance Regulating Signs – Ordinance 2017-06:** The Plan Commission favored Version one of the proposed ordinances but wanted some of the wording from Version Two. Attorney McCoy has prepared a “Version Three” to be sent back to the Plan Commission for review and approval.
 - b. **Application for Zoning Variance – John G Sanburns Western Addition #6:** Council Members discussed the application and wanted to know if there is a potential for a problem if the house on the property in question is not torn down. Attorney McCoy said that the question should not be one of a variance but rather one of re-zoning the properties involved. He suggested that the item could be approved and an Ordinance to re-zone be prepared for the next City Council Meeting. Alderman **Naslund moved** to approve the Variance; Alderman **Eiker seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.
2. **Details of the 457-B Retirement Program:** Treasurer Whitney said that there is a meeting scheduled for Friday with John Graham and Associates to finalize the proposal.
3. **Lift Station Bids:** Engineer Cooper reported on the Tabulation of the bids for the Lift Station. His firm has worked with the low bidder, J. C. Dillon, and found them capable. There are some items which Engineer Cooper will continue to work with to see if there are any cost savings that can be realized. He recommended that the City approve the low bid from Dillon with a maximum cost of \$160,000. Alderman **Mahar moved** to accept the bid from J. C. Dillon for a maximum cost of \$160,000; Alderman **Benjamin seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.
4. **Closed (Executive) Session: Pursuant to Section 2(c)(21) of the Open Meetings Act for purposes of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether** for purposes of approval by the City Council of the minutes or semi-annual review of the minutes as mandated by the Act: At about 7:45 PM, Alderman **McGovern moved** to go into Closed Session pursuant to the Section quoted above; Alderman **Myers seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent. Acting Mayor Maurer asked the meeting attendees, other than those directly involved in the question to leave the room until the session is re-opened.
5. **Return to Open Session:** At approximately 8:00 PM Acting Mayor Maurer called the Meeting to order.
 - a. **Roll Call: Present:** Aldermen Olin, McGovern, Benjamin, Heller, Mahar, Myers, Naslund, and Eiker; Acting Mayor Maurer, Treasurer Whitney, Attorney McCoy, Engineer Cooper, Chief of Police Poyner and City Clerk Gruner. **Absent: None!**
 - b. **Release Minutes of August 15, 2016 Executive Session and Release Minutes of September 6, 2016 Executive Session:** Alderman **Myers moved** to keep the Minutes of the two Executive Sessions **closed** but to review them again in six months as required by statute; Alderman **Eiker seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.

NEW BUSINESS

1. **Complaints about Comcast: When does Comcast Cable Franchise Agreement expire?**
Attorney McCoy: There have been a number of complaints against ComCast. Their lines and some equipment are on poles provided by Ameren. As Ameren has replaced older and deteriorating poles, ComCast has failed to remove their materials. Therefore, the old poles cannot be removed by Ameren. ComCast has been called repeatedly and does not respond. Attorney McCoy reported that the City’s contract with ComCast still has several years to run and there is no wording specific to maintenance. Attorney McCoy recommended that Ordinances addressing maintenance issued be explored and enacted and that maintenance must be performed within thirty-days of notification of a problem. Attorney McCoy also suggested that a list of specific problems be prepared.
2. **Motor Fuel Oil and Chip Resolution – Cooper:** Engineer Cooper provided a map of areas that will require Oil & Chip during this year. The assumption he made is that Knox County would do the work. Council Members seemed satisfied with the work that they did last year and the savings were significant. Engineer Cooper estimated the cost at about \$45,000 but suggested that \$50,000 be appropriated. The question of funding for the work from TIF funds was asked. It can be addressed later. Alderman **Heller moved** to approve the proposed work, appropriate \$50,000 for

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the project and contract with Knox County for the work; Alderman **Naslund seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.

- 3. Water Main Line Connection – Hidden Hills Winery:** Engineer Cooper reported that the estimated cost to the City to expand the water line from the terminal point at the Love’s station to the location south of the Hidden Hills Winery location would be \$1,555. He recommended that the City pay the additional cost in order assure a potentially larger savings as new enterprises develop in the area beyond the Winery property. Alderman **McGovern moved** to agree to the 8” water line instead of the 6” line, at a cost of \$1,555 to the City of Knoxville; Alderman Olin **seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.
- 4. Rescind Bank Transfer of Retirement Funds:** Treasurer Whitney reported that when he made his earlier request to change banks for the Employee Retirement funds he was not aware that the bank it would be going to did not fully understand the situation and that employees would be required to go to that bank and open separate accounts. This would inconvenience employees and did not add anything of value to them. Alderman **Myers moved** to rescind the transfer of the retirement funds and keep them at the original institutions; Alderman **McGovern seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.
- 5. Inspection of Cross-Connections for the City – Mahar:** Alderman **Mahar moved** to have Handy Electric do the inspection of the Cross-Connections for the City. They have done it in the past and were very satisfactory and reasonable; Alderman : **Present:** Aldermen Olin, McGovern, Benjamin, Heller, Mahar, Myers, Naslund, and Eiker; Acting Mayor Maurer, Treasurer Whitney, Attorney McCoy, Engineer Cooper, Chief of Police Poyner and City Clerk Gruner. **Absent: None!**
- 6. A Request to pay Building Administrator for Mileage - Maurer:** After some discussion on this issue, it was decided that a mileage expense might not be the best way to handle the situation of compensating the Building Administrator. The issue is tabled and will be brought up again as a part of the discussion on raising fees for Building Permits and increasing the Building Administrator’s compensation through that route. It was mentioned that other communities in the area have much higher rates for their building permits.
- 7. Increase Water and Sewer Rates - Mahar:** Alderman Mahar requested an increase in rates for water and sewer in the amount of \$0.20 (twenty cents) per 1,000 gallons each year for the next three years. Attorney McCoy said that the increase in rates would have to be published in the paper and that this request could be considered as the “first reading”, but that an ordinance would also have to be prepared.
- 8. Add Police Lt. Ryner for Cell Phone Allowance – Myers/Poyner:** Alderman Myers and Chief of Police Poyner indicated that Lt. Ryner has taken on additional responsibilities and is required to use his personal phone a lot more than he had before. The established rate to reimburse employees for necessary use of their cell phones is \$30.00 per month. Alderman **Myers moved** to reimburse Lt. Ryner for his cell phone usage at the established rate of \$30.00 per month; Alderman **Eiker seconded** the motion which **passed** with eight (8) Yes votes and no (0) dissent.
- 9. ASCAP:** ASCAP is billing the City for \$347.82 for the use of music “in public settings”. There was discussion pro and con about the City’s obligation to pay the fee. Alderman **Olin moved** to pay the \$347.82 to ASCAP; Alderman **Heller seconded** the motion which passed with four (4) Yes votes, four (4) No votes and Acting Mayor **Maurer casing the tie breaking vote in favor** of making the payment.

COMMITTEE REPORTS:

There were no Committee reports but there were some questions from Aldermen:

- Alderman Naslund asked about the home south of the County Fair Grounds – There is water coming into the owner’s home and something should be done about it. Is there anyone at the City who is looking into the cause? Alderman Naslund did not want to have the owner’s concern just dismissed. Acting Mayor Maurer reported that the Water department team would be looking into the situation as soon as the weather

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improves to a point where they can dig into the area. There is some indication that the water is coming from a tile that may be broken. If that is the case it can be repaired as soon as a break can be found.

- Alderman Heller mentioned that the clock on the Library is almost always off on its time. Since it is supposed to be satellite controlled, why should it be off at all, ever? Can it be corrected? In addition the time on the carillon clock is also usually off. Acting Mayor Maurer said that he will ask Peg Bivens, the head of Historic Sites to look into it.

Mayor's Report:

- There will need to be an Administrative Committee Meeting next month. It should be scheduled for 6:00 PM on Monday, April 3, 2017. Alderman Benjamin should preside at that meeting.
- Employee pay rates should be looked at. This is another subject for the Administrative Committee.
- Alderman should be thinking about their Committee assignments. Aldermen should let Acting Mayor Maurer know if you are interested in changing their assignments.
- The next City Council Meeting will be held on Monday. April 3, 2017.

Future Agenda Items:

- **Ordinance Regulating Signs – Ordinance 2017-06:**
- **Re-Zone – John G Sanburns Western Addition #6:**
- **457-B Employee Retirement Plan:**
- **Building Administrator's Compensation:**
- **Building Permit Fee Increase:**

Adjourn: At about 8:50 PM, Alderman **Olin moved** to Adjourn the Meeting; Alderman **Eiker seconded** the motion which **passed** by voice vote with no dissent.

Respectfully Submitted by:

Charlie Gruner, City Clerk